

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 80-3-
11 104, 80-4-106, and 80-6-602 and/or the Office of Guardian ad Litem under Utah Code
12 section 78A-2-803. If the court appoints an attorney, it may also appoint the Office of
13 Guardian ad Litem. The clerk shall immediately notify any attorney appointed.

14 (d) **Expedited Hearing.** Upon receipt of the petition, the court shall schedule a hearing
15 and resolve the petition within three calendar days or two business days, whichever
16 time period is longer~~three days~~. The court may continue the hearing for no more than
17 one business day if the court determines that the additional time is necessary to gather
18 and receive more evidence. The clerk shall immediately provide notice of the hearing
19 date and time. The hearing shall be closed to everyone except the petitioner, the
20 petitioner's attorney, the guardian ad litem, and any individual invited by the
21 petitioner. The petitioner shall be present at the hearing. The hearing may be held in
22 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 all other procedural rules that might otherwise apply to actions
40 filed under Utah Code section 76-7-304.5.