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June 27, 2005

Tom Hall, Clerk of the Court
Florida Supreme Court
500 South Duval Street
Tallahassee, FL 32399

Re: Rule of Court Procedure for Judicial By-pass of Parental Notification of Intended
Abortion

Dear Mr. Hall:

During the annual meeting of The Florida Bar, the Juvenile Court Rules Committee discussed a proposed Rule of procedure, and Form regarding the judicial by-pass procedures for a young woman who does not wish to notify her parent or legal guardian of her intent to undergo an abortion. The Rules Committee voted to send this communication to the Court, together with proposed Rule and Form language, and expressing our concerns in this regard. The Committee does not believe that, at least without direction from the Court, the attached proposed Rule should be submitted as an intended Juvenile Rule of Procedure. The draft language we are sending along with this letter is solely intended as a courtesy to the Court, and not as a request for the Court to adopt the enclosed as a Rule of Juvenile Procedure. The Committee believes the court process should be sent to either the Circuit Civil or Family Law divisions of the Circuit Courts; however, we will abide by the Court's wishes, should the Court determine this procedure belongs in the Juvenile division of the courts.

The Committee is very concerned about the privacy of the young woman's court pleadings. While the Juvenile division offers the most privacy available without additional legislative or court direction, nonetheless, pleadings filed in Juvenile court may be viewed by the parents (if prior to Termination of Parental Rights) and the staff of the department and community-based care agency, if involved in a young woman's pre-existing case. If the Court believes the legislature intended the pleadings should remain confidential, any proposed rule will need to include this requirement.

The Committee is also concerned about the legislative intent to require the court to rule on the young woman's petition within 48 hours. Both the Juvenile Rules (Rules 8.180 and 8.240) and the Civil Rules (Rule 1.090) compute any time standards that are less than 7 days as excluding intermediate Saturdays, Sundays and legal holidays. If this Court believes the Legislature meant a 48 hour period not to be enlarged by the Rules, then this will need to be made explicit in the appropriate "computation of time" rule in the Rules of whichever division the Court directs to consider these matters.

Tom Hall
June 27, 2005

It is our understanding, from Ellen Sloyer, our Bar Staff liaison, that neither the Family Law Rules Committee nor the Civil Procedure Rules Committee took up this issue during their recent meetings.

The Juvenile Rules Committee will work diligently on any proposal the Court may choose to return to us for comment.

We hope our work will be helpful to the Court.

Very truly yours,

DAS/wp
Enclosures

Deborah A. Schroth
Outgoing Chair, Juvenile Court Rules Committee

cc:

Alan Abramowitz
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Daytona Beach Florida 321143269
Incoming Chair, Juvenile Court Rules Committee

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Chair, Civil Procedure Rules Committee

Hon. John Alexander
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Chair, Family Law Rules Committee

Ellen Sloyer, Bar Staff