

ADMINISTRATIVE ORDER NO. 2009-06
22ND JUDICIAL CIRCUIT
McHENRY COUNTY, ILLINOIS

CONFIDENTIAL PROCEEDINGS UNDER THE
PARENTAL NOTICE OF ABORTION ACT OF 1995 (750 ILCS 70/1 ET SEQ.)

In an effort to establish procedures in the 22ND Judicial Circuit, McHenry County, Illinois, which are in compliance with the requirements of 750 ILCS 70/25 and Illinois Supreme Court Rule 303A, and which are subject to the provisions and language of said statute and Supreme Court Rule, and further, to make the adopted procedures known to all who may be interested in same;

IT IS ORDERED that, effective October 7, 2009, the following procedures shall be in effect in the 22ND Judicial Circuit, McHenry County, Illinois:

I. Form of Pleadings

- (a) A Petition for Judicial Waiver of Notice under the Parental Notice of Abortion Act of 1995 shall be filed under the FAMILY (FA) case type category as provided by the *Manual on Recordkeeping* (2nd Edition, effective January 1, 1996, and revised August 3, 2009).
- (b) All proceedings under this Act shall be confidential. In all pleadings filed hereunder, the petitioner (minor or incompetent person) may initiate a proceeding to obtain a judicial waiver by filing a petition using a pseudonym or using solely her initials.
- (c) Due to the expedited nature of the proceedings, the petition shall contain allegations of ultimate facts which would support a finding by a preponderance of the evidence that the petitioner is sufficiently mature and well enough informed to decide intelligently whether to have an abortion or that notification as required by 750 ILCS 70/15 would not be in the best interests of the petitioner.
- (d) There shall be no fee charged for the filing a petition under this statute.

II. Scheduling Hearing

- (a) Upon filing, the matter shall be assigned by the Clerk of the Court to the Juvenile Court call in the Family Division and the court file shall be immediately brought to the chambers of the Juvenile Court Judge or, in the absence or the unavailability of the Juvenile Court Judge, to the Judge designated as the back-up to the Juvenile Court Judge by Administrative Order for the purposes of scheduling proceedings in the case. Upon filing, the petitioner shall be instructed to proceed to the Court Administration Office for the purpose of receiving direction as to the further proceedings in this matter. The Court shall appoint a Guardian ad Litem for the minor or incompetent person. The matter shall be scheduled by the Court with precedence over other pending matters and, after

consultation with the parties or their counsel, shall be set so that a written ruling on the matter can be entered within forty-eight (48) hours of the filing of the petition, weekends and holidays excluded. In order to preserve confidentiality and to expedite the proceedings, scheduling matters may be heard in chambers or conducted telephonically.

(b) In the event the petitioner is acting pro se, the Court shall advise the petitioner that she has a right to court appointed counsel and the Court shall provide her with counsel upon the petitioner's request. Any delay in locating counsel at the request of the petitioner to be appointed by the Court to represent the petitioner may be considered as extending the time at petitioner's request for the issuance of a ruling in the matter.

III. Conduct of Hearing

(a) The hearing shall proceed in an expedited manner so the Court may issue its ruling within the time-lines established by the Legislature and the Supreme Court. The manner of conducting the hearing shall be left to the discretion of the Judge presiding in the proceedings. At the conclusion of the hearing, the Court shall endeavor to issue written and specific findings of fact and conclusions of law. If the Court is unable to enter its ruling at that time, it shall enter its ruling within forty-eight (48) hours of the filing of the petition, weekends and holidays excluded, unless the time for such ruling has been extended at the request of the petitioner.

(b) The failure of the Court to rule within the time provided by law shall be deemed a granting of the petition and a waiver of the statutory notification obligation. Upon application, the Court shall forthwith enter an Order reflecting this mandated result. A denial of the petition is a final and appealable Order.

(c) In compliance with the requirements of 750 ILCS 70/25(e) and Illinois Supreme Court Rule 303A(c), a record of the proceedings at the confidential hearing shall be maintained and available for transcription for purposes of appeal by the petitioner in cases where the Circuit Court denies the petitioner's request for a waiver of notice under the Parental Notice of Abortion Act of 1995.

IV. Duties of the Clerk

(a) As the proceedings are confidential, the Clerk of the Court shall impound these files and allow access only by the petitioner, her attorney, the Guardian ad Litem, and members of the judiciary and judicial staff.

(b) At the conclusion of the proceedings which result in a denial of the request for judicial waiver of parental notification, due to the expedited appeal process set by Illinois Supreme Court Rule 303A, the Clerk of the Court shall prepare the record for appeal within twenty-four (24) hours of the Court's ruling, weekends and holidays excluded. The record shall consist of any transcript of proceedings, a copy of the petition filed in the matter and any supporting documents, any additional pleadings filed by the Guardian ad Litem and/or petitioner's attorney, and a copy of the Court's ruling in the matter.

(c) If no notice of appeal is filed within thirty (30) days of the final Order, the Clerk shall seal such proceedings.

V. Guardian ad Litem/Court Appointed Counsel

(a) Unless unavailable due to a known conflict which would prohibit appointment, the Office of the Public Defender of McHenry County shall be available to be appointed as the Guardian ad Litem for any petitioner filing a petition under Section 25 of the Parental Notice of Abortion Act of 1995 (750 ILCS 70/25). In case of a conflict for the Office of Public Defender, the contract Special Public Defenders shall be appointed as the Guardian ad Litem on a rotating basis.

(b) The Chief Judge shall establish and maintain a list of volunteer attorneys who will be available to act as court appointed counsel under the provisions of 750 ILCS 70/25(b) when appointed by the Court under Section II of this Administrative Order. The volunteer attorneys must agree to act without compensation and to meet with the petitioner to whose case they have been appointed as court appointed counsel at such times and places as will afford the Court the opportunity to conduct the hearing and issue the required ruling within the time mandated by statute and Supreme Court Rule.

ENTERED:

October 7, 2009

ENTER:

Michael J. Sullivan
MICHAEL J. SULLIVAN
CHIEF JUDGE