

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR HARDEE, HIGHLANDS AND POLK COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER 6-9.1

IN RE: JUDICIAL WAIVER OF PARENTAL NOTICE

OF TERMINATION OF PREGNANCY

WHEREAS, the Parental Notice of Abortion Act, section 390.01114, Florida Statutes (2005) establishes a cause of action wherein pregnant minors may petition the Court for a judicial waiver of the parental notice requirements; and

WHEREAS, the Florida Supreme Court has adopted Florida Rules of Juvenile Procedure 8.800, 8.805, 8.810, 8.815, 8.820, 8.825, 8.830, and 8.8335 and accompanying Forms, 8.987, 8.988, 8.989, 8.990 and 8.991, as well as Florida Rule of Appellate Procedure 9.110(n); and

WHEREAS, section 390.01116, Florida Statutes, and Florida Rule of Juvenile Procedure 8.835 establishes any information in documents relating to the petition is confidential, and creates an exemption from section 119.07(1), Florida Statutes and section 24(a), Article I of the State Constitution (public records); and

WHEREAS, pursuant to section 390.01114(6) the Florida Supreme Court has directed that certain data about such petitions be gathered and reported; and

WHEREAS, to promote judicial economy and efficiency in the assignment and management of cases filed pursuant to this legislation, and to ensure that court proceedings filed under this Act are given precedence over other pending matters to the extent necessary to render a decision within 48 hours as set forth in section 390.01114(4)(b), it is hereby

ORDERED AND ADJUDGED that:

The Clerks of Court in each county in this circuit shall establish procedures for sealing and maintaining the confidentiality of all files, documents, tapes, and other materials related to any case under the Parental Notice of Abortion Act. When a petition is filed, the exact date and time of filing will be noted on the face of the first page of the petition. Each case will be assigned a juvenile dependency division identifying number and assigned to the judges regularly assigned dependency cases on an alternating basis. If no juvenile dependency judge is available, the clerk will deliver the petition to the judge regularly assigned delinquency cases within the county in which the petition is filed. The petition will be delivered immediately to the judge to whom the case is assigned. If that judge is not available, the clerk will immediately deliver the petition to any other judge assigned to the juvenile division within that county. If no such judge is available, the clerk will immediately deliver the petition to the appropriate judge as indicated in the following subparagraphs:

a. Hardee County: If no juvenile division judge is available, the petition will be delivered immediately to another judge regularly assigned duties in Hardee County. If no such judge is available, the petition will be delivered immediately to the chief judge. If the chief judge is not available, but an acting chief judge has been appointed, the petition will be immediately delivered to the acting chief judge. If neither an acting chief judge, nor the chief judge is available, the petition will be delivered immediately to the duty judge.

b. Highlands County: If no juvenile division judge is available, the petition will be delivered immediately to another judge regularly assigned duties in Highlands County. If no such judge is available, the petition will be delivered immediately to the chief judge. If the chief judge is not available, but an acting chief judge has been appointed, the petition will be immediately delivered to the acting chief judge. If neither an acting chief judge, nor the chief judge is available, the petition will be delivered immediately to the duty judge.

c. Polk County: If no juvenile judge is available, the clerk will immediately deliver the petition to the family administrative judge. If the family division administrative judge is not available, the clerk will immediately deliver the petition to any Polk County family division judge who may be available. If no family division judge is available, the clerk will immediately deliver the petition to the chief judge. If the chief judge is not available, but an acting chief judge has been appointed, the petition will be immediately delivered to the acting chief judge. If neither an acting chief judge, nor the chief judge is available, the petition will be delivered immediately to the duty judge.

2. The Clerk of Court in each county shall provide the minor with a certified copy of Form 8.988 Fla. R. Juv. P. Sworn Statement of True Name and Pseudonym and Form 8.989 Fla. R. Juv. P. Advisory Notice to Minor Fla. R. Juv. P.

3. Upon delivery of the petition to the judge who will preside over an action, the Clerk shall obtain from that judge's judicial assistant a notice of the hearing date, time, and place, which shall be within 48 hours of the date and time stamped by the Clerk on the face of the petition. The clerk shall provide notice to the minor at the time the minor files the petition, or shall provide notice through the method elected by the minor in the petition (as set forth in Rule 8.805(d)(5) Fla. R. Juv. P.)

4. Upon completion of the hearing, the court will issue written and specific findings of fact and conclusions of law. A certified copy of the final order, along with Form 9.900(a) Notice of Appeal shall immediately be provided to the petitioner.

The Clerk of the Court in each county shall submit via post by the 15th day of each month to the Office of the State Courts Administrator a report of the number of petitions filed pursuant to this Act and the manner of disposition of those cases using the form as instructed by the Florida Supreme Court. [The form being used currently is shown as Attachment A hereto.](#) (PDF)

Administrative Order No. 6-9.0 is hereby SUPERSEDED.

DONE AND ORDERED on this 6th day of February 2006.

RONALD A. HERRING

Chief Judge