

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Gannon offered the following:

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3 **Amendment (with directory and title amendments)**

4 Remove line(s) 131-198 and insert:

5 (4) PROCEDURE FOR JUDICIAL WAIVER OF NOTICE.--

6 (a) A minor may petition any circuit court for a waiver of  
7 the notice requirements of subsection (3) and may participate in  
8 proceedings on her own behalf. The petition may be filed under a  
9 pseudonym. The court shall maintain the petition and any  
10 supporting documentation under seal. The petition must include a  
11 statement that the petitioner is pregnant, and notice has not  
12 been waived. The court shall advise the minor that she has a  
13 right to court-appointed counsel and shall provide her with  
14 counsel upon her request at no cost to the minor.

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15        (b) Court proceedings under this subsection must be given  
16 precedence over other pending matters to the extent necessary to  
17 ensure that the court reaches a prompt decision. The court shall  
18 rule, and issue written findings of fact and conclusions of law,  
19 within 48 hours after the petition is filed, except that the 48-  
20 hour limitation may be extended at the request of the minor. If  
21 the court fails to rule within the 48-hour period and an  
22 extension has not been requested, the petition is granted, and  
23 the notice requirement is waived.

24        (c) If the court finds, by clear and convincing evidence,  
25 that the minor is sufficiently mature to decide whether to  
26 terminate her pregnancy, the court shall issue an order  
27 authorizing the minor to consent to the performance or  
28 inducement of a termination of pregnancy without the  
29 notification of a parent or guardian. If the court does not make  
30 the finding specified in this paragraph or paragraph (d), it  
31 must dismiss the petition.

32        (d) If the court finds, by clear and convincing evidence,  
33 that there is evidence of child abuse or sexual abuse of the  
34 petitioner by one or both of her parents or her guardian or that  
35 the notification of a parent or guardian is not in the best  
36 interest of the petitioner, the court shall issue an order  
37 authorizing the minor to consent to the performance or  
38 inducement of a termination of pregnancy without the  
39 notification of a parent or guardian. If the court finds  
40 evidence of child abuse or sexual abuse of the minor petitioner  
41 by any person, the court shall report the evidence of child

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42 abuse or sexual abuse of the petitioner to the appropriate  
43 agency or law enforcement agency. If the court does not make the  
44 finding specified in this paragraph or paragraph (c), it must  
45 dismiss the petition.

46 (e) A court that conducts proceedings under this section  
47 shall provide for a written transcript of all testimony and  
48 proceedings, issue written and specific factual findings and  
49 legal conclusions supporting its decision, and order that a  
50 confidential record of the evidence and the judge's findings and  
51 conclusions be maintained. At the hearing, the court shall hear  
52 evidence relating to the emotional development, maturity,  
53 intellect, and understanding of the minor and all other relevant  
54 evidence.

55 (f) An expedited confidential appeal shall be available,  
56 as the Supreme Court provides by rule, to any minor to whom the  
57 circuit court denies a waiver of notice. An order authorizing a  
58 termination of pregnancy without notice is not subject to  
59 appeal.

60 (g) No filing fees or court costs shall be required of any  
61 pregnant minor who petitions a court for a waiver of parental  
62 notification under this subsection at either the trial or the  
63 appellate level.

64 (h) No county shall be obligated to pay the salaries,  
65 costs, or expenses of any counsel appointed by the court under  
66 this subsection.

67 (5) PROCEEDINGS.--The Supreme Court is requested to adopt  
68 rules and forms for petitions to ensure that proceedings under

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69 subsection (4) are handled expeditiously and in a manner that  
70 will satisfy the requirements of state and federal courts. The  
71 Supreme Court is also requested to adopt rules to ensure that  
72 the hearings protect the minor's confidentiality and the  
73 confidentiality of the proceedings.

74 (6) REPORT.--The Supreme Court, through the Office of the  
75 State Courts Administrator, shall report by February 1 of each  
76 year to the Governor, the President of the Senate, and the  
77 Speaker of the House of Representatives on the number of  
78 petitions filed under subsection (4) for the preceding year and  
79 the timing and manner of disposal of such petitions by each  
80 circuit court.

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82 ===== T I T L E A M E N D M E N T =====

83 Remove line(s) 12-23 and insert:  
84 malpractice; prescribing a procedure for judicial waiver of  
85 notice; providing for notice of right to counsel; providing for  
86 issuance of a court order authorizing consent to a termination  
87 of pregnancy without notification; providing for dismissal of  
88 petitions; requiring the issuance of written findings of fact  
89 and legal conclusions; providing for expedited appeal; providing  
90 for waiver of filing fees and court costs; precluding assumption  
91 of certain expenses by counties; requesting the Supreme Court to  
92 adopt rules; requiring the Supreme Court to report annually to  
93 the Governor and the Legislature; providing an effective date.

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