

Rule 60. Judicial Bypass Procedure to Authorize Minor to Consent to an Abortion

(a) **Petition.** An action for order authorizing a minor to consent to an abortion without the consent of a parent or guardian is commenced by filing a petition. The petitioner is not required to provide an address or telephone number but must state that she is a resident of Utah and identify the county and state of residence. Blank petition forms will be available at all juvenile court locations. The court shall provide assistance and a private, confidential area for completing the petition.

(b) **Filing.** The petition may be filed in any county. No filing fee will be charged.

(c) **Appointment of Counsel.** If the petitioner is not represented by a private attorney, the juvenile court shall consider appointing an attorney under Utah Code Ann. § 78-3a-913 and/or the Office of Guardian ad Litem Under § 78-3a-912. If the court appoints an attorney, it may also appoint the Office of Guardian ad Litem. The clerk shall immediately notify any attorney appointed.

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

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

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

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

(h) This rule supercedes all other procedural rules that might otherwise apply to actions filed under § 76-7-304.5