

1 Rule 60. Judicial bypass procedure to authorize minor to consent to an abortion.

2 (a) Petition. An action for an order authorizing a minor to consent to an abortion
3 without the consent of a parent or guardian is commenced by filing a petition. The
4 petitioner is not required to provide an address or telephone number but must identify
5 the county and state of residence. Blank petition forms will be available at all juvenile
6 court locations. The court ~~will~~shall provide assistance and a private, confidential area
7 for completing the petition.

8 (b) Filing. The petition may be filed in any county. No filing fee will be charged.

9 (c) Appointment of Counsel. If the petitioner is not represented by a private attorney,
10 the juvenile court shall consider appointing an attorney under Utah Code Ann. § 78-3a-
11 913 and/or the Office of Guardian ad Litem under § 78-3a-~~914~~912. If the court appoints
12 an attorney, it may also appoint the Office of Guardian ad Litem. The clerk shall
13 immediately notify any attorney appointed. ~~the attorney and/or the Office of Guardian ad~~
14 ~~Litem of the appointment.~~

15 (d) Expedited Hearing. Upon receipt of the petition, the court shall schedule a
16 hearing ~~and resolve to be held and~~ the petition ~~resolved~~ within three ~~judicial~~ days. The
17 court may continue the hearing for no more than ~~24 hours~~ one day if the court
18 determines that the additional time is necessary to gather and receive more evidence.
19 The clerk shall immediately provide notice of the hearing date and time. The hearing
20 shall be closed to everyone except the petitioner, the petitioner's attorney, the guardian
21 ad litem, and any individual invited by the petitioner. ~~Upon request, the petitioner may~~
22 ~~be allowed to participate telephonically at court system expense.~~ The petitioner shall be
23 present at the hearing. The hearing may be held in chambers if recording equipment or
24 a reporter is available.

25 (e) Findings and Order. The court shall enter an order immediately after the hearing
26 is concluded. The court shall grant the petition if the court finds by a preponderance of
27 the evidence that one of the statutory grounds for dispensing with parental consent
28 exists. Otherwise, the court shall deny the petition. If the petition is denied, the court
29 shall inform the petitioner of her right to an expedited appeal to the Utah Court of
30 Appeals. The court shall provide a copy of the order to individuals designated by the
31 petitioner.

32 ~~(f) If the court does not hold a hearing and resolve the petition within three judicial~~
33 ~~days, the petition shall be deemed granted. If the court continues a hearing for 24 hours~~
34 ~~under paragraph (d), the petition shall be deemed granted if the petition is not resolved~~
35 ~~by the expiration of the additional 24 hours. Upon request of the petitioner, the clerk of~~
36 ~~the juvenile court shall prepare a certificate indicating that a hearing was not held and~~
37 ~~that the petition is deemed granted pursuant to this rule.~~

38 ~~(f) (g)~~ Confidentiality. The petition and all hearings, proceedings, and records are
39 confidential. Court personnel are prohibited from notifying a minor's parents, guardian,
40 or custodian that a minor is pregnant or wants to have an abortion, or from disclosing
41 this information to any member of the public.

42 ~~(g) (h)~~ Appeal. A petitioner may appeal an order denying or dismissing a petition to
43 bypass parental consent by filing a notice of appeal with the clerk of the juvenile court
44 within the time allowed under Rule 4 of the Utah Rules of Appellate Procedure. ~~within~~
45 ~~three judicial days after entry of the order.~~ The clerk shall immediately notify the clerk of
46 the court of appeals that the notice of appeal has been filed.

47 ~~(h) (i)~~ This rule supercedes all other procedural rules that might otherwise apply to
48 actions filed under § 76-7-304.5

49