

INSTRUCTIONS FOR MINOR PETITIONER

NOTE: *If you are under 18 years old, and you are pregnant, and you want a judge to allow you to decide by yourself (without your parent's consent) whether to have an abortion, read these instructions carefully.*

I. Who can help you with this proceeding?

You may want someone to help you fill out the forms or assist you with this proceeding. You have these choices:

1. A lawyer can represent you. If you ask for a lawyer, the Court will appoint one to represent you. You will not have to pay for the lawyer.
2. Some other person who is 18 years old or older may help you. You may choose a counselor, friend, relative, or other person. If you do not know anyone to ask, the Court will appoint someone to help you, if you ask. This person will be called your "guardian ad litem." *(If someone like this helps you, the Court still will appoint a lawyer to help you and this person, if you ask for a lawyer.)*
3. You fill out the papers and speak to the judge for yourself, without any help.

II. What is "waiver of the parental consent requirement"?

If you are under age 18, pregnant, and unmarried, a doctor in North Carolina may not perform an abortion for you unless the doctor has your consent and the consent of one of these people:

- a parent who has custody of you,
- a parent with whom you live,
- a grandparent, if you have been living with the grandparent for at least six months,
- someone a court has appointed to be your legal guardian, or
- someone who has legal custody of you.

You may ask the Court to waive the requirement - that is, to allow you to decide about an abortion without the consent of any of these people. You may ask the Court to waive the parental consent requirement (1) if these people are not available, or (2) if they refuse to consent to an abortion, or (3) if you do not want to ask any of these people to consent.

III. How do you ask the Court to waive the parental consent requirement?

You ask the Court for a waiver by filing a "petition" in the office of the Clerk of Superior Court in any county. The "petition" is a form that is available in the office of the clerk in every county courthouse. When the form is filled out, it is given to the clerk of court for filing. You should read the form very carefully before signing it. These are the things that you *(or your lawyer or guardian ad litem)* need to put on the form:

1. Your name, date of birth, and age.
2. A check mark to ask for a lawyer or to say that you do not want a lawyer.
3. A check mark to say whether you want your parent, legal guardian, or custodian to receive notice of the proceeding. *(If you **do not** want any of these people to get notice, you **do not** have to put their names and addresses on the petition.)*
4. Information about where you want court papers to be sent.
5. Your signature, or the signature of your lawyer or guardian ad litem, and the date.

IV. Who can file a petition?

1. You may complete and file a petition if
 - (a) you are under age 18 and are not married,
 - (b) no court has declared you to be emancipated,
 - (c) you are pregnant, and
 - (d) you live in or are present in the county where you file the petition.

OR
2. A lawyer may file the petition for you.

OR
3. Another person, over age 18, who has agreed to help you can file the petition for you.

V. Is the court proceeding private?

Yes. THE PETITION AND EVERYTHING ELSE ABOUT THE COURT PROCEEDING IS CONFIDENTIAL. This means that your parents will not receive notice from the Court that you are asking for a waiver, if you do not want them to be notified. You will meet with a judge in private. The court papers are private and may not be shown to anyone without permission. **[EXCEPTION: *The Court must report rape or incest to the Department of Social Services as required by G.S. 7A-543 and G.S. 90-21.8(f).*]**

VI. What happens after the petition is filed?

The clerk will set a time for you to meet with a judge. This meeting is called a "hearing." The clerk will tell you when and where the hearing will be or will ask you how you want to be notified of the time and place. The hearing will be within 7 days, unless you want to delay it.

The only people at the hearing will be you, the judge, your lawyer if you have one, a court clerk, and anyone else you want to be there with you. You and anyone who comes with you will have a chance to speak to the judge. You may bring any witnesses, papers, and other information to support your request for a waiver.

The judge may ask questions. The judge will want to hear about these things:

- your emotional development, maturity, intellect, and understanding;
- the nature, possible consequences, and alternatives to an abortion; and
- anything else that will help the judge make a decision.

VII. How will the judge make a decision?

The judge will waive the parental consent requirement if the judge finds

1. that you are mature and well-informed enough to make the abortion decision on your own; **or**
2. that it would be in your best interest to allow you to make the decision on your own; **or**
3. that you are a victim of rape or incest.

VIII. What is the cost of the proceeding?

There will be no cost to you.