

**AMENDMENTS TO THE
RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO**

The following amendments to the Rules of Superintendence for the Courts of Ohio (Sup.R. 23 through 25 and Forms 23-A through 25-A) were adopted by the Supreme Court of Ohio. The history of these amendments is as follows:

March 3, 2014	Initial publication for comment
December 9, 2014	Final adoption by conference
January 1, 2015	Effective date of amendments

RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO

RULE 23. Complaint for Abortion without Parental Notification Pursuant to R.C. 2151.85.

(A) Complaint

(1) All actions pursuant to R.C. 2151.85 shall be commenced by filing a complaint on “Form 23-A” in the juvenile court of the county in which the juvenile resides or in a county bordering the county where the juvenile resides. The complaint shall be filed promptly upon the request of the complainant.

(2) A certified copy of the second page of “Form 23-A,” with the case number noted on it, shall be given to the complainant after she signs it. The original second page of the form shall be removed from the file jacket and filed under seal in a safe or other secure place where access is limited to essential juvenile court personnel. All index records shall be filed under, “In the Matter of Jane Doe.”

(B) Assistance to minor

A minor seeking to file an action pursuant to R.C. 2151.85 shall be given prompt assistance by the clerk of the juvenile court in a private, confidential setting. Assistance shall include performing the notary services necessary to file the complaint and affidavits described in this rule and Sup.R. 24.

(C) Filing fees and court costs

A complaint filed pursuant to division (A) of this rule and other forms described in these rules shall be provided without cost to the minor. No filing fees or court costs shall be imposed on the minor in connection with these proceedings or any notice of appeal filed in connection with these proceedings.

(D) Appointment of counsel

Upon the filing of a complaint pursuant to division (A) of this rule, the juvenile court shall appoint an attorney to represent the complainant if she is not represented by an

attorney. Court-appointed attorneys shall be paid by the court without expense to the complainant.

(E) Appointment of guardian ad litem

Upon the filing of a complaint pursuant to division (A) of this rule, the juvenile court shall appoint a guardian ad litem. The court may appoint the same individual to serve as both the attorney and the guardian ad litem. If the court appoints an individual who volunteers to serve as a guardian ad litem for the complainant, that individual need not be paid. Other guardians ad litem shall be paid by the court without expense to the complainant.

(F) Hearing

(1) The juvenile court shall promptly conduct a hearing after the filing of a complaint pursuant to division (A) of this rule and should, if possible, conduct the hearing within twenty-four hours. In no event shall the court hold the hearing later than five business days after the filing of the complaint. The court shall accommodate school hours if at all possible. The hearing shall be conducted by a judge and shall not be heard by a magistrate. Hearings shall be closed to the public and exclude all persons except witnesses on behalf of the complainant, her attorney, her guardian ad litem, and essential court personnel. The hearing shall be conducted in a manner that preserves the anonymity of the complainant. The complainant's name shall not appear on the record.

(2) If both maturity and either abuse or best interest are alleged in the complaint, or if maturity, abuse, and best interest are alleged in the complaint, the court shall rule on the issue of maturity first. If the court finds against the complainant on the issue of maturity, it then shall determine the other issues alleged in the complaint.

(G) Judgment

(1) The juvenile court shall enter judgment immediately after the conclusion of the hearing and immediately provide a copy of the judgment to the complainant. The court shall issue an order on "Form 23-B" authorizing the complainant to consent to the performance of an abortion without notice to a parent, guardian, or custodian if it finds either of the following by clear and convincing evidence:

(a) The complainant is sufficiently mature and well enough informed to decide intelligently;

(b) There is evidence of a pattern of physical, sexual, or emotional abuse by one or both of the complainant's parents, guardian, or custodian or that notification is not in the best interest of the complainant.

(2) If the court determines that the complainant has not established the allegations of the complaint by clear and convincing evidence, the court shall dismiss the complaint. The court shall notify the complainant that she has a right to appeal pursuant to R.C. 2505.073 and provide the complainant with a copy of the notice of appeal, "Form 23-C."

(H) Appeals

(1) Immediately after the notice of appeal has been filed by the complainant, the clerk of the juvenile court shall notify the court of appeals. Within four days after the notice of appeal is filed, the clerk shall deliver a copy of the notice of appeal and the record, except page two of the complaint, to the clerk of the court of appeals who immediately shall place the appeal on the docket of the court of appeals.

(2) The juvenile court shall prepare a written transcript if possible. If a transcript cannot be prepared timely and if the testimony is on an audio or video recording, the recording may be forwarded as part of the record in the case to the court of appeals without prior transcription and the court of appeals shall accept the recording as the transcript in the case without prior transcription. The juvenile court shall ensure that the court of appeals has the necessary equipment to play the recording.

(I) General rule of expedition

If a complainant files a notice of appeal on the same day as the dismissal of her complaint, the entire court process, including the juvenile court hearing, appeal, and decision, shall be completed in sixteen calendar days from the time the complaint was filed.

(I) Confidentiality

The juvenile court shall not notify the parents, guardian, or custodian of the complainant that she is pregnant, that she wants to have an abortion, or that the complaint was filed. All court papers and records that pertain to the action shall be kept confidential and shall not be available for public access pursuant to Sup.R. 44 through 47.

(J) Verification notice

Upon request of the complainant or her attorney, the clerk of the juvenile court shall verify on "Form 23-D" the date the complaint was filed and whether a hearing has been held within five business days after the filing of the complaint. The clerk shall file and include the form as part of the record and shall provide a date-stamped copy to the complainant or her attorney.

**FORM 23-A. COMPLAINT FOR AN ORDER AUTHORIZING CONSENT
TO AN ABORTION WITHOUT NOTIFICATION OF A PARENT,
GUARDIAN, OR CUSTODIAN (R.C. 2151.85)**

JUVENILE COURT

_____ COUNTY, OHIO

In re complaint of Jane Doe

Case No. _____

COMPLAINT

Promulgated by the Supreme Court of
Ohio pursuant to R.C. 2151.85(G)

I swear or affirm that:

1. I am pregnant.
2. I am unmarried, under 18 years of age, and unemancipated.
3. I wish to have an abortion without notification of my parent, guardian, or custodian.
4. This complaint is being filed in the juvenile court of the county where I reside or have a legal settlement or in a county bordering the county where I reside or have a legal settlement.

[CHECK ONE OR MORE OF THE FOLLOWING STATEMENTS.]

5. I am sufficiently mature and well enough informed to intelligently decide whether to have an abortion without the notification of my parent, guardian, or custodian.
- One or both of my parents, my guardian, or my custodian has engaged in a pattern of physical, sexual, or emotional abuse against me.
- Notification of my parent, guardian, or custodian of my desire to have an abortion is not in my best interest.

[CHECK ONE OF THE FOLLOWING STATEMENTS.]

6. I do not have a lawyer.
- I have a lawyer. The name, address, and telephone number of my lawyer are:

Lawyer's Name: _____

Lawyer's Address: _____

Lawyer's Telephone No: _____

THEREFORE, I request that this Court issue an order authorizing me to consent to an abortion without the notification of my parent, guardian, or custodian.

Case no. _____

THIS PAGE OF THE ORIGINAL MUST BE REMOVED AND PLACED UNDER SEAL IN A SAFE OR OTHER SECURE PLACE AS REQUIRED BY RULE 23(A)(2) OF THE RULES OF SUPERINTENDENCE FOR OHIO COURTS.

I swear or affirm that the information in the attached complaint is true and accurate to the best of my knowledge and belief.

Signature

Sworn to or affirmed in my presence this _____ day of _____, ____.

Notary Public

PLEASE NOTE:

If you do **not** have a lawyer, please provide in the spaces below any address and telephone number where the Court may contact you until a lawyer is appointed to represent you. You do **not** need to use your home address and telephone number.

Address: _____

Telephone No: _____

**COMPLAINT FOR AN ORDER AUTHORIZING CONSENT TO AN ABORTION
WITHOUT NOTIFICATION OF A PARENT, GUARDIAN,
OR CUSTODIAN (R.C. 2151.85)**

INSTRUCTIONS

If you are pregnant; unmarried, under 18 years old, and unemancipated; and want to have an abortion without telling your parent, guardian, or custodian, you may ask a juvenile court for permission. The court will then decide whether your parent, guardian, or custodian must be told before you may have an abortion. The attached form, called a complaint, should be used to ask a court to let you have an abortion without telling your parent, guardian, or custodian.

If you are under 18 and not married, you are “unemancipated” if any of the following apply:

1. You have not entered the armed services of the United States;
2. You do not have a job and support yourself;
3. You are under the care and control of your parent, guardian, or custodian.

By law, you do not have to pay a filing fee or any court costs. If you do not have a lawyer, the court will appoint one for you free of charge.

The court is not allowed to tell your parent, guardian, or custodian that you are pregnant or that you want to have an abortion. The court must keep the complaint and all other papers in your case confidential.

The complaint must be filed in a juvenile court in the county where you reside or have a legal settlement or in any county that borders the county where you reside or have a legal settlement.

HOW TO FILL OUT THE FORM

Completing Statement #5: Check one or more of the statements. If you check the first statement, the court will first consider if you are mature enough and well enough informed to intelligently decide whether to have an abortion without telling your parent, guardian, or custodian. If the court does not find that you are sufficiently mature and well enough informed to make the decision, and you have checked either or both of the remaining statements, the court will then consider either of the following:

- Whether there is a pattern of physical, sexual, or emotional abuse of you by your parent, guardian, or custodian;
- Whether telling your parent, guardian, or custodian is not in your best interest.

Completing Statement #6: Check the statement that applies to you. If you have a lawyer, fill in the name, address, and telephone number of your lawyer.

Completing the Top of Page 2: The law requires that the statements in the complaint be made under oath. This part of the form must be completed in the presence of a person who is allowed to administer oaths, such as a notary public. After you sign your name on the signature line, that person should notarize the form.

Completing the Bottom of Page 2: Fill out the bottom of Page 2 only if you do not have a lawyer. Provide any address and telephone number where you may be contacted about this matter. When the court appoints a lawyer for you, the lawyer will reach you at the address or telephone number you provide. You do not have to complete the bottom of Page 2 until after the notary public signs the top of Page 2.

FORM 23-B. JUDGMENT

JUVENILE COURT

_____ COUNTY, OHIO

In re complaint of Jane Doe

Case No. _____

JUDGMENT

This matter came on for hearing on the _____ day of _____, _____. Based upon the testimony and evidence presented, this court finds:

1. The complainant is an unemancipated minor.
2. The complainant is pregnant and she wishes to obtain an abortion.
3. No parent, guardian, or custodian of the complainant has been notified that she is seeking an abortion.
4. That clear and convincing evidence has been presented to support the following [decide maturity issue first if pleaded]:

_____ Complainant is sufficiently mature and well enough informed to decide intelligently whether to have an abortion without notifying a parent, guardian, or custodian.

_____ There is evidence of a pattern of physical, sexual, or emotional abuse of the complainant by one or both of her parents, her guardian, or her custodian.

_____ Notification of a parent, guardian, or custodian would not be in complainant's best interest.

_____ None of the criteria set forth in paragraph 4 has been established by clear and convincing evidence.

THEREFORE, IT IS ORDERED:

_____ The complaint is granted and the complainant is hereby authorized to consent to the performance or inducement of an abortion without the notification of a parent, guardian, or custodian.

_____ The complaint is dismissed. The Clerk is instructed to provide the complainant with the notice of appeal form and advise her of her right to an expedited appeal.

_____, Ohio

Judge

_____, _____

FORM 23-C. NOTICE OF APPEAL

JUVENILE COURT

_____ **COUNTY, OHIO**

In re complaint of Jane Doe

Case No. _____

NOTICE OF APPEAL

Promulgated by the Supreme Court
of Ohio pursuant to R.C. 2151.85(G)

Notice is hereby given that the complainant appeals to the Court of Appeals for _____
County from the final order entered in the above-styled cause on _____, _____, dismissing
the complaint seeking an abortion without notification of complainant's parents, guardian, or
custodian.

Signature of Attorney for Complainant

Attorney Name

Attorney Address

Attorney Telephone

FORM 23-D. VERIFICATION

JUVENILE COURT

_____ **COUNTY, OHIO**

In re complaint of Jane Doe

Case No. _____

VERIFICATION

Promulgated by the Supreme Court
of Ohio pursuant to R.C. 2151.85(G)

This will verify that on _____, _____, Jane Doe filed her complaint for an order authorizing consent to an abortion without notification of a parent, guardian, or custodian and as of _____, _____, which is more than five business days after the filing of the complaint, the court has not held a hearing to consider her complaint.

Clerk

(Seal)

RULE 23.1. Application for Authorization to Consent to an Abortion or for Judicial Consent to an Abortion Pursuant to R.C. 2919.121.

(A) Definition

As used in this rule, Sup.R. 25, and “Forms 23.1-A, 23.1-B, 23.1-C, and 25,” “petitioner” means the minor female who is seeking consent to have an abortion regardless of whether the minor female or a next friend files the petition.

(B) Petition

(1) All actions pursuant to R.C. 2919.121 shall be commenced by filing a petition on “Form 23.1-A” in the juvenile court of the county in which the juvenile resides or in a county bordering the county where the juvenile resides. The petition shall be filed promptly upon the request of the petitioner.

(2) A certified copy of the second page of “Form 23.1-A,” with the case number noted on it, shall be given to the petitioner after she or next friend signs it. The original second page of the form shall be removed from the file jacket and filed under seal in a safe or other secure place where access is limited to essential juvenile court personnel. All index records shall be filed under, “In re the Petition of Jane Doe.”

(C) Assistance to minor

A minor seeking to file an action pursuant to R.C. 2919.121 shall be given prompt assistance by the clerk of the juvenile court in a private, confidential setting. Assistance shall include performing the notary services necessary to file the petition and affidavits described in this rule.

(D) Filing fees and court costs

The petition and other forms described in these rules shall be provided without cost to the petitioner. No filing fees or court costs shall be imposed on the petitioner in connection with these proceedings or any notice of appeal filed in connection with these proceedings.

(E) Appointment of counsel

Upon the filing of a petition pursuant to division (B) of this rule and at least twenty-four hours before the hearing scheduled pursuant to division (G) of this rule, the juvenile court shall appoint an attorney to represent the petitioner if she is not represented by an attorney. Court-appointed attorneys shall be paid by the court without expense to the petitioner.

(F) Appointment of guardian ad litem

Upon the filing of a petition pursuant to division (B) of this rule, the juvenile court shall appoint a guardian ad litem pursuant to Juv.R. 4.

(G) Hearing

(1) The juvenile court shall promptly conduct a hearing after the filing of a petition pursuant to division (B) of this rule and should, if possible, conduct the hearing within twenty-four hours. In no event shall the court hold the hearing later than five calendar days after the filing of the petition. The court shall accommodate school hours if at all possible. The hearing shall be conducted by a judge and shall not be heard by a magistrate. Hearings shall be closed to the public and exclude all persons except witnesses on behalf of the petitioner, her attorney, her guardian ad litem, her next friend, if any, and essential court personnel. The hearing shall be conducted in a manner that preserves the anonymity of the petitioner. The petitioner's name shall not appear on the record.

(2) If maturity and best interest are alleged in the petition, the court shall rule on the issue of maturity first. If the court finds against the petitioner on the issue of maturity, it then shall determine the issue of best interest.

(H) Judgment.

(1) If the juvenile court finds by clear and convincing evidence that the petitioner is sufficiently mature and well enough informed to decide intelligently whether to consent to an abortion or that the abortion is in the best interests of the petitioner, the court shall issue an order on "Form 23.1-B" authorizing the petitioner to consent to the performance of an abortion or giving judicial consent to the abortion. If the court does not find by clear and convincing evidence that the petitioner is sufficiently mature and well enough informed to decide intelligently or that the abortion is in the best interests of the petitioner, or if the court finds that it does not have jurisdiction over the petition, the court shall issue an order on "Form 23.1-B" denying or dismissing the petition. The court shall enter judgment as soon as possible and no later than twenty-four hours after the conclusion of the hearing.

(2) If the judgment is entered immediately at the conclusion of the hearing, the court shall provide the petitioner and her attorney with a copy of the judgment. If the court denies or dismisses the petition, the court shall notify the petitioner that she has a right to appeal pursuant to R.C. 2919.121(C)(6) and provide the petitioner and her attorney with a copy of the notice of appeal, "Form 23.1-C."

(3) If the judgment is not entered immediately at the conclusion of the hearing, the court shall do all of the following:

- (a) Inform the petitioner that the judgment will be entered within twenty-four hours;
- (b) Inform the petitioner that the court will notify her attorney of the judgment upon its issuance;
- (c) Inform the petitioner of the availability of other confidential procedures, which have been established by the court, to notify the petitioner of the court's judgment, including, but not limited to, providing the petitioner with the name of a designated court employee whom the petitioner may contact to obtain the judgment, arranging for the pick-up of the judgment at the court, or arranging for delivery of the judgment to an address designated by the petitioner;
- (d) Notify the petitioner that, if the court denies or dismisses the petition, she has the right to appeal pursuant to R.C. 2919.121(D)(6);
- (e) Provide the petitioner and her attorney with a copy of the notice of appeal, "Form 23.1-C," and explain to the petitioner that the form may be filed only if the court denies or dismisses the petition.

(I) Appeals

- (1) Immediately after the notice of appeal has been filed by the petitioner, the clerk of the juvenile court shall notify the court of appeals. Within four calendar days after the notice of appeal is filed, the clerk shall deliver a copy of the notice of appeal and the record, except page two of the petition, to the clerk of the court of appeals who immediately shall place the appeal on the docket of the court of appeals.
- (2) The juvenile court shall prepare a written transcript if possible. If a transcript cannot be prepared timely and if the testimony is on an audio or video recording, the recording may be forwarded as part of the record in the case to the court of appeals without prior transcription, and the court of appeals shall accept the recording as the transcript in the case without prior transcription. The juvenile court shall ensure that the court of appeals has the necessary equipment to play the recording.

(J) General rule of expedition

- (1) If a petitioner files a notice of appeal on the same day as the denial or dismissal of her petition, the entire court process, including the juvenile court hearing, appeal, and decision, shall be completed in sixteen calendar days from the time the petition was filed.

(2) If a petitioner files a notice of appeal after the day on which the court denies or dismisses her petition, the entire court process, including the juvenile court hearing, appeal, and decision, shall be completed in sixteen calendar days from the time the petition was filed, plus the number of calendar days that elapsed between the date on which the court's decision was issued and the date on which the notice of appeal was filed.

(K) Confidentiality

The juvenile court and the court of appeals shall not notify the parents, guardian, or custodian of the petitioner that she is pregnant, that she wants to have an abortion, or that the petition was filed. All court papers and records that pertain to the action shall be kept confidential and shall not be available for public access pursuant to Sup.R. 44 through 47.

**FORM 23.1-A. PETITION FOR AUTHORIZATION TO CONSENT
TO AN ABORTION OR FOR JUDICIAL CONSENT
TO AN ABORTION (R.C. 2919.121)**

JUVENILE COURT

_____ **COUNTY, OHIO**

In re petition of Jane Doe.

Case No. _____

PETITION

I swear or affirm that:

1. I am pregnant.
2. I am unmarried, _____ years of age, and unemancipated.
3. I wish to have an abortion and have been fully informed of the risks and consequences of an abortion.
4. This petition is being filed in the juvenile court of the county where I reside or have a legal settlement or in a county bordering the county where I reside or have a legal settlement.

[CHECK ONE OR BOTH OF THE FOLLOWING STATEMENTS.]

5. ___ I am sufficiently mature and well enough informed to decide intelligently decide whether to have an abortion.
- ___ The court should find by clear and convincing evidence that an abortion is in my best interests and give judicial consent to the abortion.

[CHECK ONE OF THE FOLLOWING STATEMENTS.]

6. ___ I do not have a lawyer and ask that the court appoint a lawyer free of charge.
- ___ I have a lawyer. The name, address, and telephone number of my lawyer are:

Lawyer's Name: _____

Lawyer's Address: _____

Lawyer's Telephone No: _____

THIS PAGE OF THE ORIGINAL MUST BE REMOVED AND PLACED UNDER SEAL IN A SAFE OR OTHER SECURE PLACE AS REQUIRED BY RULE 23.1(B)(2) OF THE RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO.

7. The following is/are the name(s) and address(es) of my parent(s), guardian(s), custodian(s) or, if my parents are deceased and no guardian(s) is/are appointed, any person standing in place of my parent(s), guardian(s), or custodian(s):

Name(s): _____

Address(es): _____

THEREFORE, I request that this Court appoint a lawyer if I do not already have one, appoint a guardian ad litem to represent my best interests, and issue an order authorizing me to consent or granting judicial consent to an abortion without the consent of my parent, guardian, or custodian.

I swear or affirm that the information in the attached petition is true and accurate to the best of my knowledge and belief.

Signature (Minor or Next Friend)

If this petition is being filed by a next friend on behalf of a minor, the minor's initials are:
_____.

Sworn to or affirmed in my presence this _____ day of _____, ____.

Notary Public

PLEASE NOTE:

If you do not have a lawyer, please provide in the spaces below any address and telephone number where the Court may contact you until a lawyer is appointed to represent you. You do not need to use your home address and telephone number.

Address: _____

Telephone No: _____

**PETITION FOR CONSENT TO AN ABORTION OR FOR JUDICIAL CONSENT TO
AN ABORTION (R.C. 2919.121).**

INSTRUCTIONS

If you are pregnant; unmarried, under 18 years old, and unemancipated; and want to have an abortion without the consent of your parents, you may ask a juvenile court for permission. The court will then decide whether you are sufficiently mature and well-enough informed to decide intelligently to have an abortion or whether an abortion is in your best interests. The attached form, called a petition, should be used to ask a court to let you have an abortion without the consent of your parents.

If you are under 18 and not married, you are “unemancipated” if any of the following apply:

1. You have not entered the armed services of the United States;
2. You do not have a job and support yourself;
3. You are under the care and control of your parent, guardian, or custodian.

By law, you do not have to pay a filing fee or any court costs. If you do not have a lawyer, the court will appoint one for you free of charge. The court also will appoint a guardian ad litem, who is a person responsible for protecting your interests. The court may appoint your lawyer to be your guardian ad litem.

The court is not allowed to tell your parent, guardian, or custodian that you are pregnant or that you want to have an abortion. The court must keep the petition and all other papers in your case confidential.

The petition must be filed in a juvenile court in the county where you reside or have a legal settlement or in any county that borders the county where you reside or have a legal settlement.

HOW TO FILL OUT THE FORM

Completing Statement #5: Check one or both of the statements. If you check the first statement, the court will first consider if you are mature enough and well enough informed to intelligently decide whether to have an abortion. If the court does not find that you are sufficiently mature and well enough informed to make the decision, and you have checked the second statement, the court will then consider whether the abortion is in your best interest. If you are not sure which statement to check, you may check both and then discuss this with your lawyer.

Completing Statement #6: Check the statement that applies to you. If you have a lawyer, fill in the name, address, and telephone number of your lawyer.

Completing the Top of Page 2: The law requires that the statements in the petition be made under oath. This part of the form must be completed by you or someone who is assisting you (called a “next friend”) in the presence of a person who is allowed to administer oaths, such as a notary public. After you or the person assisting you signs the petition, the person who administers oaths should sign the form.

Completing the Bottom of Page 2: Fill out the bottom of page 2 only if you do not have a lawyer. Provide any address and telephone number where you may be contacted about this matter. When the court appoints a lawyer for you, the lawyer will reach you at the address or telephone number you provide. You do not have to complete the bottom of page 2 until after the notary public signs on page 2.

FORM 23.1-B. JUDGMENT

JUVENILE COURT

_____ COUNTY, OHIO

In re petition of Jane Doe

Case No. _____

JUDGMENT

This matter came on for hearing on the ____ day of _____, _____. Based upon the testimony and evidence presented, this court finds:

1. The court:

_____ Has jurisdiction over the petition.

_____ Does not have jurisdiction over the petition for the following reasons:

_____.

2. _____ The petitioner is an unemancipated minor.

3. _____ The petitioner is pregnant and she wishes to obtain an abortion.

4. _____ The petitioner has been fully informed of the risks and consequences of the abortion.

5. _____ The court has specifically inquired about the minor's understanding of the possible physical and emotional complications of abortion and how the minor would respond if the minor experienced those complications after the abortion.

6. _____ The court has specifically inquired about the extent to which anyone has instructed the minor on how to answer questions and on what testimony to give at the hearing.

7. That clear and convincing evidence has been presented to support the following [decide maturity issue first if pleaded]:

a. _____ Petitioner is sufficiently mature and well enough informed to decide intelligently whether to have an abortion without obtaining the consent of a parent, guardian, or custodian.

b. _____ The abortion would be in petitioner's best interest for the following reasons:

_____.

c. _____ Neither 5a. nor 5b. has been established for the following reasons:

_____.

THEREFORE, IT IS ORDERED:

_____ The petition is granted and the petitioner is hereby authorized to consent to the performance or inducement of an abortion.

_____ The court finds the abortion is in the best interest of the petitioner and judicial consent is hereby authorized.

_____ The petition is denied. The Clerk is instructed to provide the petitioner with the notice of appeal form and advise her of her right to an expedited appeal.

_____ The petition is dismissed for lack of jurisdiction. The Clerk is instructed to provide the petitioner with the notice of appeal form and advise her of her right to an expedited appeal.

_____, Ohio

Judge

Date

FORM 23.1-C. NOTICE OF APPEAL

JUVENILE COURT

_____ **COUNTY, OHIO**

In re petition of Jane Doe

Case No. _____

NOTICE OF APPEAL

Notice is hereby given that the petitioner appeals to the Court of Appeals for _____ County from the final order entered in the above-styled cause on _____, _____, denying or dismissing the petition seeking an abortion.

Signature of Attorney for Petitioner

Attorney Name

Attorney Address

Attorney Telephone

RULE 24. Notifying Physicians of Affidavits Alleging Abuse Pursuant to R.C. 2919.12.

(A) Filing affidavits--procedure.

(1) Pursuant to R.C. 2919.12(B)(1)(b), a minor may have notice of an intended abortion given to a specified adult instead of one of her parents, guardian, or custodian. Two affidavits shall be filed with the clerk of the juvenile court by anyone seeking to invoke the notice provisions of the law. The first affidavit is executed by the minor and should be on "Form 24-A." The second affidavit is executed by the specified adult and should be on "Form 24-B." Anyone receiving these forms also shall be given the accompanying instruction sheet.

(2) Upon the filing of both affidavits and upon the request of the minor, her attorney, or the person who will perform the abortion, the clerk of the juvenile court shall issue a notice on "Form 24-C" verifying that the affidavits have been filed with the court.

(B) Confidentiality.

(1) All affidavits filed and notices issued pursuant to this rule shall be placed under seal in a safe or other secure place where access is limited to essential juvenile court personnel.

(2) Persons becoming aware of the contents of any affidavits prepared pursuant to this rule or R.C. 2919.12 are exempt from reporting such contents under R.C. 2151.421. Any reporting by court personnel would breach the duty of confidentiality and is prohibited by R.C. 102.03.

FORM 24-A. AFFIDAVIT OF MINOR

JUVENILE COURT

_____ COUNTY, OHIO

In re complaint of Jane Doe

Case No. _____

AFFIDAVIT

R.C. 2919.12(B)(1)(b)(ii)

STATE OF OHIO)

)

COUNTY OF)

I, _____, being duly sworn, state as follows:

1. I am pregnant, unmarried, under 18 years of age, and unemancipated.
2. I wish to have an abortion without notification of a parent, guardian, or custodian.
3. I request instead that notice of my intention to have the abortion be given to one of the following [Select One]:
 - a. _____, a brother or sister 21 years of age or older or,
Name
 - b. _____, a stepparent or grandparent.
Name
4. I am in fear of physical, sexual, or severe emotional abuse from a parent, guardian, or custodian who otherwise would be notified of my intention to have an abortion pursuant to R.C. 2919.12.
5. My fear is based on a pattern of physical, sexual, or severe emotional abuse exhibited by a parent, guardian, or custodian.

6. I understand that upon the filing of this affidavit and an affidavit from the person specified above with the juvenile court, an officer of that court will prepare a notice verifying that the affidavits have been filed.
7. The person who intends to perform or induce my abortion and the address of that person are as follows:

Name of Abortion Provider

Address

Signature

Before me appeared the above named person who under oath or by affirmation did sign this affidavit this _____ day of _____, _____.

Notary Public

**FORM 24-B. AFFIDAVIT OF RECIPIENT OF NOTICE OF
MINOR'S INTENTION TO RECEIVE AN ABORTION**

JUVENILE COURT

_____ COUNTY, OHIO

In re complaint of Jane Doe

Case No. _____

AFFIDAVIT

R.C. 2919.12(B)(1)(b)(iii)

STATE OF OHIO)

)

COUNTY OF)

_____, being duly sworn, states as follows:
(Name)

1. I am [select appropriate one]
____ over 21 years of age and I am a brother or sister of
____ a stepparent or grandparent of
____, (hereafter, minor) who has [name of pregnant minor]
filed an affidavit with the Juvenile Court pursuant to R.C. 2919.12(B)(1)(b)(ii).
2. I have been specified in the minor's affidavit as the person to receive notice of the
minor's intention to receive an abortion.
3. The minor has reason to fear physical, sexual, or severe emotional abuse from a parent,
guardian, or custodian who otherwise would be notified of her intention to have an
abortion pursuant to R.C. 2919.12.
4. Her fear is based on a pattern of physical, sexual, or severe emotional abuse exhibited by
a parent, guardian, or custodian.

Signature

Before me appeared the above named person who under oath or by affirmation did sign
this affidavit this _____ day of _____, ____.

Notary Public

FORMS ALLEGING ABUSE BY PARENT AND REQUESTING THAT NOTIFICATION OF ABORTION BE PROVIDED TO OTHER RELATIVE

INSTRUCTIONS FOR FORMS 24-A and 24-B

If you use these forms, the person performing your abortion will not be required to give notice of your abortion to a parent, guardian, or custodian. Instead, you can choose to have notice provided to a brother or sister over 21 years of age or a stepparent or grandparent.

These forms are called affidavits. An affidavit is a sworn statement signed before a person authorized to administer oaths, such as a notary public. The clerk's office will provide a notary public if you want to complete the forms in the clerk's office.

These forms may be used if all of the following apply.

You are:

1. Pregnant;
2. Unmarried;
3. Under 18 years old;
4. Unemancipated, which means that any of the following apply:
 - You have not entered the armed forces of the United States;
 - You do not have a job and support yourself;
 - You are under the care and control of a parent, guardian, or custodian.
5. You fear, based on events that have happened in the past, physical, sexual, or severe emotional abuse if notice of the abortion is given to a parent, guardian, or custodian.

These forms will be filed with the juvenile court and kept confidential. The clerk of the court will provide notice to the abortion provider that the forms have been filed and the clerk will inform the abortion provider of the name of the person you have chosen to receive notice of your abortion. The forms will not be released by the court.

You do not have to pay any filing fee or court costs to the clerk for notarizing these forms, filing these forms, or issuing the notice to the abortion provider.

The affidavit must be filed in a juvenile court in the county where you reside or have a legal settlement or in any county that borders the county where you reside or have a legal settlement.

HOW TO FILL OUT THE FORMS

There are two forms. You complete one of them. The other form is completed by the person you select to receive notice of your abortion. That must be a brother or sister over 21 years old or a stepparent or grandparent.

Your form requires that you name the person to receive notice and provide the name and address of the person to perform the abortion.

Both of the forms must be signed in front of a notary public or other person, such as a judge or attorney, authorized to administer oaths.

WHAT TO DO AFTER FILLING OUT THE FORMS

After the forms are signed and notarized, give them to the juvenile court clerk, who will file them in a confidential place within the clerk's office. Then the clerk will issue a notice that you may take to the abortion provider. With that notice the abortion provider will be authorized to provide notice of the abortion to the brother, sister, stepparent, or grandparent that you have selected.

FORM 24-C. NOTICE

JUVENILE COURT

_____ **COUNTY, OHIO**

In re complaint of Jane Doe

Case No. _____

NOTICE

Notice is hereby given that on _____, _____, (minor's name) filed affidavits pursuant to R.C. 2919.12(B)(1)(b)(ii) and (iii) and may therefore proceed to have any notifications required by that statute issued to the following specified adult:
_____.

Clerk

(Seal)

RULE 25. Procedure on Appeals Pursuant to R.C. 2151.85, 2919.121, and 2505.073.

(A) Definition.

As used in this rule, “days” means calendar days and includes any intervening Saturday, Sunday, or legal holiday. If the last day on which a judgment is required to be entered falls on a Saturday, Sunday, or legal holiday, the computation of days shall not be extended and judgment shall be made either on the last business day before the Saturday, Sunday, or legal holiday, or on the Saturday, Sunday, or legal holiday.

(B) General rule of expedition.

(1) If a complainant or petitioner files a notice of appeal on the same day on which the juvenile court denies or dismisses her complaint or petition, the entire court process, including the court hearing, appeal, and decision, shall be completed in sixteen calendar days from the time the complaint or petition was filed.

(2) If a complainant or petitioner files a notice of appeal after the day on which the juvenile court denies or dismisses her complaint or petition, the entire court process, including the court hearing, appeal, and decision, shall be completed in sixteen calendar days from the time the complaint or petition was filed, plus the number of calendar days that elapsed between the date on which the court’s decision was issued and the date on which the notice of appeal was filed.

(C) Processing appeal.

(1) Immediately after a notice of appeal has been filed by a complainant or petitioner, the clerk of the juvenile court shall notify the court of appeals. Within four days after the notice of appeal is filed, the clerk shall deliver a copy of the notice of appeal and the record, except page two of the complaint or petition, to the clerk of the court of appeals who immediately shall place the appeal on the docket of the court of appeals.

(2) Record of all testimony and other oral proceedings in actions pursuant to R.C. 2151.85 or 2919.121 may be made by audio or video recording. If the testimony is on a recording and a transcript cannot be prepared timely, the court of appeals shall accept the recording as the transcript in this case without prior transcription.

(3) The appellant under this section shall file her brief within four days after the appeal is docketed. Unless waived, the oral argument shall be within five days after docketing. Oral arguments shall be closed to the public and exclude all persons except the appellant, her attorney, her guardian ad litem, and essential court personnel.

(D) Confidentiality.

All proceedings pursuant to R.C. 2505.073(A) or 2919.121 shall be conducted in a manner that preserves the anonymity of the appellant on appeal. Except as set forth in division (F) of this rule, all papers and records that pertain to an appeal pursuant to R.C.

2505.073 or 2919.121 shall be kept confidential and shall not be available for public access pursuant to Sup.R. 44 through 47.

(E) Judgment entry.

The court of appeals shall enter judgment immediately after conclusion of oral argument or, if oral argument is waived, within five days after the appeal is docketed.

(F) Release of records.

(1) The public shall be entitled to secure all of the following from the records pertaining to each case filed pursuant to R.C. 2505.073 or 2919.121:

- (a) The docket number;
- (b) The name of the judge;
- (c) The judgment entry and, if appropriate, a properly redacted opinion.

(2) Opinions shall set forth the reasoning in support of the decision in a way that does not directly or indirectly compromise the anonymity of the minor. Opinions written in compliance with this requirement shall be considered public records available upon request. If, in the judgment of the court, it is impossible to release an opinion without compromising the anonymity of the minor, the entry that journalizes the outcome of the case shall include a specific finding that no opinion can be written without disclosing the identity of the minor. Such finding shall be a matter of public record.

(3) The court shall remove any and all information in its opinion that would directly or indirectly disclose the identity of the minor.

(F) Notice and hearing before release of opinion.

(1) After an opinion is written and before it is available for release to the public, the court shall notify the minor and give her the option to appear and argue at a hearing if she believes the opinion may disclose her identity. Notice may be provided by including the following language in the opinion:

“If appellant believes that this opinion may disclose her identity, appellant has a right to appear and argue at a hearing before this court. Appellant may perfect this right to a hearing by filing a motion for a hearing within fourteen days of the date of this opinion.

The clerk is instructed that this opinion is not to be made available for release until either of the following:

- Twenty-one days have passed since the date of the opinion and appellant has not filed a motion;

- If appellant has filed a motion, after this court has ruled on the motion.”

(2) Notice shall be provided by mailing a copy of the opinion to the attorney for the appellant or, if she is not represented, to the address provided by appellant for receipt of notice.

(G) Constructive order.

Upon request of the appellant or her attorney in proceedings pursuant to R.C. 2151.85 or 2505.073, the clerk of the juvenile court shall verify on “Form 25-A” the date the appeal was docketed and whether a judgment has been entered within five days of that date. The completed form shall include the case number from the juvenile court and the court of appeals, and shall be filed and included as part of the record. A date-stamped copy shall be provided to the appellant or her attorney.

FORM 25-A. VERIFICATION

COURT OF APPEALS

_____ COUNTY, OHIO

In re complaint of Jane Doe

Case No. _____

Juvenile Court No. _____

VERIFICATION

This will verify that on _____, _____, the appeal of Jane Doe was docketed in this court pursuant to R.C. 2151.85 or 2505.073 and as of _____, _____, which is more than five calendar days after the docketing of the appeal, the court has not rendered a judgment in the matter.

Clerk

(Seal)

RULE 99. Effective Date.

[Existing language unaffected by the amendments is omitted to conserve space]

(NNN) The amendments to Sup. R. 23 through 25 and Forms 23.-A through 25-A, adopted by the Supreme Court on November 18, 2014, shall take effect on January 1, 2015.

FORM 25-A. VERIFICATION

**Amended: 01/01/2015
Discard all previous versions of this form**