

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT

ADMINISTRATIVE ORDER NO.:
15-26
SUPERSEDES 11-23

**IN RE: ABORTION - ASSIGNMENT OF CASES ADDRESSING A MINOR'S REQUEST
FOR JUDICIAL WAIVER OF PARENTAL NOTICE OF ABORTION**

Whereas, due to the enactment of the Parental Notice of Abortion Act, Section 390.01114, Florida Statutes, effective October 1, 2011, pregnant minors may petition the court for a judicial waiver of the parental notice requirements; and

Whereas, in order to promote judicial economy and efficiency in the assignment and management of cases filed pursuant to this legislation, and to ensure that court proceedings filed under this Act are given precedence over other pending matters to the extent necessary to reach a decision promptly, it is necessary that these cases be assigned in the most efficient manner.

Accordingly, it is hereby ordered;

1. Case Assignment:

The Clerk of Court shall assign the Petition Seeking Judicial Waiver of Parental Notice to a circuit judge. Immediately thereafter, the clerk of court shall forward the petition and court file to the assigned judge.

Brevard County Only: Petitions shall be assigned to the existing family law and juvenile divisions on a rotating basis.

Seminole County Only: Petitions shall be assigned to the juvenile divisions on a rotating basis

2. 3 Business-Day Rule:

Proceedings arising out of these petitions shall be given precedence over other pending matters and shall be heard in closed court in a prompt fashion. The court shall rule and issue written findings of fact and conclusions of law within 3 business days after the petition is filed, except that the 3 business-day limitation may be extended at the request of the minor. If the court fails to rule within the 3 business-day period and an extension has not been requested, the minor may immediately petition for a hearing upon the expiration of the 3 business-day period to the chief judge of the circuit, who must ensure

a hearing is held within 48 hours after receipt of the minor's petition and an order is entered within 24 hours after the hearing.

3. Review of Petitions and Proceedings on Weekends or Court Holidays:

If a petition is filed between the hours of 12:00 p.m. noon and 5:00 p.m. and the next day falls on a court holiday or a weekend, the clerk of court shall provide the court files to the emergency duty judge immediately. The emergency duty judge is authorized to hear proceedings arising from this petition at either the jail or the courthouse.

4. Right to Court Appointed Counsel:

The clerk shall advise the minor that she has a right to counsel, without cost, at the time the petition is filed. If the petitioner requests counsel, the court shall appoint counsel for her.

5. Confidentiality:

Any information in documents relating to the petition, and which could be used to identify the minor, is confidential. The court file shall be sealed and the minor's identity shall remain anonymous. All hearings under this section, including appeals, shall remain confidential and closed to the public, as provided by court rule.

6. Expedited Appeal:

If the circuit court does not grant the judicial waiver of notice, the minor has the right to appeal. An appellate court must rule within 7 days after receipt of appeal, but a ruling may be remanded with further instruction for a ruling within 3 business days after the remand. The reason for overturning a ruling on appeal must be based on abuse of discretion by the court and may not be based on the weight of the evidence presented to the circuit court since the proceeding is a nonadversarial proceeding.

Done and Ordered this 27th day of May, 2015.

JOHN M. HARRIS
JOHN M. HARRIS
CHIEF JUDGE

DISTRIBUTION:

All Circuit and County Judges (Brevard and Seminole County)
Court Administration (Brevard and Seminole Counties)
Clerk of Court (Brevard and Seminole Counties)
State Attorney (Brevard and Seminole Counties)
Public Defender (Brevard and Seminole Counties)
Sheriff (Brevard and Seminole Counties)
Bar Association (Brevard and Seminole Counties)
Law Library (Brevard and Seminole Counties)
County Attorney (Brevard County)