

Instructions for Applying to the Court for a Waiver of Parental Notification and Consent (Form 1A)

Your situation and the law

If you are younger than 18 and have not been legally “emancipated,” you are “unemancipated,” which means that you are legally under the custody or control of your parents (or one of your parents), a managing conservator, or a guardian. (A “managing conservator” is an adult or agency appointed by a court to have custody or control of you.)

If you are pregnant, unemancipated, and younger than 18, you cannot get an abortion in Texas unless:

- your doctor informs one of your parents or your managing conservator or guardian at least 48 hours before the abortion and obtains the consent of your parent, managing conservator, or guardian; *or*
- a judge issues an order that “waives” or removes the requirement that you must let a parent or your managing conservator or guardian know about your planned abortion and obtain his or her consent to it.

How to get a waiver of parental notification and consent

Fill out the application

To get a court order waiving the requirements that you tell a parent or your managing conservator or guardian about your planned abortion and obtain his or her consent, you must complete Forms 2A and 2B, ***Confidential Application for Waiver of Parental Notification***. Form 2A is the “Cover Page” for the Application; it requests basic information about why you are seeking the order. Form 2B is the “Verification Page,” which requests information about you.

On the Verification Page, you will be asked to tell the court how you may be contacted quickly and confidentially. It is very important that you provide this information because the court may later need to contact you about your application. If you cannot be contacted, your application will be denied. You may list a phone number, email address, or any other way that you can be contacted. You can but need not give your own number—instead, you can ask the court to contact you through someone who is helping you or acting on your behalf. You may also list a second person who may be contacted on your behalf.

You or someone acting on your behalf must deliver the forms to the clerk in the district court, county court at law, county court, or probate court to be filed. The court clerk can help you complete and file the application, and can help you get a hearing on your request. However, the clerk cannot give you legal advice or counsel you about abortion.

All of the information you put on the application is confidential. You do not have to pay a fee to file this application.

Your hearing

The court will tell you when to come to the courthouse for your “hearing.” In your hearing, you will meet with a judge to discuss your request. The court will hold your hearing within five days (not counting weekends and holidays) after you file your application.

After you file your application, the court will appoint a person to meet with you before the hearing and help the judge decide your application. The person is called a “guardian ad litem.” In your application you may ask the court to appoint someone you want to be your guardian ad litem (who can be a relative, clergy, counselor, psychiatrist or psychologist, or other adult), but the court is not required to appoint this person.

You must also have a lawyer with you at your hearing. You may hire your own lawyer, or you may ask the court to appoint one to represent you for free.

Keeping it confidential

Your hearing will be confidential and private. The only persons allowed to be there are you, your guardian ad litem, your lawyer, court staff, and any person whom you request to be there.

You already know that your application stays confidential. So will everything from your hearing: all testimony, documents and other evidence presented to the court, and any order given by the judge. The court will keep everything sealed. No one else can inspect the evidence.

The court’s decision

The court must “rule”—issue a decision on your application—before 5 p.m. on the fifth day after the day you filed your application, not counting weekends and holidays.

If the court fails to rule within that time, then your request is automatically denied. You can get a certificate from the court clerk that says that your request is “deemed denied.” If you choose to appeal, the certificate will be sent to the appellate court to explain what happened in your case.

If the court *does* rule within the required time, the court issues an order that does one of the following three things:

- (1) approves your request because the court finds that you are mature enough and know enough to choose on your own to have an abortion;

- (2) approves your request because it is in your best interests *not* to notify or to attempt to obtain the consent of your parent or your managing conservator or guardian before getting the abortion; or
- (3) denies your request because the court does not find (1) or (2).

If you say, or if there is evidence, that you have been or may be sexually abused, the court must treat your claim as a very serious matter and may be required to refer it to the police or other authorities for investigation.

Appealing the court's decision

If the court denies your request, you may ask another court to hear your case. This request is called an “appeal,” and the new court will be the court of appeals.

To appeal the first court’s decision, have your lawyer fill out Form 3A, ***Notice of Appeal in Parental Notification Proceeding***. The lawyer must file it with the clerk of the court that denied your request for a waiver of parental notification.

You will *not* have to go to the court of appeals in person. Instead, the court of appeals will review the written record and will issue a written ruling on your appeal no later than 5 p.m. on the fifth day after the day you file the *Notice of Appeal*, not counting weekends and holidays.

The court of appeals will provide its ruling to you, your lawyer, your guardian ad litem, or any other person designated by you to receive the ruling.

The same guardian ad litem and lawyer who helped you with your first hearing can help with your appeal.

Getting the forms you need

Forms 2A and 2B, the Cover Page and Verification Page to the *Confidential Application for Waiver of Parental Notification*, and Form 3A, *Notice of Appeal in Parental Notification Proceeding*, should all be attached to these instructions.

If these forms are not attached to these instructions, you can get them from the clerk of the district, county court at law, county, or probate court or from the clerk of the court of appeals. These forms are also available on the Texas Judiciary website at www.txcourts.gov.

Attention Clerk: Please Expedite

**Confidential Application for Waiver of
Parental Notification and Consent: Cover Page (Form 2A)**

As prescribed by the Clerk of the Supreme Court of Texas pursuant to Tex. Fam. Code § 33.003(m).

(Do not complete this section. Court staff will complete this section.)

CAUSE NO. _____

IN RE JANE DOE

IN THE _____

_____ COUNTY, TEXAS

Important: Your Application has two parts: (1) this cover sheet (Form 2A), which asks for basic information about your application; and (2) a separate verification page (Form 2B), which asks for information about you and for you to swear to the truth of everything you say in the cover sheet and verification page. You must complete both of these forms.

1. I ask the court for an order that allows me to have an abortion without first telling and obtaining the consent of my parent, managing conservator, or guardian. I swear or affirm that **(place a check mark in all the blanks for which you answer “yes”)**:
 - I am pregnant.
 - I am unmarried and younger than 18 years of age.
 - I do not have an order from a Texas court that gives me the same legal rights and responsibilities as an adult.

2. I request this order for one of the following reasons **(place a check mark beside any that apply)**:

- I am mature enough to decide to have an abortion without telling and obtaining the consent of my parent, managing conservator, or guardian. I also know enough about abortion to make this decision.
- Telling my parent, managing conservator, or guardian that I want an abortion and attempting to obtain his or her consent is not in my best interest.
- Telling my parent, managing conservator, or guardian that I want an abortion may lead to physical or emotional abuse of me.
- Telling my parent, managing conservator, or guardian that I want an abortion may lead to sexual abuse of me.

3. Please check all that apply:

- I live in the county where this application is being filed.
- My parent, managing conservator, or guardian is a presiding judge of a district court, a county court at law, or a court having probate jurisdiction in the county where I live, and **(check any that apply)**:
 - The county where I live is contiguous to (shares a border with) this one.
 - I intend to obtain the abortion in this county.
- The population of the county where I live has a population of less than 10,000, and **(check any that apply)**:
 - The county where I live is contiguous to (shares a border with) this one.
 - I intend to obtain the abortion in this county.
- I am not a Texas resident, but I intend to obtain the abortion in this county.

4. Please check one of the following statements:

- I do **not** have a lawyer. (The court will appoint one for you).
- I have a lawyer, who is:

Lawyer's name: _____

Lawyer's email address: _____

Lawyer's address: _____

Lawyer's phone: _____

5. The court must appoint a “guardian ad litem” for you. A guardian ad litem meets with you before the hearing and helps the judge decide your application. Please state whether you want the court to appoint someone you know as your guardian ad litem. This person could be a relative, a member of the clergy, a counselor, a psychiatrist or psychologist, or another adult. You do not have to ask the court to appoint someone you know. Keep in mind that the court may appoint the person you request, but it does not have to.

I am requesting that the court appoint someone I know as my guardian ad litem. (You will identify this person on your verification page.)

I am not requesting the court to appoint someone I know as my guardian ad litem. (The court will appoint someone it chooses.)

6. Please state whether you have filed a Confidential Application for Waiver of Parental Notification and Consent other than this one with respect to your current pregnancy.

I have filed another Confidential Application for Waiver of Parental Notification and Consent with respect to my current pregnancy.

I have **not** filed another Confidential Application for Waiver of Parental Notification and Consent with respect to my current pregnancy.

7. If you have filed another Confidential Application for Waiver of Parental Notification and Consent with respect to your current pregnancy, please answer the following questions. If you have not filed another Application with respect to your current pregnancy, do not answer these questions.

What court ruled on your previous application? _____

Has there been a material change in circumstances since the time your previous application was denied? (Write “yes” or “no.”) _____

CAUSE NO. _____

(Do not fill in the blank above. Court staff will fill in the blank.)

**Confidential Application for Waiver of Parental
Notification and Consent: Verification Page (Form 2B)**

As prescribed by the Clerk of the Supreme Court of Texas pursuant to Tex. Fam. Code § 33.003(m)

Important: Your Application has two parts: (1) the cover sheet (Form 2A), which asks for basic information about your application; and (2) this verification page (Form 2B), which asks for information about you and for you to swear to the truth of everything you say in the cover sheet and verification page. You must complete both of these forms.

1. Please provide the following information.

Your full name: _____

Your date of birth: _____

Your address (if the place you receive mail is different than the place you actually live, list both addresses): _____

Your telephone number: _____

2. If you are requesting the court to appoint someone you know as your guardian ad litem (*see* Question 5 on the Cover Sheet, Form 2A), please identify them:

Name: _____

Relationship: _____

Address: _____

Phone: _____

3. If you do not have a lawyer, please complete the two blanks below. Tell us how the court, the lawyer appointed by the court, and the guardian ad litem appointed by the court can quickly contact you. If you cannot be contacted, your application will be denied. You can choose to be contacted by telephone or any other method by which you can be contacted immediately and confidentially. If you share a telephone number with another person, or there is another reason why you do not

want to be contacted at the telephone number you provided above, you can have us contact someone else who helps you.

Person to be contacted (you or another person): _____

Phone number or other contact information: _____

Another person to be contacted (optional): _____

Phone number or other contact information: _____

Important: Please complete either Option 1 or Option 2 below. You do not have to complete both. If you complete Option 1, you must sign your name before a notary public, court clerk, or another person authorized to give oaths. If you complete Option 2, you do not have to sign your name before a notary public or any other person, but you must swear that the information in your Application is true “under penalty of perjury.” “Perjury” means lying to a judge, and it is a crime. If you swear that a statement is true “under penalty of perjury,” and you make the statement knowing that it is false, you could be prosecuted in criminal court.

Option 1

I swear or affirm that the information in my Application (both the Cover Sheet and this Verification Page) is true and correct.

Signature of minor

Name of minor printed or typed

Minor’s date of birth

Sworn to or affirmed in my presence this _____ day of _____, 20____.

Signature of notary public, clerk, or other person authorized to give oaths

(Option 2 is on the next page)

Option 2

My name is _____ (*First*) _____ (*Middle*) _____ (*Last*), my date of birth is _____, and my address is _____ (*Street*), _____ (*City*), _____ (*State*), _____ (*Zip Code*), and _____ (*Country*). I declare under penalty of perjury that the information in my Application (both the Cover Sheet and the Verification Page) is true and correct.

Executed in _____ (*County*), State of _____, on the _____ day of _____ (*Month*), _____ (*Year*).

Signature of minor

**Request to Postpone Trial Court Hearing in Proceeding to Waive Parental
Notification and Consent; Designation of Alternate Time for Hearing
(Form 2C)**

CAUSE NO. _____

IN RE JANE DOE

IN THE _____

_____ COUNTY, TEXAS

Please check and complete any questions below that apply:

- I request that the court postpone its hearing on my application. The hearing currently is due to be held on or by _____ at _____ a.m./p.m.
- Please rule on my application by 5 p.m. on the fifth business day after (please state a date after which you will be ready to have a hearing) _____. The clerk will notify you concerning the specific time of the hearing.
- I will contact you at a later time to determine a time for the hearing.

Attorney's Signature: _____

Attorney's Name, Printed: _____

Attorney's State Bar No.: _____

Attorney's Address: _____

Attorney's Telephone: _____

Attorney's Email Address: _____

Attorney's Fax No.: _____

Judgment and Findings of Fact and Conclusions of Law on Application in Proceeding to Waive Parental Notification and Consent (Form 2D)

CAUSE NO. _____

IN RE JANE DOE

IN THE _____

_____ COUNTY, TEXAS

This matter was heard on this ____ day of _____, 20___. Based on the testimony and evidence presented, this court finds:

1. The applicant is pregnant.
2. The applicant is unmarried and under 18 years of age.
3. The applicant has not had her disabilities as a minor removed under Chapter 31 of the Texas Family Code.
4. The applicant wishes to have an abortion without her doctor notifying and obtaining the consent of either of her parents, her managing conservator, or her guardian.
5. Clear and convincing evidence supports the following: [State “yes” beside an issue for which the court finds in favor of the applicant by clear and convincing evidence. If any one issue is decided in favor of the applicant, the court need not consider the other issues.]

- The applicant is mature and sufficiently well informed to make the decision to have an abortion performed without notification to, or the consent of, either of her parents, her managing conservator, or her guardian.

Finding of Facts and Conclusions of Law:

- Notifying and attempting to obtain the consent of either of the applicant’s parents, her managing conservator, or her guardian would not be in her best interest.

Findings of Facts and Conclusions of Law:

THEREFORE, IT IS ORDERED:

- The application is GRANTED and the applicant is authorized to consent to the performance of an abortion without notifying and obtaining the consent of either of her parents or a managing conservator or guardian.
- The application is DENIED. The applicant is advised of her right to appeal under Rule 3 of the Rules for a Judicial Bypass of Parental Notice and Consent Under Chapter 33 of the Family Code and will be furnished a Notice of Appeal form, Form 3A.

All costs shall be paid by the State of Texas pursuant to Family Code Chapter 33.

Judge Presiding

**Certificate of Deemed Denial of Application in Proceeding to Waive Parental
Notification and Consent (Form 2E)**

CAUSE NO. _____

IN RE JANE DOE

IN THE _____

_____ COUNTY, TEXAS

This will certify that on the _____ day of _____, 20____, Jane Doe filed an application for a court order authorizing her to consent to an abortion without the parental notice and consent required by Sections 33.002 and 33.0021, Family Code. The court did not rule on the application by 5 p.m. on the fifth business day after the day the application was filed. Accordingly, under Rule 2.5(g) of the Rules for a Judicial Bypass of Parental Notice and Consent Under Chapter 33, Family Code, the application is deemed to be DENIED.

Signed this _____ day of _____, _____.

Judge Presiding or Clerk

Order that Costs in Proceeding to Waive Parental Notification and Consent Be Paid by the State Pursuant to Texas Family Code § 33.007 (Form 2F)

Notice: To guarantee reimbursement, this Order must be served on the Director, Fiscal Division, Texas Department of Health, within the deadlines imposed by Rule 1.9(b) of the Rules for a Judicial Bypass of Notice and Consent Under Chapter 33 of the Family Code.

CAUSE NO. _____

IN RE JANE DOE

IN THE _____

_____ COUNTY, TEXAS

ORDER

In this proceeding filed under Texas Family Code § 33.003, the court heard evidence on the _____ day of _____, 20____, concerning court costs. Based on the evidence presented, pursuant to Texas Family Code § 33.007, the State of Texas is ordered to pay:

1. Reasonable and necessary attorney ad litem fees and expenses of \$_____ to:

Name:

State Bar No.

Address:

Telephone:

Federal Tax ID:

2. Reasonable and necessary guardian ad litem fees and expenses of \$_____ to:

Name:

Address:

Telephone:

Federal Tax ID:

3. Court reporter's fees certified by the court reporter to:

Name:

Address:

Telephone:

Federal Tax ID:

4. All court costs certified by the clerk.

Judge Presiding

**Clerk's Certification of Court Costs and Fees and Transmission of Order for
Payment in Proceeding to Waive Parental Notification and Consent
(Form 2G)**

Director, Fiscal Division
Texas Department of Health
1100 West 49th Street
Austin TX 78756

Re: *In re Jane Doe*

Cause No. _____

Court: _____

County: _____

Dear Sir or Madam:

Please find enclosed a certified copy of an Order issued on _____, 20____, in the referenced case. Please pay the amounts to the payees as stated in the Order.

In accordance with the Order, I certify the following fees and costs for payment as follows:

Amount: \$ _____

Name of the Clerk: _____

Address : _____

Tax Identification No.: _____ Thank you.

Sincerely,

[seal]

Name: _____

Position: _____

Encl.: Certified copy of Order

**Order Appointing Interpreter for Proceeding to Waive Parental Notification
and Consent Under Chapter 33, Family Code (Form 2H)**

CAUSE NO. _____

IN RE JANE DOE

IN THE _____

_____ COUNTY, TEXAS

ORDER

ORDERED that for good cause, the following person is appointed an interpreter to assist the applicant in applying for relief under Chapter 33, Family Code:

Name: _____ State Bar No. _____

Address: _____

Telephone: _____ Federal Tax ID: _____

Signed: this _____ day of _____, 20__.

Judge

OATH FOR INTERPRETER

I, _____, do swear or affirm that I am competent and well versed in the _____ language and will: (1) make a true interpretation of all the proceedings to the applicant; and (2) repeat verbatim all statements, questions, and answers of all persons who are a part of the proceeding to the applicant, counsel, the court, and others in the English language and in the _____ language, using my best skill and judgment.

I will not: (1) participate in any manner other than as an interpreter in the decision making or adjudicative process; (2) communicate with any other person regarding the proceedings except a literal translation of questions, answers, or remarks made during the proceeding; or (3) disclose or discuss any of the proceedings with any person following entry of judgment.

Signature

Printed Name

Address

Telephone Number

SWORN TO AND SUBSCRIBED before me on _____, 20__.

[Seal]

Notice to Clerk and Court Reporter to Prepare Records (Form 2I)

CAUSE NO. _____

IN RE JANE DOE:

This matter was heard on the _____ day of _____, _____. The Court has issued a final judgment. **Jane Doe may desire to appeal.** Jane Doe request the court reporter and appropriate clerk to immediately prepare a record of the trial proceedings and make it available to:

(Name and address of guardian ad litem) (Name and address of minor's attorney)

Immediately upon completion of the record, the clerk must contact both the undersigned attorney and the guardian ad litem at the following telephone numbers to advise that the record is available:

(Telephone number for guardian ad litem) (Telephone number for minor's attorney)

A copy of this notice has been given to both the appropriate clerk and court reporter and no additional request for the record of the trial proceedings is required. The filing of this document with the clerk constitutes proof that written request for preparation of the trial record was made.

Signed the ____ day of _____, _____ at _____ [time] a.m./p.m. [circle one]

ATTORNEY

GUARDIAN AD LITEM

Caution: no official or court personnel involved in the proceedings may ever disclose to anyone outside the proceedings—including the minor's parent, managing conservator, or legal guardian—that the minor is or has ever been pregnant, or that she wants or has ever wanted an abortion, except as permitted by law.

Notice to Clerk and Court Reporter to Prepare Records (Form 2J)

CAUSE NO. _____

IN RE JANE DOE:

This matter was heard on the ____ day of _____, _____. The Court has issued a final judgment and **no appeal will be taken**. Jane Doe's attorney or guardian ad litem requests the court reporter and the appropriate clerk to prepare a record of the trial proceedings and make it available to:

(Name and address of guardian ad litem)

(Name and address of minor's attorney)

Upon completion of the record, the clerk must contact both the undersigned attorney and the guardian ad litem at the following telephone numbers to advise that the record is available:

(Telephone number for guardian ad litem) (Telephone number for minor's attorney)

A copy of this notice has been given to both the appropriate clerk and the court reporter and no additional request for the record of the trial proceedings is required. The filing of this document with the clerk constitutes proof that written request for preparation of the trial record was made.

Signed the ____ day of _____, _____ at _____ [time] a.m./p.m. [circle one]

ATTORNEY

GUARDIAN AD LITEM

Caution: no official or court personnel involved in the proceedings may ever disclose to anyone outside the proceedings—including the minor's parent, managing conservator, or legal guardian—that the minor is or has ever been pregnant, or that she wants or has ever wanted an abortion, except as permitted by law.

Attention Clerk: Please Expedite

Notice of Appeal in Proceeding to Waive Parental Notification and Consent (Form 3A)

As prescribed by the Clerk of the Supreme Court of Texas pursuant to Tex. Fam. Code § 33.004(d).

CAUSE NO. _____

IN RE JANE DOE

IN THE _____

_____ COUNTY, TEXAS

Important: Your lawyer should fill out the information below.

On this ___ day of _____, 20___, notice is hereby given that Jane Doe appeals to the _____ Court of Appeals from the final order entered in the above-referenced cause denying her application for a court order authorizing her to consent to an abortion without the parental notification and consent required by Sections 33.002 and 33.0021, Family Code.

Attorney's Signature _____

Attorney's Name, Printed _____

State Bar No. _____

Attorney's Address _____

Attorney's Telephone _____

Attorney's Email Address _____

Attorney's Fax No. _____

Request to Postpone Court of Appeals' Ruling in Proceeding to Waive Parental Notification and Consent; Designation of Alternative Time for Ruling (Form 3B)

CAUSE NO. _____

IN RE JANE DOE

IN THE COURT OF APPEALS FOR THE

_____ DISTRICT OF TEXAS

AT _____, TEXAS

Please check and complete any questions below that apply:

- I request that the court postpone its ruling on my appeal. The appeal currently is due to be ruled on by 5 p.m. on _____.
- Please rule on my appeal by 5 p.m. on the fifth business day after (state a date after which you will be ready to proceed) _____. If the court holds oral argument, the clerk will notify you of its date and time.
- I will contact you at a later time to determine a time for ruling on my appeal.

Attorney's Signature _____

Attorney's Name, Printed _____

Attorney's State Bar No. _____

Attorney's Address _____

Attorney's Telephone _____

Attorney's Email Address _____

Attorney's Fax No. _____

**Judgment on Appeal in Proceeding to Waive Parental Notification and Consent
(Form 3C)**

CAUSE NO. _____

IN RE JANE DOE

IN THE COURT OF APPEALS FOR THE

_____ DISTRICT, TEXAS

AT _____, TEXAS

It is ORDERED that the trial court's final order in this cause denying the minor's application for a court order authorizing her to consent to an abortion without the parental notice and consent required by Sections 32.002 and 33.0021, Family Code, is:

- Affirmed. The minor will be advised of her right to appeal under Rule 4 of the Rules for a Judicial Bypass of Parental Notice and Consent Under Chapter 33 of the Family Code and furnished a notice of appeal form, Form 4A.
- Reversed and the application is GRANTED.
- Opinion to follow.
- No opinion to follow.

Justice

Other members of the panel:

Justice _____

Justice _____

Date: _____

**Certification of Deemed Affirmance of Order On Appeal in Proceeding to
Waive Parental Notification and Consent (Form 3D)**

CAUSE NO. _____

IN RE JANE DOE

IN THE COURT OF APPEALS FOR THE

_____DISTRICT OF TEXAS

AT _____, TEXAS

This will certify that on the _____ day of _____, 20____, Jane Doe filed her notice of appeal from an order denying her application for a court order authorizing her to consent to an abortion without the parental notice and consent required by Sections 33.002 and 33.0021, Family Code. The court of appeals did not rule on her appeal by 5 p.m. on the fifth business day after the day the notice of appeals was filed. Accordingly, the order is deemed to be AFFIRMED.

Signed this _____ day of _____, 20____.

Judge Presiding or Clerk

ATTENTION CLERK: PLEASE EXPEDITE

Notice of Appeal to the Texas Supreme Court in Proceeding to Waive Parental Notification and Consent (Form 4A)

CAUSE NO. _____

IN THE SUPREME COURT OF TEXAS

IN RE JANE DOE

On this _____ day of _____, 20____, notice is hereby given that Jane Doe petitions the Supreme Court of Texas for review of the order entered in Cause No. _____, in the _____ Court of Appeals affirming the denial of her application for a court order authorizing her to consent to an abortion without the parental notice and consent required by Sections 33.002 and 33.0021, Family Code.

Attorney's Signature _____

Attorney's Name, Printed _____

Attorney's State Bar No. _____

Attorney's Address _____

Attorney's Telephone _____

Attorney's Email Address _____

Attorney's Fax No. _____