

Approved effective May 10, 2006. Subject to change after comment period.

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 ~~state that~~
5 ~~she is a resident of Utah and~~ identify the county and state of residence. Blank petition
6 forms will be available at all juvenile court locations. The court will provide assistance
7 and a private, confidential area 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-911. The clerk shall
12 immediately notify the attorney and/or the Office of Guardian ad Litem of the
13 appointment.

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

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

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

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

41 (h) Appeal. A petitioner may appeal an order denying or dismissing a petition to
42 bypass parental consent by filing a notice of appeal within three judicial days after entry
43 of the order. The clerk shall immediately notify the clerk of the court of appeals that the
44 notice of appeal has been filed.

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

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