

**Temporary Rules Governing Procedures for Petitions by an Unemancipated Minor
Requesting Waiver of Parental Consent for the Performance of an Abortion**

Effective September 23, 1987.

1. These rules govern procedures for petitions, pursuant to *Acts of Alabama 1987*, Act No. 87-286, by unemancipated minors, requesting waiver of parental consent for the performance of an abortion. If no procedure is specifically provided in these rules or by statute, the Alabama Rules of Civil Procedure, the Alabama Rules of Appellate Procedure, the Alabama Rules of Juvenile Procedure, and the Alabama Rules of Judicial Administration shall be applicable to an extent not inconsistent with these rules or Act No. 87-286.

2. In cases arising out of the jurisdiction of the trial court over an unemancipated minor, who files a petition for a waiver of written consent of a parent or legal guardian to the performance of an abortion, the trial court shall, within seventy-two (72) hours from the filing of the petition, render and enter its final judgment. The court shall, within the aforementioned seventy-two (72) hour period, issue a written and specific factual finding and a legal conclusion in support of its decision; provided, however, that this time requirement may be extended upon request of the minor.

3. No post-judgment motions shall be filed, but Rule 60, Alabama Rules of Civil Procedure, shall be applicable.

4. Appeal from a final order, judgment, or decree of the trial court, denying a petition for waiver of consent, shall be made to the Court of Civil Appeals.

5. Written notice of appeal shall be filed with the clerk of the trial court within three days after the entry of the final order, judgment, or decree of the trial court. The clerk of the trial court shall immediately transmit the notice of appeal to the Court of Civil Appeals. If the unemancipated minor desires to file a brief and/or request oral argument, the same shall be requested in writing at the time of filing the notice of appeal and shall be transmitted with the notice of appeal.

6. In all cases arising upon the filing by an unemancipated minor of a petition for a waiver of written consent of a parent or legal guardian to the performance of an abortion, a complete record of all testimony shall be kept by stenographic reporting, by mechanical or electronic device, or by some combination thereof. The clerk of the trial court shall preserve all exhibits and other tangible evidence for a period of four years from the date of filing.

7. Upon the filing of a written notice of appeal, the clerk of the trial court and the court reporter shall have five days within which to complete the record, issue a certificate of completion of the record on appeal, and file the completed record with the Court of Civil Appeals. The trial court is without authority to grant an extension of the time to complete the record; however, the appellate court may, on motion for cause shown, extend the time for filing of the completed record.

8. In all cases wherein the unemancipated minor shall request permission to file a brief and/or present oral argument, the Court of Civil Appeals shall determine whether a brief shall be filed or oral argument shall be heard, and shall hear oral argument, if any. In no event shall the Court's determination, the filing of a brief, and the hearing of oral argument exceed a total of five days from the date of the certificate of completion of the record on appeal.

9. The Court of Civil Appeals shall have five days from the filing of the record on appeal, the filing of a brief, or the hearing of oral argument, whichever is later, to render and file a written order or opinion.

10. The certificate of judgment of the Court of Civil Appeals shall issue five days after the entry of a written order or issuance of an opinion. The timely filing of a petition for review in the Supreme Court shall stay the issuance of the certificate of judgment by the Court of Civil Appeals, which stay shall continue until the final disposition by the Supreme Court. Upon the filing of a copy of an order or opinion of the Supreme Court denying the petition for review, the certificate of judgment of the Court of Civil Appeals shall issue immediately.

11. No application for rehearing shall be filed with the Court of Civil Appeals. Upon petition for review, decisions of the Court of Civil Appeals may be reviewed by the Supreme Court. The petition for review shall be filed with the clerk of the Supreme Court within three days after the date of filing of the written order or opinion of the Court of Civil Appeals. Upon filing of a petition for review, the Court of Civil Appeals shall immediately transmit to the Supreme Court the record on appeal and briefs, if any.

12. The petition for review to the Supreme Court shall contain one or more of the following grounds:

- (a) That the petitioner is sufficiently mature and well enough informed to intelligently decide whether to have an abortion without the consent of either of her parents or her legal guardian.
- (b) That one, or both, of her parents or her legal guardian has engaged in a pattern of physical, sexual, or emotional abuse against her.
- (c) That the consent of her parents, parent, or legal guardian is otherwise not in her best interest.
- (d) That the decision of the trial court has deprived the petitioner of her rights under the Constitution of the United States, the Constitution of the State of Alabama, or the laws of the state.

13. A request for oral argument, if any, shall be filed with the petition for review. No additional brief shall be filed in the Supreme Court. Any additional arguments shall

be included in the body of the petition for review. The form of the petition for review shall generally follow the provisions of Rule 39, Alabama Rules of Appellate Procedure, applicable to petitions for writ of certiorari; except that Rule 39(k) is not applicable to petitions for review.

14. The Supreme Court shall have five days to consider the petition for review and to hear oral argument, if allowed.

15. The Supreme Court shall have five days from the filing of the completed record on appeal from the Court of Civil Appeals, the filing of the petition for review, or oral argument, whichever is later, to render and file a written order or issue an opinion. The order or opinion shall be final, and no application for rehearing shall be allowed.

16. All time periods shall be computed pursuant to Rule 6(a), Alabama Rules of Civil Procedure. There shall be no extension to these time periods as a result of the use of mail service.

17. The adoption of these rules is without prejudice to the rights of any unemancipated minor/litigant to make, and preserve for appellate review, any objection to these rules, or to Act No. 87-286, either as to form, substance, or application.