

1 **Rule 60. Judicial bypass appeals.**

2 **(a) Scope.** This rule applies to an appeal from an order denying or dismissing a petition filed by a
3 minor to bypass parental consent to an abortion under Utah Code Ann. ~~§ Section 76-7-304.5.~~ In such
4 appeals, this rule supercedes and supersedes the other appellate rules to the extent they may be
5 inconsistent with this rule.

6 **(b) Jurisdictional limitation.** This rule does not permit an appeal to be taken in any circumstances in
7 which an appeal would not be permitted by Rule 3.

8 **(c) Notice of appeal.**

9 (c)(1) A minor may appeal an order denying or dismissing a petition to bypass parental consent
10 by filing a notice of appeal in the juvenile court within the time allowed under Rule 4. The notice of
11 appeal ~~may be filed in person, by mail, or by fax, and must be accompanied by a copy of~~ must
12 designate the order from which the appeal is taken. No filing fee will be charged. The clerk of the
13 juvenile court shall immediately notify the clerk of the court of appeals that the appeal has been filed.

14 (c)(2) The notice of appeal must indicate that the appeal is being filed pursuant to this rule, but
15 the court will apply this rule to cases within its scope whether they are so identified or not.

16 (c)(3) ~~Blank~~ Notice of appeal forms will be available at all juvenile court locations and will be
17 ~~mailed or faxed~~ provided to a minor upon request. No fee will be charged for this ~~service~~ or other
18 services provided to a minor in an appeal under this rule.

19 **(d) Record on appeal.** The record on appeal consists of the juvenile court file, including all papers
20 and exhibits filed in the juvenile court, and a recording or transcript of the proceedings before the juvenile
21 court. ~~The clerk of the court of appeals shall request the record immediately upon receiving notice that the~~
22 ~~appeal has been filed. Upon receiving this request, the clerk of the juvenile court shall immediately~~
23 ~~transmit the record to the court of appeals by overnight mail or in another manner that will cause it to~~
24 ~~arrive within 48 hours after the notice of appeal is filed.~~

25 **(e) Brief Memorandum in support of the appeal.** A brief is not required. However, the minor may
26 file a ~~typewritten~~ memorandum in support of the appeal. The memorandum ~~shall~~ must be submitted within
27 ~~two judicial~~ 2 business days after the notice of appeal is filed.

28 **(f) Oral argument.** If ordered by the court, oral argument will be held within ~~three judicial~~ 3 business
29 days after the notice of appeal is filed. The court of appeals clerk will immediately notify the minor of the
30 date and time for oral argument. Upon request, the minor will be allowed to participate ~~telephonically by~~
31 contemporaneous transmission from a different location at court system expense.

32 **(g) Disposition.** The court ~~shall~~ will enter an order stating its decision immediately after oral
33 argument or, if oral argument is not held, within ~~three judicial~~ 3 business days after the date the notice of
34 appeal is filed. The clerk ~~shall~~ will immediately notify the minor of the decision. The court may issue an
35 opinion explaining the decision at any time following entry of the order. The opinion ~~shall~~ will be written to
36 ensure the confidentiality of the minor.

37 **(h) Confidentiality.** ~~Documents and proceedings~~ Records in an appeal under this rule are
38 ~~confidential, safeguarded and hearings are closed.~~ Court personnel are prohibited from notifying the
39 minor's parents, guardian, or custodian that the minor is pregnant or wants to have an abortion, or from
40 disclosing this information to any member of the public.

41 **(i) Attorney.** If the minor is not represented by an attorney, the court ~~shall~~ will consider appointing an
42 attorney or the Office of Guardian ad Litem to represent the minor in the appeal. If an attorney or the
43 Office of Guardian ad Litem was appointed to represent the minor in the trial court, the appointment
44 continues through appeal.

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