

XV. PARENTAL NOTIFICATION OF ABORTION

A. Code Section: O.C.G.A. §15-11-110-118

B. Uniform Juvenile Court Rule 23; Forms JUV-18, JUV-28, JUV-29, JUV-30

C. Procedure

1. Specific requirements:

- a. The petitioner must be unemancipated.
- b. The petitioner should provide proper identification to the juvenile court.
- c. The petitioner must be under the age of 18 years.

d. The petitioner must provide the juvenile court judge with a statement from a licensed medical doctor, to include his/her license number, which confirms the pregnancy and includes a current trimester or gestation period, which is then attached to and made a part of the filed petition.

2. An unemancipated minor may petition the juvenile court on her own behalf or petition may be made by a next friend or an attorney for the minor. The juvenile court shall assist in preparing the petition and notices only. No counseling is required or is appropriate. Only designated court personnel shall assist in, or be directly involved with, a parental notification of abortion case.

3. All telephone calls concerning parental notification made to the juvenile court shall be referred directly to Intake.

4. When a minor appears at the juvenile court to file a petition, she shall immediately be directed to the intake officer specifically designated to handle such cases. The intake officer shall then immediately escort the minor to a private area and assist in the preparation of the petition, waivers, and notices.

5. The minor is then advised by the intake officer of the right to have court-appointed counsel, and is provided with counsel if not already represented. Also, in the best interests of the minor, a guardian ad litem or child advocate shall be appointed by the juvenile court to counsel the minor and report to the juvenile court judge at the time of hearing as to the minor's level of maturity in making an abortion decision and the quantity and quality of information she has received concerning same. The minor shall meet with a guardian ad litem or child advocate as soon as possible after the petition is filed. The minor's attorney may serve in the dual capacity of attorney and guardian ad litem for purposes of this procedure.

6. The use of Uniform Form JUV-18 is required by the court. Uniform Form JUV-18 contains a Parental Notification Petition, Notice of Hearing, Notice of Right to Counsel, Waiver of Counsel, and Appointment of Guardian ad Litem.

7. The petition and all other documents related to the case shall be filed under the minor's initials only. Under no circumstances shall the minor's name, address, date of birth, or social security number be made available. The juvenile court is required to handle these cases in an expedient manner to ensure that a decision is reached timely and in a manner so as to protect the complete anonymity of the minor involved. The minor's date of birth shall be noted on the petition and may also be used as the case number. Care should be taken to keep the nature of these hearings from becoming known to uninvolved people in the courthouse lobby, etc.

8. The petition and original medical statement are filed with Clerk of Court or the designated Deputy clerk. The hearing is scheduled to be held within 72 hours (3 days) from the date the petition is filed, excluding Saturdays, Sundays, and holidays. The minor, next friend, or attorney are notified of the date, time, and place of the hearing, as is the court-appointed representative, guardian ad litem or child advocate. No further notification is required. All notices, waivers, and proofs of service related to the petition must be signed and filed at this time. If the hearing is not scheduled and held within the statutorily prescribed time, the petition is deemed granted and so noted in the record. The use of Uniform Form JUV-28 Parental Notification Certificate: Hearing Not Held/More than 24 Hours Elapsed is required by the court.

9. If the minor fails to appear for the hearing and there is no motion for continuance, Uniform Form JUV-29 must be completed and signed by the clerk or a designated deputy dismissing the case.

10. At the time of hearing, only those designated court personnel (intake officer, clerk of court, courtroom coordinator, etc.), the minor, her counsel or legal representative, guardian ad litem or child advocate and judge shall be present in the courtroom. If the hearing is recorded, a tape separate from other hearing tapes is used and is turned over to the Clerk of Court to be locked in a secure place along with the case file.

11. The juvenile court has 24 hours from the conclusion of the hearing to render a decision. If the court fails to do so, the petition is deemed granted and is noted in the case record. A certified copy of the court order is filed with the Clerk of Court and furnished only to the minor. The use of Uniform Form JUV-30 Parental Notification Certificate: Hearing Held/No Decision Rendered Within 24 Hours is required by the court.

12. All juvenile records concerning parental notification cases shall be sealed and stored in a locked place with limited access.

13. No fees are required of any unemancipated minor who petitions the court in parental notification of abortion cases.

14. The minor has a right to an **expedited** appeal if the petition is denied.