

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, COUNTY DIVISION**

ADMINISTRATIVE ORDER 2009-2

**SUBJECT: Confidential Proceedings Under the Parental Notification of Abortion
Act (750 ILCS 70/1 et seq.)**

I. Form of Pleadings

All proceedings under this Act shall be confidential. In all pleadings filed hereunder, the Petitioner and any person filing on behalf of the Petitioner may initiate a proceeding to obtain judicial waiver by filing a petition identifying themselves by first name and last initial. Where such procedure, due to an unusual first name or spelling would create a substantial risk of revealing the Petitioner's identity, initials only may be used without prior Court approval. The use of a pseudonym will be allowed only upon Motion of the Petitioner as provided by Illinois Supreme Court Rule 303A(f).

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 interest of the Petitioner.

There shall be no fee charged for the filing of a Petition under this Statute.

II. Scheduling Hearings

Upon filing, the matter shall be assigned by the Clerk of Court to Calendar 3 in the County Division and immediately brought to the Chambers of the Presiding Judge of the County Division or the judge designated to act in Presiding Judge's stead for scheduling. If the Petitioner or her counsel is present at the time of filing, they should be instructed to accompany the court clerk to the Judge's Chambers. 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 so that a written ruling on the matter can be entered within 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.

In the event the Petitioner is acting *pro se*, the Court should advise the Petitioner of her right to appointed counsel. Upon the Petitioner's request, counsel shall be appointed. Any delay in locating counsel to represent the Petitioner shall extend the time for the issuance of a ruling on the matter.

III. Conduct of the Hearing

The hearing shall proceed in an expedited manner so that 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. 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 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.

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.

The denial of the Petition is a final and appealable order.

IV. Duties of the Clerk

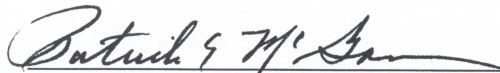
As these proceedings are confidential, the Clerk of Court shall impound these files and allow access only to the Petitioner, her attorney, Guardian *ad Litem*, the assigned judges and their staff. At the conclusion of the proceedings which result in a denial of the request for judicial waiver of parental notification, due to the expedited appeal process set by Illinois Supreme Court Rule 303A, the Clerk of Court shall prepare the record for appeal within 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.

If no Notice of Appeal is filed within 30 days of the final order, the Clerk shall seal the records of such proceeding.

V. Guardian *ad Litem* Panel

The Presiding Judge of the County Division shall establish a volunteer Guardian *ad Litem* panel to represent the best interest of the minor or incompetent parties to these proceedings. Said persons must agree to act without compensation and to meet with the person placed in their Guardianship at such time and places as will afford the Court sufficient time to timely conduct the necessary hearing and issue the required ruling.

Dated this 11th day of May 2009 and spread upon the records of this Court.



Patrick E. McGann
Presiding Judge
County Division

