

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 00- 9020

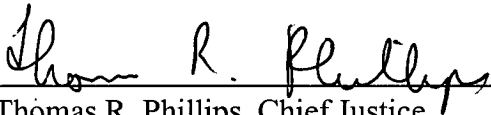
ORDER APPROVING GREGG COUNTY LOCAL RULES ON TEXAS PARENTAL NOTIFICATION ACT

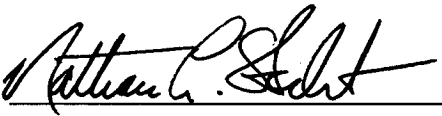
ORDERED that:

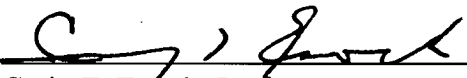
1. Pursuant to Rule 3a of the Texas Rules of Civil Procedure, the following "Local Rules on Texas Parental Notification Act," adopted by the district judges, statutory county judge, and constitutional county judge of Gregg County, Texas, are approved.


2. In view of the urgency that procedures be adopted for handling applications under Chapter 33, Family Code, the requirement of Rule 3a(4) is suspended, and these rules may take effect immediately.

BY THE COURT, IN CHAMBERS this 16th day of February, 2000.

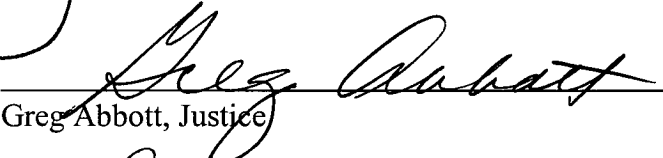

Thomas R. Phillips, Chief Justice

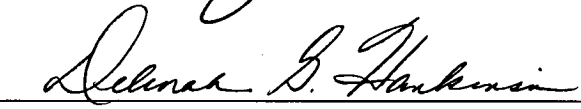

Nathan L. Hecht, Justice

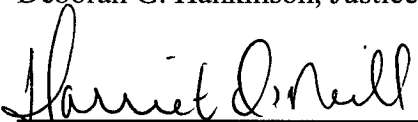

Craig T. Eroch, Justice

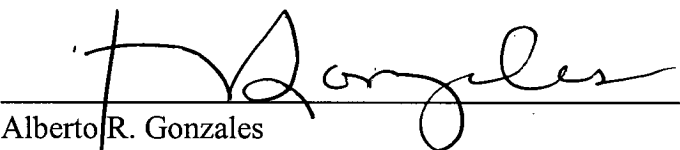

Priscilla R. Owen, Justice


James A. Baker, Justice


Greg Abbott, Justice


Deborah G. Hankinson, Justice


Harriet O'Neill


Alberto R. Gonzales

5577

FEB - 2 2000

LOCAL RULE ON TEXAS PARENTAL NOTIFICATION ACT

1:52
RUBY COOPER, DISTRICT CLERK
By [Signature] Deputy

All matters filed under Ch. 33, Tx Fam Code, known as the "Parental Notification Act" shall be handled in a manner consistent with the rules set forth in said Act and the Tx Rules of Civil Procedure, except that the following local rule shall govern the assignment of courts and filings:

A. No Identification of Minor Any petition filed under this Act shall be styled "In the Interest of Jane Doe". No computer or data entry shall identify the minor applicant otherwise. All files shall be sealed by the clerk upon filing and shall be available only as provided in the Act.

B. Filing All petitions under this Act shall be filed in the District Clerk's office. The clerk shall alternate assignment of filings between the following Courts: 124th District Court, 188th District Court, 307th Family District Court, and County Court at Law. Prior to assigning a cause, the clerk shall verify that the judge of that court is present in the county. In the event that none of the judges listed above are available in the county, the case may be assigned to the County Court, if that judge is present in the county. The clerk must immediately notify said judge of the filing, so that appropriate appointments of counsel and hearing may be set.

C. Instructions and Forms The clerk shall make available upon inquiry copies of the "INSTRUCTIONS FOR APPLYING TO THE COURT FOR A WAIVER OF PARENTAL NOTIFICATION" and the Forms attached hereto as Exhibit A.

Adopted this 27 day of January, 2000.

[Signature]
Judge, 124th District Court

[Signature]
Judge, 188th District Court

[Signature]
Judge, 307th District Court

[Signature]
Judge, County Court at Law

[Signature]
County Judge Gregg County

INSTRUCTIONS FOR APPLYING TO THE COURT FOR A WAIVER OF PARENTAL NOTIFICATION

(Form 1A)

Your situation and the law

If you are younger than 18 and have not been legally "emancipated," you are "unemancipated," which means that you are legally under the custody or control of your parent(s), managing conservator, or guardian. (A "managing conservator" is a parent, other adult, or agency appointed by a court to have custody or control of you.)

If you are pregnant, unemancipated, and younger than 18, you cannot get an abortion in Texas unless:

- your doctor first informs your parent(s), managing conservator, or guardian at least 48 hours before you can have an abortion,

or unless

- a judge issues an order that "waives," or removes, the requirement that you must let your parent(s), managing conservator, or guardian know about your planned abortion.

How to get a waiver of parental notification

• Fill out the application

To get a court order waiving the requirement that you tell your parent(s), managing conservator, or guardian about your planned abortion, you or someone acting on your behalf must complete Forms 2A and 2B, *Confidential Application for Waiver of Parental Notification*. Form 2A is the "Cover Page" for the Application; it requests basic information about why you are seeking the order. Form 2B is the "Verification Page," which requests information about you.

On the Verification Page, you will be asked to tell the court how you may be contacted quickly and confidentially. It is very important that you provide this information because the court may later need to contact you about your application. If you cannot be

contacted, your application will be denied. You may list a phone, pager, beeper, or fax number, or other way that you can be contacted. You can but need not give your own number — instead, you can ask the court to contact you through someone who is helping you or acting on your behalf. You may also list a second person who may be contacted on your behalf.

You or someone acting on your behalf must deliver the forms to the clerk in the district court, county court-at-law, county court, or probate court to be filed. The court clerk can help you complete and file the application, and can help you get a hearing on your request. However, the clerk cannot give you legal advice or counsel you about abortion.

All of the information you put on the application is confidential. You do not have to pay a fee to file this application.

• Your hearing

The court will tell you when to come to the courthouse for your "hearing." In your hearing, you will meet with a judge to discuss your request. The court will hold your hearing within two days (not counting weekends and holidays) after you file your application.

After you file your application, the court will appoint a person to meet with you before the hearing and help the judge decide your application. The person is called a "guardian ad litem." In your application you may ask the court to appoint someone you want to be your guardian ad litem (who can be a relative, clergy, counselor, psychiatrist or psychologist, or other adult), but the court is not required to appoint this person.

You must have a lawyer with you at your hearing. You may hire your own lawyer, or you may ask the court to appoint one to represent you for free. The person appointed to be your lawyer might also be appointed to be your guardian ad litem.

• Keeping it confidential

Your hearing will be confidential and private. The only persons allowed to be there are you, your guardian ad litem, your lawyer, court staff, and any person whom you request to be there.

You already know that your application stays confidential. So will everything from your hearing: all testimony, documents and other evidence presented to the court, and any order given by the judge. The court will keep everything sealed. No one else can inspect the evidence.

• The court's decision

The court must "rule" — issue a decision on your application — before 5:00 p.m. on the second day after the day you filed your application, not counting weekends and holidays.

If the court fails to rule within that time, it counts as an "OK" to you — it is an automatic waiver of the requirement that you inform your parent(s), managing conservator, or guardian about your planned abortion. If this happens, you can get a certificate from the court clerk that says that your request is "deemed granted," which means that your application was approved.

If the court *does* rule within the required time, the court issues an order that does one of the following four things:

(1) Approves your request because the court finds that you are mature enough and know enough to choose on your own to have an abortion;

(2) Approves your request because it is in your best interests to *not* notify your parent(s), managing conservator, or guardian before getting the abortion;

(3) Approves your request because notifying your parent(s), managing conservator, or guardian before getting the abortion may lead to physical, sexual, or emotional abuse of you; or

(4) Denies your request because the court does not find (1), (2) or (3).

If you claim that you have been or may be sexually abused, the court must treat your claim as a very serious matter and may be required to refer it to the

police or other authorities for investigation.

• Appealing the court's decision

If the court denies your request, you may ask another court to hear your case. This request is called an "appeal," and the new court will be the Court of Appeals.

To appeal the first court's decision, have your own lawyer or your court-appointed lawyer fill out Form 3A, *Notice of Appeal in Parental Notification Proceeding*. The lawyer must file it with the clerk of the court that denied your request for a waiver of parental notification.

You will *not* have to go to the Court of Appeals. Instead, the Court of Appeals will review the written record and will issue a written ruling on your appeal no later than 5:00 p.m. on the second day after the day you file the *Notice of Appeal*, not counting weekends and holidays.

The Court of Appeals will provide its ruling to you, the lawyer, your guardian ad litem, or any other person designated by you to receive the ruling.

The same guardian ad litem and lawyer who helped you with your first hearing can help with your appeal.

• Getting the forms you need

Forms 2A and 2B, the Cover Page and Verification Page to the *Confidential Application for Waiver of Parental Notification*, and Form 3A, *Notice of Appeal in Parental Notification Proceeding*, should all be attached to these instructions.

If these forms are not attached to these instructions, you can get them from the clerk of the district, county court-at-law, county, or probate court or Court of Appeals. These forms are also available on the Texas Judiciary Internet website at www.courts.state.tx.us.

Attention Clerk: Please Expedite

Confidential Application for Waiver of Parental Notification: Cover Page (Form 2A)

As prescribed by the Clerk of the Supreme Court of Texas pursuant to Tex. Fam. Code § 33.003(m).

(Do not complete this section. Court staff will complete this section.)

CAUSE NO. _____

IN RE JANE DOE

IN THE _____

_____ COUNTY, TEXAS

Important: Your Application has two parts: (1) this cover sheet (Form 2A), which asks for basic information about your application; and (2) a separate verification page (Form 2B), which asks for information about you and for you to swear to the truth of everything you say in the cover sheet and verification page. You or someone acting on your behalf must complete both of these forms. If you are completing this application for a minor, remember that "I" or "my" refers to the minor rather than to you.

1. I ask the court for an order that allows me to have an abortion without first telling my parent(s), managing conservator, or guardian before I have an abortion. I swear or affirm that **(place a check mark in all the blanks for which you answer "yes")**:

_____ I am pregnant.

_____ I am unmarried and younger than 18 years of age.

_____ I do not have an order from a Texas court that gives me the same legal rights and responsibilities as an adult.

2. I request this order for one of the following reasons **(place a check mark beside any that apply)**:

_____ I am mature enough to decide to have an abortion without telling my parent(s), managing conservator, or guardian. I also know enough about abortion to make this decision.

Please continue to the next page.

Telling my parent(s), managing conservator, or guardian that I want an abortion is not in my best interest.

Telling my parent(s), managing conservator or guardian that I want an abortion may lead to physical or emotional abuse of me.

Telling my parent(s), managing conservator or guardian that I want an abortion may lead to sexual abuse of me.

3. Please check one of the following statements:

I do **not** have a lawyer. (The court will appoint one for you).

I have a lawyer, who is:

Lawyer's name: _____

Lawyer's address: _____

Lawyer's phone: _____

4. The court must appoint a "guardian ad litem" for you. A guardian ad litem meets with you before the hearing and helps the judge decide your application. Please state whether you want the court to appoint someone you know as your guardian ad litem. This person could be a relative, a member of the clergy, a counselor, a psychiatrist or psychologist, or other adult, or your lawyer. You do not have to ask the court to appoint someone you know. Keep in mind that the court may appoint the person you request, but it does not have to.

I am requesting that the court appoint someone I know as my guardian ad litem (you will identify this person on your verification page)

I am not requesting the court to appoint someone I know as my guardian ad litem. (The court will appoint someone it chooses).

5. Please state whether you have filed a Confidential Application for Waiver of Parental Notification other than this one.

I have filed another Confidential Application for Waiver of Parental Notification.

I have **not** filed another Confidential Application for Waiver of Parental Notification.

(End of Cover Page)

CAUSE NO. _____
(Do not fill in the blank above. Court staff will fill in the blank.)

**Confidential Application for Waiver of Parental Notification:
Verification Page
(Form 2B)**

As prescribed by the Clerk of the Supreme Court of Texas pursuant to Tex. Fam. Code §33.003(m)

Important: Your Application has two parts: (1) this cover sheet (Form 2A), which asks for basic information about your application; and (2) a separate verification page (Form 2B), which asks for information about you and for you to swear to the truth of everything you say in the cover sheet and verification page. You or someone acting on your behalf must complete both of these forms. If you are completing this application for a minor, remember that "I" or "my" refers to the minor rather than to you.

1. If you are requesting the court to appoint someone you know as your guardian ad litem (*see* Question 4 on the Cover Sheet, Form 2A), please identify them:

Name: _____ Relationship: _____
Address: _____ Phone: _____

2. If you do not have a lawyer, please complete the two blanks below. Tell us how the court, the lawyer appointed by the court, and the guardian ad litem appointed by the court can quickly contact you. If you cannot be contacted, your application will be denied. You can choose to be contacted by telephone, pager/beeper, or any other method by which you can be contacted immediately and confidentially. You do not have to give us your own telephone number, and you can have us contact someone else who helps you.

Person to be contacted (you or another person) Another person to be contacted (optional)

Phone/pager/beeper/fax number(s) Phone/pager/beeper/fax number(s)

Important: Please sign your name in the blank below. You must sign your name before a notary public, court clerk, or other person authorized to give oaths.

I swear or affirm that the information in my Application (both the Cover Sheet and this Verification Page) is true and correct.

Signature of minor or other person
completing this form

Full name of minor printed or typed
(if minor is not person completing this form)

Name of person completing this form printed or typed

Minor's date of birth

Sworn to or affirmed in my presence this _____ day of _____, _____.

Notary Public, Clerk or other person authorized to give oaths

**REQUEST TO POSTPONE TRIAL COURT HEARING
IN PARENTAL NOTIFICATION PROCEEDING;
DESIGNATION OF ALTERNATIVE TIME FOR HEARING
(Form 2C)**

CAUSE NO. _____

IN RE JANE DOE

IN THE _____

_____ COUNTY, TEXAS

Please check and complete any questions below that apply:

_____ I request that the court postpone its hearing on my application. The hearing currently is due to be held on or by _____ at _____ a.m./p.m.

_____ Please rule on my application by 5 p.m. on the second business day after (please state a date after which you will be ready to have the hearing): _____. The clerk will notify you concerning the specific time of the hearing.

_____ I will contact you at a later time to determine a time for the hearing.

Attorney's Signature: _____

Attorney's Name, Printed: _____

Attorney's State Bar No.: _____

Attorney's Address: _____

Attorney's Telephone: _____

Attorney's Fax No.: _____



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

CLERK
JOHN T. ADAMS

JUSTICES

NATHAN L. HECHT
CRAIG T. ENOCH
PRISCILLA R. OWEN
JAMES A. BAKER
GREG ABBOTT
DEBORAH G. HANKINSON
HARRIET O'NEILL
ALBERTO R. GONZALES

EXECUTIVE ASS'T
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T
JIM HUTCHESON

ADMINISTRATIVE ASS'T
NADINE SCHNEIDER

February 16, 2000

Hon. Alvin G. Khoury
Admin. Judge and Judge
124th District Court
101 E. Methvin, Suite 447
Longview, Texas 75601-7213

Dear Judge Khoury,

Please find enclosed, a copy of the order of the Supreme Court that approved local rules for the courts of Gregg County.

Sincerely,

SIGNED

John T. Adams
Clerk

Encl.

cc: Hon. Pat McDowell
1st Admin Judicial Rgn

188th District Court

307th District Court

County Court at Law

County Judge

District Clerk

County Clerk

Supreme Court Adv Committee

State Law Library