

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 shall provide assistance and a private, confidential area for
7 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 ~~Sections~~
11 ~~78A-6-1111~~80-3-104, 80-4-106, and 80-6-602 and/or the Office of Guardian ad Litem
12 under ~~Section~~Utah Code section 78A-6-902-78A-2-803. If the court appoints an attorney,
13 it may also appoint the Office of Guardian ad Litem. The clerk shall immediately notify
14 any attorney appointed.

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

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

28 Appeals. The court shall provide a copy of the order to individuals designated by the
29 petitioner.

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

34 (g) **Appeal.** A petitioner may appeal an order denying or dismissing a petition to
35 bypass parental consent by filing a notice of appeal with the clerk of the juvenile court
36 within the time allowed under Rule 4 of the Utah Rules of Appellate Procedure. The
37 clerk shall immediately notify the clerk of the court of appeals that the notice of appeal
38 has been filed.

39 (h) This rule ~~supersedes~~supersedes all other procedural rules that might otherwise
40 apply to actions filed under ~~Section~~Utah Code section 76-7-304.5