

# INSTRUCTIONS FOR OBTAINING JUDICIAL BYPASS OF PARENTAL NOTIFICATION REQUIREMENTS CONCERNING ABORTIONS FOR MINORS

These standard instructions are for informational purposes only and do not constitute legal advice about your case.

## GENERAL INFORMATION

If you are under the age of 18 and you want to have an abortion, your doctor must first inform your parent(s) (which would include any court-appointed guardian or foster parent(s) you may have), UNLESS:

1. You are at least 15 years old, don't live with your parents, guardian or foster parent and financially support and take care of yourself (in other words, you are "emancipated");
  2. You are married and you don't live with your parent(s), guardian or foster parent;
  3. You have been abused by a parent, guardian or foster parent and you tell your doctor or nurse about it. The doctor or nurse will be required by law to report your name and other information to law enforcement once you tell them you have been abused; or
  4. The doctor decides there is a medical emergency that has to do with your pregnancy and that you must have an abortion immediately.
  5. A court has determined you are mature enough to make the decision to have an abortion without letting your parent(s), guardian or foster parent know, or alternatively, that it is in your best interest not to let them know. THIS IS CALLED "JUDICIAL BYPASS OF THE PARENTAL NOTIFICATION REQUIREMENTS." THE PROCEDURES FOR A JUDICIAL BYPASS ARE OUTLINED IN THESE INSTRUCTIONS. IT INVOLVES ASKING A COURT FOR PERMISSION TO HAVE AN ABORTION WITHOUT TELLING YOUR PARENT(S), GUARDIAN OR FOSTER PARENT.
- ◆ If you do not want to tell your parent(s), guardian or foster parent of your decision to have an abortion, you may file a Petition in any district court of the State of Colorado or Denver Juvenile court by using the [Petition form](#). You are entitled to get a decision from the court on your petition within four calendar days of the day the petition is filed.
  - ◆ You may ask that the Court give you a lawyer for free. The lawyer would represent you and help explain to the Court that you are mature enough to make your decision on your own without telling your parent(s), guardian, or foster parent and/or that it would not be in your best interest to tell. If the judge appoints a lawyer for you, you should contact the lawyer immediately.
  - ◆ It does not cost anything to file a Petition with the Court. You also do not have to pay the lawyer or guardian ad litem, if one is appointed to you.
  - ◆ The process outlined in these instructions is private and confidential. No one can find out from the court that you filed a petition and the people working at the courthouse are not allowed to tell your parent(s), guardian or foster parent.
  - ◆ The Court must hear and decide your request within four calendar days of the day the petition is filed at the courthouse. If the Court does not make a decision within four days, you are entitled to an automatic order granting the petition and allowing you to have the abortion without telling your parent(s), guardian or foster parent.
  - ◆ If the Court allows you to have the abortion without telling your parent(s), guardian or foster parent, and you have provided the Court with the name and address of your doctor in your petition, the Court will send your doctor a certified copy of the Order. The Court Order is what allows the doctor to perform the abortion.
  - ◆ If the Court decides you cannot have the abortion without telling your parent(s), guardian or foster parent, you may ask a higher level court, the Colorado Court of Appeals, to give you permission. You, or someone on your behalf, would need to file a Notice of Appeal with the Colorado Court of Appeals and also give a copy to the district court. You should receive a copy of the notice of appeal form from the district court if it denies your Petition.

- ◆ If the Court of Appeals denies your appeal and does not allow you to have the abortion without telling your parent(s), guardian or foster parent, you may ask the Colorado Supreme Court which may or may not agree to hear a further appeal. You can file your request for free in the form of a letter to the Supreme Court, attaching a copy of the Court of Appeals order. To keep it private, you should file it in a sealed envelope marked "CONFIDENTIAL."
- ◆ For additional information, please review §12-37.5-105, C.R.S.
- ◆ If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website:  
<http://www.courts.state.co.us/chs/court/ada/coordinators.htm>

## COMMON TERMS

- ⊗ Petition: Document officially starting the Judicial Bypass process. The petition may be filed by you (the minor) by yourself, by your attorney, if you have one, or by someone else on your behalf.
- ⊗ Petitioner: The minor, you, or someone acting on your behalf.
- ⊗ May: In legal terms, "may" is defined as "optional" or "can".
- ⊗ Shall: In legal terms, "shall" is defined as "required".

## FEES

The proceedings are free. No filing fee or any other court fees or costs may be assessed against you.

## FORMS:

To access a form online go to [www.courts.state.co.us](http://www.courts.state.co.us) and click on the "Self-Help Center". The packet/forms are available in PDF or WORD by selecting "Judicial Bypass" under Juvenile". You may complete a form online or you print it and type or print legibly in black ink.

- JDF 11 Petition for Waiver of Parental Notification Requirements
- JDF 12 Setting Notice
- JDF 15 Notice of Appeal

## STEPS TO PROCESSING YOUR PETITION

### Step 1: File the Petition.

- Complete the Petition and caption of the Setting Notice.
- Arrange for both documents to be delivered by yourself or someone on your behalf to the district court clerk of court's office at the courthouse.

### Step 2: Get a Hearing Date.

- The court clerk will give your petition to the judge and then let you know the date, time and location for the hearing.
- The Court is required to give you a hearing date that is within four calendar days of the day the Petition is filed. If you have asked for a lawyer or guardian ad litem, tell the clerk when the petition is filed.

### Step 3: Attend the Hearing.

- Be prepared for your hearing and arrive on time.

- You may be asked questions by the court about your maturity and/or why it is not in your best interest to tell your parent(s), guardian or foster parent about your decision to have an abortion.
- You may bring witnesses to testify on your behalf.

**Step 4: Await a Decision – Four-Day Decision Deadline.**

- If your Petition is granted, you will get an Order stating such which you can take to your doctor to get the abortion.
- By law, your Petition shall be heard and decided within four calendar days of the day you filed it. If the Court does not hear and decide your petition within four days, you are entitled to an immediate order which grants your petition.
- If your Petition is denied, you will be provided with an Order stating such and a copy of the Notice of Appeal form you will need to file with the Colorado Court of Appeals if you want that court to review the decision.
- If the Court does not make a decision at the hearing, the clerk will need to send you a copy of the court's decision. There is a place on the petition form for you to tell the court how to send it to you. One option is to have the clerk place a certified copy of the Order in your court file for you or someone acting on your behalf to pick up at the courthouse.
- If you do not receive any document from the Court within four calendar days of the day your papers were filed, you should contact the court's clerk to find out why.