

**IN THE THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER S-2011-046
(Supersedes Administrative Order S-2006-200)**

PARENTAL NOTICE OF ABORTION ACT CASES

The Parental Notice of Abortion Act (hereinafter "Act"), section 390.01114, Florida Statutes, provides that a termination of pregnancy may not be performed or induced upon a minor unless the physician performing or inducing the termination of pregnancy has given at least 48 hours actual notice to one parent or to the legal guardian of the pregnant minor of his or her intention to perform or induce the termination of pregnancy. The Act further provides for judicial waiver of notice to the parents or legal guardian. The court is required to give these proceedings precedence over other pending matters to the extent necessary to ensure that the court reaches a decision within three (3) business days after a petition is filed.

It is necessary for the prompt and efficient administration of justice to update the procedures for handling parental notice of abortion act cases to ensure that proceedings under this Act are handled in an expeditious manner. By the power vested in the chief judge under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; and Florida Rule of Judicial Administration 2.215(b)(2), it is therefore **ORDERED**:

1. Filing of Petition

All petitions seeking a judicial waiver of the notice requirements of section 390.01114, Florida Statutes, will be filed in the Juvenile Dependency Division.

2. Assignment of Case

Immediately upon filing, the Clerk of the Circuit Court (hereinafter "clerk") will assign the petition to one of the Unified Family Court divisions by using a random equitable distribution system. For purposes of this administrative order only, a Unified Family Court division is a division within any of the following subject matter divisions: Domestic Relations / Family Law, Domestic Violence, Juvenile Dependency, Juvenile Dependency Crossover and Juvenile Dependency Specialty.

The clerk will immediately contact the judge presiding in the division to which the petition is assigned by telephoning or otherwise communicating with the assigned judge's judicial assistant. If the judicial assistant or assigned judge cannot be immediately contacted, the clerk will notify any other Unified Family Court division judge using a random equitable distribution system. If none of the Unified Family Court division judges are available, the clerk will contact the duty judge who will handle the matter.

3. Appointment of Counsel

If the petitioner is not represented by counsel and has requested counsel in the petition, the clerk or the assigned judge's judicial assistant will contact the next attorney on the registry of attorneys approved in the Chief Judge Registry which can be found on the Thirteenth Judicial Circuit's webpage at www.fljud13.org. If the attorney is not available to assist the petitioner, the

next attorney on the registry should be contacted until an attorney is located to represent the petitioner.

If the petitioner is not represented by counsel and has not requested counsel in the petition, the judge should immediately conduct a hearing to advise the petitioner she has a right to court-appointed counsel at no cost to her, and after inquiry, appoint counsel if requested by the petitioner or as the circumstances require.

4. Three (3) Business Day Rule

Proceedings arising out of these petitions will be given precedence over other pending matters and will be heard in closed court immediately, on the same day the petition is filed, if possible. If a hearing cannot be held immediately, the clerk will coordinate a hearing time with the assigned judge and then provide notice of the hearing to the petitioner pursuant to Rule 8.805(d). The court must rule and issue written findings of fact and conclusions of law (see Florida Rule of Juvenile Procedure Forms 8.990 and 8.991) within three business days from the time the petition is filed, except that the three business day limitation may be extended at the request of the petitioner. If the court fails to rule within the three business day period and an extension has not been requested, the petitioner may immediately petition for a hearing upon the expiration of the three business day period to the chief judge who will 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.

5. Transcript

If the assigned judge is a judge presiding in the Domestic Relations / Family Law Division (division without court reporters provided by the court), the judicial assistant will immediately contact the court operations department so that a court reporter can be assigned for the hearing. If the assigned judge is the duty judge, the judge may consider conducting the hearing on a weekend day or holiday after conducting juvenile shelter and detention hearings so that a court reporter is available for the hearing. An expedited transcript must be produced by the court reporter as soon after the hearing as possible and immediately delivered to the court for inclusion with the court's written findings.

6. Confidentiality

As provided by section 390.01116, Florida Statutes, and Florida Rule of Juvenile Procedure 8.835(a), any information including the petition, documents, transcripts, recordings of cases, and any other information that could be used to identify a minor who has petitioned the court for a judicial waiver of parental notice of termination of pregnancy is confidential and exempt from public disclosure. As provided by Rule 8.835(b), the court file shall be sealed unless otherwise ordered by the court. Judges are encouraged to (1) hold such hearings at a place and time that will provide the maximum privacy to the minor; (2) ensure that unauthorized persons are not in the courtroom or hearing room; (3) ensure that unauthorized persons cannot see or hear the proceedings; and (4) recognize the sensitive nature of these proceedings.

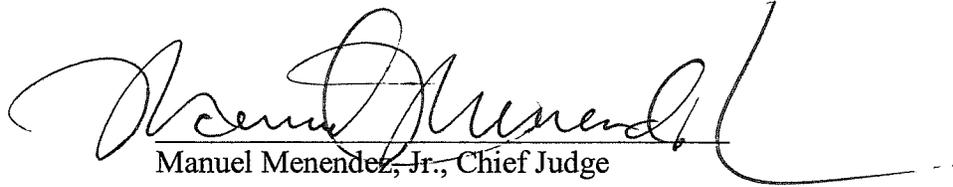
7. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order S-2006-200 (*Parental Notice of Abortion Act Cases*).

8. Effective Date

This administrative order is effective October 1, 2011.

It is ORDERED in Tampa, Hillsborough County, Florida, on this 30th day of September, 2011.


Manuel Menendez, Jr., Chief Judge

Original to: Pat Frank, Clerk of the Circuit Court
Copy to: All Judges
Record Transcripts, Incorporated