

Form DC-502(A)		Form DC-502(A)
Form DC-502(B)		Form DC-502(B)
Form DC-502(C)	PROCEEDINGS IN PETITIONS FOR	Form DC-502(C)
Form DC-502(D)	JUDICIAL AUTHORIZATION OF ABORTION	Form DC-502(D)
Form DC-502(E)		Form DC-502(E)

Using These Form

These forms have been created to implement procedures for a petition seeking judicial authorization for an abortion without parental notification. Virginia Code § 16.1-241(V).

All papers and hearings in these matters are confidential. No one is entitled to see these files except the petitioner, her counsel and guardian *ad litem*. No notice of hearing is sent to the parents of any juvenile filing the petition under this section.

The Juvenile and Domestic Relations District Court must hear these cases not later than four days after the filing of the petition. Specific forms have been developed to deal with each phase of the proceedings in the district court. An order denying judicial authorization of an abortion may be appealed to the circuit court of the jurisdiction.

Using This Form

1. Copies
 - a. Original – to court.
 - b. First copy – to petitioner, after completion of Data Element Nos. 13-17
 - c. Second copy – to petitioner’s counsel.
 - d. Third copy – to guardian *ad litem*.
2. Attachments – none.
3. Prepared by
 - a. *Pro se* petitioner at intake and by intake officer, and filed with clerk.
 - b. Petitioner and counsel for the petitioner and filed with clerk.
 - c. Clerk/Intake officer completes Data Element Nos. 11-17.

NOTE: This is a master form and copies must be made by photocopying.

PETITION FOR JUDICIAL AUTHORIZATION OF ABORTION Case No. 1
Commonwealth of Virginia
VA. CODE § 16.1-241(V) Hearing date and time 2

PLEASE NOTE: All papers and hearings in this matter are confidential.

3 Juvenile and Domestic Relations District Court
In re a petitioner under eighteen years of age:

4
PETITIONER'S NAME
5 5 5
CONTACT TELEPHONE NUMBER (OPTIONAL) DATE OF BIRTH AGE

I, the undersigned, request this court to authorize a physician to perform an abortion pursuant to Va. Code § 16.1-241(V). I verify that the information given above is correct, and that I have elected not to seek consent of an authorized person as defined in Va. Code § 16.1-241(V).

6 7
DATE PETITIONER'S SIGNATURE

Sworn/affirmed and signed before me on

8 9
DATE
[] CLERK [] DEPUTY CLERK [] INTAKE OFFICER
[] NOTARY PUBLIC (My commission expires:)

Filed by: [] Petitioner with Intake Officer
[] Counsel for Petitioner 10
SIGNATURE OF COUNSEL

Date and time Petition filed: 11 12
[] CLERK [] DEPUTY CLERK [] INTAKE OFFICER

HEARING DATE

A hearing on this petition has been set for 13 at _____ m.,
DATE TIME

in the 14 Juvenile and Domestic Relations District Court

15
ADDRESS AND COURTROOM COURT TELEPHONE NUMBER

16 17
DATE [] CLERK [] DEPUTY CLERK [] INTAKE OFFICER

ACKNOWLEDGMENT OF HEARING DATE AND TIME

- I understand that a hearing on this petition has been scheduled as noted above.
- I acknowledge that I have received a copy of this petition and notice of hearing in person on this date. I waive all other forms of notice for hearing on this date.

18 19
DATE PETITIONER'S SIGNATURE
20
SIGNATURE OF COUNSEL FOR THE PETITIONER

Data Elements

To be completed by clerk:

1. Court case number.
2. Hearing date and time.
3. Court jurisdiction.
4. Petitioner's name.
5. Petitioner's current telephone number, date of birth, and age.
Telephone number is clearly marked as an optional data field. A petitioner should not be required to complete this data field.
6. Date petition is signed by petitioner.
7. Petitioner's signature

To be completed by person administering oath:

8. Date of affirmation.
9. Signature of person administering oath. Notary public should show date commission expires.

To be completed by clerk or intake officer:

10. Check appropriate title box. If filed by an attorney for the petitioner, attorney's signature.
11. Date and time petition filed with clerk/intake officer.
12. Signature of clerk/intake officer.
13. Date and time of hearing on the petition.

To be completed by clerk or intake officer (con'd):

14. Name of court that will hear the case.
15. Address and telephone number of court and specific courtroom in which hearing will be held, if known at the time of the filing of the petition.
16. Date on which hearing is set.
17. Signature of clerk/intake officer who tells petitioner of hearing date and time.
18. Date on which petitioner acknowledges receipt of a copy of the petition and of the notice of hearing.
19. Petitioner's signature.
20. Counsel's signature, if applicable.

Using This Form

This form was created to provide a quick, effective method for conveying to the petitioner her right to counsel in petitions filed pursuant to Virginia Code § 16.1-241(V).

This form may be pre-signed by the judge if local policy permits, so that the clerk or intake officer may review the information with the petitioner.

1. Copies (This is a master form and copies are to be made by photocopying.)
 - a. Original – to court.
 - b. First copy – to petitioner.
2. Signed by judge and by petitioner.
3. Attachments – none.
4. Preparation details

Because of the short time period involved in cases brought pursuant to Virginia Code § 16.1-241(V), all preparation should be expedited. It is recommended that courts develop a written policy regarding the ability of the clerk's office or the intake officer to review this form with the petitioner, when pre-signed by the judge, in those instances where a judge is not available to advise the petitioner at the time the petition is filed.

ADVISEMENT OF YOUR RIGHT TO COUNSEL

Commonwealth of Virginia
Va. Code § 16.1-241(V)

Case No. 1

Hearing date and time 2

PLEASE NOTE: *All papers and hearings in this matter are confidential.*

3 Circuit Court
 Juvenile and Domestic Relations District Court

In re: 4 PETITIONER'S NAME, a Petitioner under eighteen years of age

TO THE PETITIONER:

You have filed a petition asking for a judge to authorized a physician to perform an abortion to terminate your pregnancy, without the physician having to obtain consent from a parent, legal guardian or custodian, or other person with whom you regularly reside, as the law would otherwise require.

The Court is required to advise you that you have the right to be represented by a lawyer in this case. You may retain a lawyer or, if you request it, the Court will appoint a lawyer to represent you. If the Court appoints a lawyer to represent you, you will not be responsible for the lawyer's fee.

5
DATE

6
JUDGE

This statement has been read and explained to me.

7
DATE

8
PETITIONER'S SIGNATURE

Data Elements

1. Court case number.
2. Hearing date and time.
3. Court jurisdiction. Check appropriate box for type of court.
4. Petitioner's name.
5. Date of judge's signature.
6. Judge's signature. This may be pre-signed according to local policy.
7. Date that petitioner is advised of right to counsel.
8. Petitioner's signature.

Using This Form

1. Copies (This is a master form and copies are to be made by photocopying.)
 - a. Original – to court.
 - b. First copy – to petitioner.
 - c. Second copy – to court-appointed counsel.
 - d. Third copy – to guardian *ad litem*.
2. Signed by petitioner, and by judge if counsel or guardian *ad litem* is appointed.
3. Attachments – none.
4. Preparation details
 - a. This form should be completed by the petitioner after her review of form DC-502(B), ADVISEMENT OF YOUR RIGHT TO COUNSEL.
 - b. Pursuant to a local written policy, the clerk or intake officer may review this form with the petitioner. The appointment of counsel is made by the judge when he enters the order in the “Appointment of Counsel” portion of the form (Data Element Nos. 8 and 9).
 - c. Only the judge may appoint a guardian *ad litem*.
 - d. Either Data Element No. 4 or Data Element No. 5 of this form will be filled out, but not both.

**ACKNOWLEDGEMENT OF RIGHT TO COUNSEL AND
APPOINTMENT OF COUNSEL**

VA. CODE § 16.1-241(V)

Court Case No. 1

PLEASE NOTE: *All papers and hearings in this matter are confidential.*

2 Circuit Court
 Juvenile and Domestic Relations District Court

In Re 3, a Petitioner under eighteen years of age

4

**ACKNOWLEDGEMENT OF ADVISEMENT AND
REQUEST FOR APPOINTMENT OF COUNSEL**

I acknowledge that I have been informed this day of my right to representation by a lawyer in all hearings to consider my petition to have a judge authorize an abortion. I request that the Court appoint a lawyer to represent me.

4a

DATE

4b

SIGNATURE OF PETITIONER

5

**ACKNOWLEDGEMENT OF ADVISEMENT AND STATEMENT REGARDING
EMPLOYMENT OF COUNSEL**

I acknowledge that I have been informed this day of my right to representation by a lawyer in all hearings to consider my petition to have a judge authorize an abortion.

5a I have retained _____
to represent me concerning my petition.

5b I waive the right to be represented by a lawyer in the hearing held by this Court on my
petition.

5c

DATE

5d

SIGNATURE OF PETITIONER

APPOINTMENT OF COUNSEL

The Court:

6 at the request of the Petitioner, has appointed _____ as counsel for her,

7 has determined that the guardian *ad litem* should be appointed and the Court has appointed
_____ as guardian *ad litem* for the Petitioner;

8

DATE

9

JUDGE

Data Elements

1. Court case number.
2. Jurisdiction. Check box for type of court.
3. Petitioner's name.
4. Complete if appointed counsel requested by petitioner.
 - 4a. Date of request for counsel.
 - 4b. Petitioner's signature.
5. Complete if counsel retained or waived.
 - 5a. Check if counsel retained and insert name of attorney.
 - 5b. Check if right to representation is waived.
 - 5c. Date of acknowledgment/waiver.
 - 5d. Petitioner's signature.
6. Check if Data Element No. 4 is completed. Indicate name of appointed counsel.
7. Check if guardian *ad litem* is appointed and indicate name of attorney.
8. Date order signed by judge.
9. Judge's signature.

Using This Form

1. Copies (This is a master form and copies are to be made by photocopying.)
 - a. Original – to court.
 - b. First copy – attested copy of order to petitioner after entry.
 - c. Second copy – counsel for the petitioner.
 - d. Third copy – to guardian *ad litem* for petitioner.
2. Prepared by judge.
3. Attachments – none.
4. Preparation details
 - a. Data Element No. 5 should be used when granting or denying the petition after a hearing is held.
 - b. Data Element No. 6 should be used if the court fails to hold a hearing on a properly filed petition within the statutorily-required four (4) day period.
 - c. Data Element No. 7 should be used if the court dismisses the case if the petitioner fails to appear at the hearing.

ORDER IN PROCEEDING FOR JUDICIAL AUTHORIZATION OF ABORTION

Commonwealth of Virginia
Va. Code § 16.1-241(V)

Case No. 1

PLEASE NOTE: *All papers and hearings in this matter are confidential.*

2 Juvenile and Domestic Relations District Court

In re 3 a petitioner under eighteen years of age:

4
DATE OF BIRTH

4
AGE

ORDER

- 5 {
- Following a hearing held on the petition for judicial authorization of an abortion without the consent of an authorized person as defined in Virginia Code § 16.1-241(V), it is the finding of this Court that
 - The Petitioner is mature enough and well enough informed to make her abortion decision. Therefore, in consultation with her physician, independent of the wishes of any authorized person, the Petition is **GRANTED** and a physician is authorized to perform the proposed abortion on the Petitioner without the consent of an authorized person.
 - The Petitioner is not mature enough or well enough informed to make her abortion decision and, therefore, the Court has determined whether the performance of an abortion without the consent of an authorized person would be in the best interest of the Petitioner.
 - Because the Court finds that the abortion would be in the Petitioner's best interest, the petition is **GRANTED** and a physician is authorized to perform the abortion on the Petitioner without consent of an authorized person.
 - The physician must give notice of the intent to perform an abortion to an authorized person.
 - Notice to an authorized person is not required because it is not in the best interest of the Petitioner.
 - Because the Court finds that the abortion would not be in the Petitioner's best interest, the petition is **DENIED**.
- NOTICE TO THE PETITIONER:** If your petition is denied, you have the right to appeal this decision to the Circuit Court of this city or county. You must note your appeal with the Clerk of the Juvenile and Domestic Relations District Court within ten (10) days of the petition being denied. The Circuit Court will hear and decide your appeal no later than five (5) days after it is filed.
- The Court has advised the Petitioner that she has the right to a confidential appeal of the decision of this Court to deny authorization for an abortion without the consent of or without notice to an authorized person. This appeal will be heard and decided by the Circuit Court no later than five (5) days after it is filed.

OR

- 6 This Court did not act within the time period required by Virginia Code § 16.1-241(V). Therefore, a physician is **AUTHORIZED** to perform an abortion on the Petitioner without the consent of or notice to an authorized person.

OR

- 7 The petition is dismissed without prejudice because the petitioner did not appear at the hearing.

8
DATE

9
JUDGE

Data Elements

1. Court case number.
2. Jurisdiction.
3. Petitioner's name.
4. Petitioner's date of birth and age.
5. Check the appropriate box which reflects the finding of the court after a hearing.
6. Check this box if the court did not take action within the time prescribed by statute.
7. Check this box if the petition is dismissed because petitioner did not appear at the hearing.
8. Date order entered.
9. Judge's signature.