

By Senator Storms

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A bill to be entitled

An act relating to parental notice of abortion;
amending s. 390.01114, F.S.; providing that in
a hearing relating to waiving the requirement
for parental notice, the court consider certain
additional factors, including whether the
minor's decision to terminate her pregnancy was
due to intimidation or undue influence;
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (4) of section 390.01114,
Florida Statutes, is amended to read:

390.01114 Parental Notice of Abortion Act.--

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

(a) A minor may petition any circuit court in a
judicial circuit within the jurisdiction of the District Court
of Appeal in which the minor ~~she~~ resides for a waiver of the
notice requirements of subsection (3) and may participate in
proceedings on her own behalf. The petition may be filed under
a pseudonym or through the use of initials, as provided by
court rule. The petition must include a statement that the
petitioner is pregnant and notice has not been waived. The
court shall appoint a guardian ad litem for the minor to
represent the minor's best interests. The court shall advise
the minor that she has a right to court-appointed counsel and
shall provide her with counsel upon her request at no cost to
the minor.

(b) Court proceedings under this section ~~subsection~~
must be given precedence over other pending matters to the

1 extent necessary to ensure that the court reaches a decision
2 promptly. The court shall rule, and issue written findings of
3 fact and conclusions of law, within 48 hours after the
4 petition is filed, except that the 48-hour limitation may be
5 extended at the request of the minor. If the court fails to
6 rule within the 48-hour period and an extension has not been
7 requested, the petition shall be deemed ~~is~~ granted, and the
8 notice requirement ~~is~~ waived.

9 (c) If the court finds, by clear and convincing
10 evidence, that the minor is sufficiently mature to decide
11 whether to terminate her pregnancy, the court shall issue an
12 order authorizing the minor to consent to the performance or
13 inducement of a termination of pregnancy without the
14 notification of a parent or guardian. If the court does not
15 make the finding specified in this paragraph ~~or paragraph (d)~~,
16 it must dismiss the petition. Factors the court shall consider
17 include:

18 1. The minor's:

19 a. Age.

20 b. Overall intelligence.

21 c. Emotional stability.

22 d. Credibility and demeanor as a witness.

23 e. Ability to accept responsibility.

24 f. Ability to assess the future consequences of her
25 choices.

26 g. Ability to understand and explain the medical
27 consequences of terminating her pregnancy and to apply that
28 understanding to her decision.

29 2. Whether there has been any intimidation or undue
30 influence on the minor's decision to terminate her pregnancy.

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1 (d) If the court finds, by a preponderance of the
2 evidence, that the petitioner is the victim ~~there is evidence~~
3 of child abuse or sexual abuse inflicted ~~of the petitioner~~ by
4 one or both of her parents or her guardian, or that the
5 notification of a parent or guardian is not in the best
6 interest of the petitioner, the court shall issue an order
7 authorizing the minor to consent to the performance or
8 inducement of a termination of pregnancy without the
9 notification of a parent or guardian. If the court finds
10 evidence of child abuse or sexual abuse of the minor
11 petitioner by any person, the court shall report the evidence
12 of child abuse or sexual abuse of the petitioner, as provided
13 in s. 39.201. If the court does not make the finding specified
14 in this paragraph ~~or paragraph (c)~~, it must dismiss the
15 petition.

16 (e) A court that conducts proceedings under this
17 section shall:

18 1. Provide for a written transcript of all testimony
19 and proceedings; ~~and~~

20 2. Issue a final witten order containing and specific
21 factual findings and legal conclusions supporting its
22 decision, including factual findings and legal conclusions
23 relating to the maturity of the minor as provided under
24 paragraph (c); and shall

25 3. Order that a confidential record be maintained, as
26 required under s. 390.01116. ~~At the hearing, the court shall~~
27 ~~hear evidence relating to the emotional development, maturity,~~
28 ~~intellect, and understanding of the minor, and all other~~
29 ~~relevant evidence.~~

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1 (f) All hearings under this section, including
2 appeals, shall remain confidential and closed to the public,
3 as provided by court rule.

4 (g)(f) An expedited appeal shall be made available, as
5 the Supreme Court provides by rule, to any minor to whom the
6 circuit court denies a waiver of notice. An order authorizing
7 a termination of pregnancy without notice is not subject to
8 appeal.

9 (h)(g) ~~No~~ Filing fees or court costs may not ~~shall~~ be
10 required of any pregnant minor who petitions a court for a
11 waiver of parental notification under this subsection at
12 either the trial or the appellate level.

13 (i)(h) ~~A~~ No county is not ~~shall be~~ obligated to pay
14 the salaries, costs, or expenses of any counsel appointed by
15 the court under this subsection.

16 Section 2. This act shall take effect upon becoming a
17 law.

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20 SENATE SUMMARY

21 Amends the Parental Notice of Abortion Act to require a
22 court to consider additional factors, including whether a
23 minor seeking a waiver of the requirement for parental
24 notification has been intimidated or unduly influenced to
25 terminate her pregnancy. (See bill for details.)
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