

**Instructions for Filing Petitions for
Waiver of Parental Consent to Abortions
Pursuant to Utah Code Ann. §76-7-304.5**

If you are a pregnant minor and are unmarried, Utah Code Ann. §76-7-304.5 requires written consent from one of your parents, or your guardian for you to obtain an abortion. These instructions will tell you how to petition a juvenile court judge to authorize an abortion without parental consent and how the Utah courts will hear and decide your petition. The proceedings are confidential. No information about you or your petition will be available to the public. There is no cost to you in these proceedings.

1. Filing the Petition. You must complete the form Petition for Waiver of Parental Consent by printing or typing the information needed and file it with a clerk of the juvenile court. You may file the petition in any county.

If you file the petition in person, you must do so at the office of a clerk of the juvenile court. After you file the petition, the clerk will ask you to wait while the file is opened and a hearing date is scheduled.

If you file the petition by mail or fax, you must include contact information so the clerk will know how to reach you. You should call the clerk of the juvenile court if you do not receive a Notice of Hearing within 48 hours of mailing the petition.

2. Right to an Attorney. You have the right to be represented by an attorney at no expense to you. If you are not represented by an attorney, the court may appoint an attorney or a guardian ad litem to assist you. If possible, the clerk will inform you while you are waiting for the file to be opened of the name, address, and telephone number of your attorney or guardian ad litem. That attorney will represent you at the hearing and on any further appeal, if required.

3. The Hearing. When you file your petition, the clerk will arrange for a hearing. You have a right to a hearing and a ruling on your petition within three days of filing the petition, excluding weekends and holidays. Before you leave the counter, if possible the clerk will give you a notice stating the time and date of the hearing. If you mail your petition to the clerk, the clerk will inform you as soon as possible, using the means you select, of the date and time of your hearing. Failure to attend the hearing may result in the petition being denied.

At the hearing, the judge must determine whether you are mature and capable of giving consent to the abortion. If you do not claim to be mature, or if the judge finds you are not mature, the judge must then determine whether an abortion without consent from one of your parents or guardian is in your best interests. The judge may ask you questions, and you have the right to introduce evidence at the hearing, concerning both of these determinations.

4. **The Ruling.** The judge will issue a decision immediately after the hearing. If the judge finds you are mature and can give informed consent to the abortion, or that an abortion without consent from one of your parents or guardian is in your best interests, the judge will enter an order authorizing the abortion. If the judge grants your petition, the clerk will prepare a certified copy of the order for you to provide to your doctor.

If the judge denies your petition, the clerk will provide a copy of the order to you. You will also receive information about your right to appeal.

5. **Appeal Rights.** If you are dissatisfied with the ruling, you have a right to an appeal. If you want to appeal, you should do so as soon as possible. A Notice of Appeal must be received by and filed in the juvenile court clerk's office no later than thirty days after the file-stamped date on the juvenile court order.

Prepare the Notice of Appeal form as you did the petition and file it with the juvenile court clerk. There is no charge for filing an appeal.

If you deliver your Notice of Appeal in person, the clerk will call and inform the appellate court clerk that an appeal has been filed. The court of appeals may set a hearing on your appeal. If the court of appeals schedules a hearing, the court of appeals clerk will contact you with that information using the means designated on the petition or Notice of Appeal. If you mail the Notice of Appeal to the juvenile court clerk, you must provide contact information so you can be advised of the date and time of the appellate hearing, if one is set.

The juvenile court clerk will send you or your attorney a copy of the recording or transcript of the juvenile court hearing. There is no cost to you for preparing the transcript or for the recording.

6. **Oral Argument.** The court of appeals will hold oral argument and issue a ruling on your appeal within three business days after your Notice of Appeal is filed. If the court schedules oral argument you may attend in person or by telephone. If you indicate on the Notice of Appeal that you will attend any hearing by phone, the court of appeals will call you at the phone number you provide on the date and time indicated on the Notice of Hearing on Appeal. The court of appeals' decision will be provided to you using the means designated on the petition.