

**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS AND PASCO COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2011-061 PA/PI-CIR

**RE: PROCEEDINGS TO WAIVE PARENTAL NOTIFICATION OF TERMINATION
OF PREGNANCY**

Chapter 2011-227, Laws of Florida was adopted by the Florida legislature. That law amends §390.01114, Fla. Stat., which requires a physician performing or inducing the termination of a minor child's pregnancy, or the referring-physician, to notify a parent or legal guardian of the minor child of the child's decision to have an abortion. The statute also allows for a waiver of that notification requirement in certain circumstances.

Administrative Order 2011-048 was adopted to incorporate the 2011 legislative changes. Additional changes are now needed to incorporate procedural changes recommended by the Pinellas Clerk of the Circuit Court and to incorporate the amendments to the Rules of Juvenile Procedure adopted by the Florida Supreme Court. *In re: Amendments to the Florida Rules of Juvenile Procedure*, 2011 WL 4975440 (Oct. 20, 2011).

In accordance with Article V, §2, Florida Constitution, Rule of Judicial Administration 2.215, and §43.26, Florida Statutes, it is

ORDERED:

1. Petitions filed pursuant to §390.01114, Fla. Stat., that are filed in Pinellas County shall be filed with the Clerk of the Circuit Court at the Criminal Justice Center, Juvenile Department, 14250 49th St. N., Clearwater, FL which is where the Unified Family Court judges are located. Those petitions that are filed in Pasco County may be filed at either courthouse and should be filed with the Clerk of the Circuit Court, Juvenile Counter.

2. In Pinellas County, such petitions shall be assigned to a Unified Family Court section using an equal, at random, blind assignment system and assigned a DP case number. In Pasco County the petition shall be assigned to the dependency section at the courthouse where the petition is filed and assigned a DP case number. A new case number shall be assigned and a separate court file maintained, regardless of any pending cases involving the petitioner.

3. When the petition is filed in Pinellas County, the Clerk of the Circuit Court shall take the following actions:

- a. Immediately contact the judge to whom the petition is assigned by phoning the judge's judicial assistant who will notify the judge that a petition has been filed. If the judicial assistant or the assigned judge cannot be contacted, the Clerk shall contact and notify any other Unified Family Court judge using an equal, at random, blind system, that a petition has been filed.
- b. The deputy clerk will place the court file in the designated judge's bin and the judicial assistant will provide the file to the judge. The petitioner, and petitioner's attorney, if any, shall be advised by the deputy clerk to proceed to

judicial reception to obtain access to the judge's chamber or to the location designated by the judge for a hearing pursuant to paragraph c, d, or e below.

- c. When requested by the Court, a deputy court clerk must attend the hearing and any subsequently scheduled hearings.
- d. If the petitioner **is** represented by counsel, the judge will conduct a hearing on the petition or set a hearing for a later time. Unless an extension is requested, the hearing must be held and an order issued within 3 business days after the petition is filed. If a hearing is set for a subsequent time, the deputy court clerk will prepare a Notice of Hearing in a format substantially similar to that in Attachment A and provide it to the petitioner and petitioner's attorney while they are present.
- e. If the petitioner **is not** represented by counsel and has requested counsel, the deputy court clerk will contact the next attorney on the Attorney for Child registry of attorneys approved by the Chief Judge. The attorneys should be contacted on a rotation basis; however, if an attorney is not available to assist the minor, the next attorney on the list should be contacted until an attorney is located to represent the minor. If no registry attorney is available, an attorney from the Office of Criminal Conflict and Civil Regional Counsel is to be appointed. The order of Appointment of Counsel and Notice of Hearing shall be prepared by the deputy court clerk in a format substantially similar to that in Attachment B and a copy given to the petitioner while she is present.
- f. If the petitioner is not represented by counsel and has not requested counsel in the petition, the Court will conduct a hearing to advise the petitioner that she has a right to court-appointed counsel at no cost to her. After inquiry, the Court may appoint counsel if requested by the petitioner or as the circumstances require.
 - i. If the petitioner requests counsel or the Court otherwise determines that counsel should be appointed, the deputy court clerk will follow the procedures in subparagraph e, above.
 - ii. If the petitioner does not request counsel and the Court does not otherwise determine that counsel should be appointed, the Court will conduct a hearing on the petition or set a hearing for a later time. Unless an extension is requested, the hearing must be held and an order issued within 3 business days after the petition is filed. If a hearing is set for a subsequent time, the deputy court clerk will prepare a notice of hearing and provide it to the petitioner while she is present.

4. When the petition is filed in Pasco County, the Clerk of the Circuit Court shall take the following actions:

- a. Immediately contact the judge to whom the petition is assigned and obtain a date and time for the hearing. If the dependency judge is not available, the judge handling shelter hearings shall handle the matter. If the dependency judge and the judge handling shelter hearings are not available to schedule the

hearing and issue an order within 3 business days, the Clerk shall contact the duty judge who shall handle the matter.

- b. If the minor is not represented by counsel, contact the next attorney on the Attorney for Child registry of attorneys approved by the Chief Judge. The attorneys should be contacted on a rotation basis, however, if an attorney is not immediately available to assist the minor, the next attorney on the list should be contacted until an attorney is located to represent the minor. If no registry attorney is available, an attorney from the Office of Criminal Conflict and Civil Regional Counsel is to be appointed.
- c. Prepare an order of Appointment of Counsel and Notice of Hearing for the judge's signature using the form in Attachment B or if the minor already has counsel, a Notice of Hearing using the form in Attachment A.
- d. Provide a copy of the order of Appointment of Counsel and Notice of Hearing to the minor before the minor leaves the Clerk's office.
- e. Provide a copy of the order of Appointment of Counsel and Notice of Hearing to the minor's attorney.

5. If the petitioner leaves prior to obtaining notification of the date and time of the hearing, the deputy court clerk shall provide notice to the minor in the manner requested in the petition.

6. The judicial assistant for the judge handling the petition is to:

- a. Obtain the file and deliver it to the judge.
- b. Request an in-court clerk for the hearing.
- c. Request that the Stenographic Court Reporting Department provide a court reporter, except that in New Port Richey, the contract court reporters should be notified. A court reporter is required for all proceedings held pursuant to §390.01114, Fla. Stat., including any hearing on appointment of counsel.
- d. Notify the bailiff.

7. Judges are encouraged to hold such hearings at a place and time that will provide the maximum privacy to the minor, ensure that unauthorized persons are not in the courtroom, that unauthorized persons cannot see or hear the proceedings, and to otherwise recognize the sensitive nature of these proceedings.

8. In Pinellas County, if none of the Unified Family Court judges are available to schedule the hearing and issue an order within 3 business days, the Clerk shall contact the duty judge who shall handle the matter. In Pasco County, if the dependency judge and the judge handling shelter hearings are not available to schedule the hearing and issue the order within 3 business days, the Clerk shall contact the duty judge.

9. If the Court fails to rule within 3 business days after the petition is filed, the minor may petition the Chief Judge for a hearing by filing with the Clerk of the Circuit Court an Emergency Request for the Chief Judge. The Emergency Request should be filed at the juvenile counter and Attachment C may be used for this purpose. Upon receiving an Emergency Request,

the deputy clerk shall immediately contact the office of the Chief Judge, or if the Chief Judge is not available, the duty judge. As appropriate in the circumstances, the procedures in this Order for the initial proceeding will be followed. If a hearing has not already been conducted, a hearing must be scheduled within 48 hours of receipt of the petition and an order issued within 24 hours of the hearing. If the Clerk is unable to reach the Chief Judge and the matter is directed to the duty judge, the Clerk shall also promptly notify the Chief Judge.

10. Any records generated by the Clerks of the Circuit Court shall use the initials of the minor or, if a sworn statement of true name and pseudonym is filed, the pseudonym.

11. If an appeal of the order dismissing a petition for judicial waiver of parental notice of termination of pregnancy is filed, the Clerk shall prepare and transmit the record as described in Rule 9.200(d) within two days from the filing of the notice to appeal.

Administrative Order 2011-048 is hereby rescinded.

DONE AND ORDERED in Chambers at Clearwater, Pinellas County, Florida, this ____ day of December, 2011.

ORIGINAL SIGNED on December 6, 2011
BY J. THOMAS MCGRADY, CHIEF JUDGE

cc: All Judges
The Honorable Bernie McCabe, State Attorney
The Honorable Bob Dillinger, Public Defender
The Honorable Ken Burke, Clerk of the Circuit Court, Pinellas County
The Honorable Paula S. O'Neil, Clerk of the Circuit Court, Pasco County
John E. Hendry, Regional Counsel
Gay Inskeep, Trial Courts Administrator
Debbie Gay, Assistant Court Services Director, Pasco County Clerk's Office
Myriam Irizarry, Chief Deputy Director, Pinellas County Clerk's Office
Lillian Simon, Director of Administrative Services, Pasco County
Bar Associations, Pinellas and Pasco County
Law Libraries, Pinellas and Pasco County

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO/PINELLAS COUNTIES, FLORIDA**

IN THE INTEREST(S) OF:

Petitioner, a minor

Ref No: _____ DPANO
UCN: _____

NOTICE OF HEARING

The hearing in this proceeding shall be held at _____ on _____, 20__ at
(Time) (month/day)

Courthouse / Courtroom #

DONE AND ORDERED in Chambers at Pasco/Pinellas County, Florida, this _____
day of _____ 20__.

CIRCUIT JUDGE

cc: Petitioner
Petitioner's Attorney

Attachment A

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO/PINELLAS COUNTIES, FLORIDA**

IN THE INTEREST(S) OF:

Petitioner, a minor

Ref No: _____ DPANO
UCN: _____

APPOINTMENT OF COUNSEL AND NOTICE OF HEARING

Attorney _____ is hereby appointed to represent the minor
in this proceeding. The minor shall contact the attorney prior to the hearing on this matter, at

(Telephone No)

The hearing in this proceeding shall be held at _____ on _____, 20__ at
(Time) (month/day)

Courthouse / Courtroom #

DONE AND ORDERED in Chambers at Pasco/Pinellas County, Florida, this _____
day of _____ 20__.

CIRCUIT JUDGE

cc: Petitioner
Petitioner's Attorney

Attachment B

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO/PINELLAS COUNTIES, FLORIDA**

IN THE INTEREST(S) OF:

[use pseudonym or initials if a sworn statement
of true name is filed]
Petitioner, a minor

Ref No: _____ DPANO
UCN: _____

**EMERGENCY REQUEST FOR CHIEF JUDGE TO REQUIRE A HEARING ON A
PETITION FOR JUDICIAL WAIVER OF NOTICE**

I hereby petition the Chief Judge for an order directing a hearing and ruling on my petition for judicial waiver of notice in accordance with the statutory time periods.

In support of this petition, I state:

1. The Petitioner/Petitioner's Attorney filed a Petition on _____ in this case. [date]
2. The third business day from the date of filing the petition was _____. The statutory time period in §390.01114, Fla. Stat., has expired. [date]
3. I have not requested an extension of time for the hearing to be conducted or a ruling to be made.
4. A hearing has been held on the Petition, but no ruling has been made within the statutory time period.
 A hearing has not been held on the Petition and no ruling has been made.

Submitted this _____ day of _____, 20__ at _____ A.M/P.M.

Petitioner or Petitioner's Attorney Signature
[Petitioner should use pseudonym or initials if a
sworn statement of true name is filed]
Print name of attorney if any _____
Address _____
Phone number _____
Florida Bar No. _____

Attachment C