

**RULE CHANGE 2020(02)**  
**RULES OF PROCEDURE FOR JUDICIAL BYPASS OF PARENTAL NOTIFICATION**  
**REQUIREMENTS**

**Rules 1, 2, and 3 and JDF 11**

# **RULES OF PROCEDURE FOR JUDICIAL BYPASS OF PARENTAL NOTIFICATION REQUIREMENTS**

## **Rule 1. Applicability**

This rule applies to proceedings instituted pursuant to Section ~~123-37.522-1707~~(12)(g), C.R.S. which allows for judicial bypass of the parental notification requirements set forth in the Colorado Parental Notification Act, Sections ~~1312-2237.5-1701~~, *et seq.* concerning abortions to be performed on unemancipated minors.

## Rule 2. Petition for Waiver of Parental Notification Requirements

(a) [NO CHANGES]

(b) Expedited Proceedings. Court proceedings under this rule shall be given preference over other pending matters and shall be heard and decided as soon as practicable but in no event later than four calendar days after the petition was filed. If the court fails to act within four calendar days, the court in which the proceeding is pending shall immediately issue an order setting forth that the parental notification requirements have been dispensed with by operation of law, pursuant to Section ~~123-37.522-1707~~(~~12~~)(f), C.R.S.

(c) – (e) [NO CHANGES]

(f) Grounds for waiver. In review of the petition, the court shall enter an order dispensing with the notice requirements of Section ~~1213-37.522-1704~~, C.R.S. if:

- (1) the court determines, by clear and convincing evidence, that the minor is sufficiently mature to decide whether to have an abortion; or
- (2) the court determines, by a preponderance of the evidence, that the giving of parental notice would not be in the best interest of the minor.

(g) – (h) [NO CHANGES]

### **Rule 3. Appeal to The Court of Appeals**

(a) – (b) [NO CHANGES]

(c) Decision. A decision shall issue no later than five calendar days after the notice of appeal was filed. If no decision is rendered within five days, the court shall immediately issue an order setting forth that the parental notification requirements have been dispensed with by operation of law, pursuant to Section ~~123-37.522-1707~~(12)(f), C.R.S. A certified copy of any order issued shall be provided to the minor by the method requested in the petition, the minor's attorney, if represented, and the guardian ad litem, if one has been appointed. A certified copy of the order also shall be provided to the attending physician of the minor, as set forth in the petition.

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address:  <hr/> <b>IN THE MATTER OF THE PETITION OF:</b>  _____ [Name of Minor]  <b>For a Waiver of Parental Notification Requirements Concerning an Abortion</b>		▲ <b>COURT USE ONLY</b> ▲
Attorney, if Minor Represented (Name and Address):  Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		Case Number:  Division _____ Courtroom _____
<b>PETITION FOR WAIVER OF PARENTAL NOTIFICATION REQUIREMENTS OF §<del>1213-37-522-104</del>704, C.R.S.</b>		

The Petitioner, a minor, states:

1. I am \_\_\_ years old.
2. I am approximately \_\_\_ weeks pregnant and desire to terminate the pregnancy by abortion.
3. I want to have the abortion without telling my parent(s), guardian or foster parent.
4. I am  am not  married.
5. I do  do not  financially support myself.
6. I live with my:
  - parent(s)
  - guardian
  - foster parent(s)
  - relative: \_\_\_\_\_ (state relationship)
  - other: \_\_\_\_\_ (state relationship)
7. I have  have not  been informed about the risks and consequences of having the abortion.
8. (Check one or both):
  - I believe I am mature enough to decide on my own to have an abortion without telling my parent(s), guardian or foster parent.
  - It would not be in my best interest to tell my parent(s), guardian or foster parent of the abortion.
9. The name, business address and telephone number of the clinic or doctor who would perform the abortion are (this information is optional if you want to have the court's decision sent directly to the clinic or doctor):  
\_\_\_\_\_  
\_\_\_\_\_
10.  I ask the Court to appoint a lawyer to represent me at no cost to me.

I have a lawyer and ask the Court to appoint that person to continue to represent me. My lawyer's name, business address, telephone and fax numbers are: \_\_\_\_\_

I do not want to be represented by a lawyer.

11. I understand that the court proceedings and my court file are confidential and cannot be disclosed to anyone, including my parent(s), guardian or foster parent.

12. The Court can let me know of any Court proceedings or decisions in the following way:

Via Fax: # \_\_\_\_\_; Attn: \_\_\_\_\_

Via Telephone: # \_\_\_\_\_; Attn: \_\_\_\_\_

Via E-mail: \_\_\_\_\_

Via Beeper or Pager # \_\_\_\_\_

Via First Class Mail: \_\_\_\_\_

Via My Attorney

13. I ask that the Court provide me with a certified copy of the court's order in the following way (check one):

Via First Class Mail: \_\_\_\_\_

Via My Attorney

Via the Court File for pickup by me or \_\_\_\_\_ who has my permission to pick up the certified copy on my behalf from the court file at the courthouse

14. The best days and times for me to come to court are:

\_\_\_\_\_  
\_\_\_\_\_

**WHEREFORE, I request to the Court enter an order allowing me to have the abortion without telling my parent(s), guardian or foster parent.**

Respectfully submitted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of Minor

\_\_\_\_\_  
Signature of Attorney, if Petitioner is represented

# **RULES OF PROCEDURE FOR JUDICIAL BYPASS OF PARENTAL NOTIFICATION REQUIREMENTS**

## **Rule 1. Applicability**

This rule applies to proceedings instituted pursuant to Section 13-22-707(1)(g), C.R.S. which allows for judicial bypass of the parental notification requirements set forth in the Colorado Parental Notification Act, Sections 13-22-701, *et seq.* concerning abortions to be performed on unemancipated minors.

## **Rule 2. Petition for Waiver of Parental Notification Requirements**

(a) [NO CHANGES]

(b) Expedited Proceedings. Court proceedings under this rule shall be given preference over other pending matters and shall be heard and decided as soon as practicable but in no event later than four calendar days after the petition was filed. If the court fails to act within four calendar days, the court in which the proceeding is pending shall immediately issue an order setting forth that the parental notification requirements have been dispensed with by operation of law, pursuant to Section 13-22-707(1)(f), C.R.S.

(c) – (e) [NO CHANGES]

(f) Grounds for waiver. In review of the petition, the court shall enter an order dispensing with the notice requirements of Section 13-22-704, C.R.S. if:

- (1) the court determines, by clear and convincing evidence, that the minor is sufficiently mature to decide whether to have an abortion; or
- (2) the court determines, by a preponderance of the evidence, that the giving of parental notice would not be in the best interest of the minor.

(g) – (h) [NO CHANGES]



### **Rule 3. Appeal to The Court of Appeals**

(a) – (b) [NO CHANGES]

(c) Decision. A decision shall issue no later than five calendar days after the notice of appeal was filed. If no decision is rendered within five days, the court shall immediately issue an order setting forth that the parental notification requirements have been dispensed with by operation of law, pursuant to Section 13-22-707(1)(f), C.R.S. A certified copy of any order issued shall be provided to the minor by the method requested in the petition, the minor's attorney, if represented, and the guardian ad litem, if one has been appointed. A certified copy of the order also shall be provided to the attending physician of the minor, as set forth in the petition.

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Juvenile Court _____ County, Colorado Court Address:  <hr/> <b>IN THE MATTER OF THE PETITION OF:</b>  _____ [Name of Minor]  <b>For a Waiver of Parental Notification Requirements Concerning an Abortion</b>		▲ <b>COURT USE ONLY</b> ▲
Attorney, if Minor Represented (Name and Address):  Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		Case Number:  Division _____ Courtroom _____
<b>PETITION FOR WAIVER OF PARENTAL NOTIFICATION REQUIREMENTS OF §13-22-704, C.R.S.</b>		

The Petitioner, a minor, states:

1. I am \_\_\_ years old.
2. I am approximately \_\_\_\_ weeks pregnant and desire to terminate the pregnancy by abortion.
3. I want to have the abortion without telling my parent(s), guardian or foster parent.
4. I am  am not  married.
5. I do  do not  financially support myself.
6. I live with my:
  - parent(s)
  - guardian
  - foster parent(s)
  - relative: \_\_\_\_\_ (state relationship)
  - other: \_\_\_\_\_ (state relationship)
7. I have  have not  been informed about the risks and consequences of having the abortion.
8. (Check one or both):
  - I believe I am mature enough to decide on my own to have an abortion without telling my parent(s), guardian or foster parent.
  - It would not be in my best interest to tell my parent(s), guardian or foster parent of the abortion.
9. The name, business address and telephone number of the clinic or doctor who would perform the abortion are (this information is optional if you want to have the court's decision sent directly to the clinic or doctor):  
\_\_\_\_\_  
\_\_\_\_\_.
10.  I ask the Court to appoint a lawyer to represent me at no cost to me.

I have a lawyer and ask the Court to appoint that person to continue to represent me. My lawyer's name, business address, telephone and fax numbers are: \_\_\_\_\_

I do not want to be represented by a lawyer.

11. I understand that the court proceedings and my court file are confidential and cannot be disclosed to anyone, including my parent(s), guardian or foster parent.

12. The Court can let me know of any Court proceedings or decisions in the following way:

Via Fax: # \_\_\_\_\_; Attn: \_\_\_\_\_

Via Telephone: # \_\_\_\_\_; Attn: \_\_\_\_\_

Via E-mail: \_\_\_\_\_

Via Beeper or Pager # \_\_\_\_\_

Via First Class Mail: \_\_\_\_\_

Via My Attorney

13. I ask that the Court provide me with a certified copy of the court's order in the following way (check one):

Via First Class Mail: \_\_\_\_\_

Via My Attorney

Via the Court File for pickup by me or \_\_\_\_\_ who has my permission to pick up the certified copy on my behalf from the court file at the courthouse

14. The best days and times for me to come to court are:

\_\_\_\_\_  
\_\_\_\_\_

**WHEREFORE, I request to the Court enter an order allowing me to have the abortion without telling my parent(s), guardian or foster parent.**

Respectfully submitted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of Minor

\_\_\_\_\_  
Signature of Attorney, if Petitioner is represented

**Amended and Adopted by the Court, En Banc, March 5, 2020, effective immediately.**

**By the Court:**

**Richard L. Gabriel  
Justice, Colorado Supreme Court**