

**STATEMENT OF RIGHTS AND PROCEDURES
IN THE COUNTY DIVISION OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
UNDER THE
PARENTAL NOTIFICATION OF ABORTION ACT OF 1995**

- 1. Philosophy Underlying the Parental Notification Law:** The United States Supreme Court has recognized that the constitutional right to privacy grants every woman, regardless of age, significant control over decisions concerning a pregnancy. The Supreme Court has also recognized that the family is the basic structure of our society. As such, the family provides important support and guidance for family members, especially minors.

The Court has recognized that these separate interests can sometimes be in conflict. As a result, the Supreme Court has allowed States to enact laws that require medical service providers notify one or more family members of a minor's decision to terminate her pregnancy by abortion. This does not mean that a parent, grandparent or guardian can take any legal or other action to prevent the abortion. It only means that the Supreme Court believes that such information, if shared with a family member, may help the young woman make the decision that is best for her.

The Court has also recognized that there are situations where the young woman would not be helped by sharing this information with her family members. Consequently, the State of Illinois has authorized its courts to excuse the notice requirement in two such circumstances. A woman under age 18 who can establish that she is mature and sufficiently well informed to make an intelligent decision to have an abortion may obtain a court order exempting her physician from giving the required notice. A Court will also allow the abortion to proceed without notice to an adult family member if the evidence establishes that such notification would not be in the woman's best interest.

2. The Judicial Process in the Circuit Court

- a. Initiating the Action:** The court procedure is often called a "judicial bypass." In order to begin the process, the young woman must complete and file a petition requesting a judicial order waiving the notice requirement imposed on her health care provider. Form petitions are available from the Clerk of Court, County Division, either in Room 1202 Richard J. Daley Center, 50 W. Washington Street, Chicago, Illinois or online at www.cookcountyclerkofcourt.org. In order to expedite the process, the petition should be filed in County Division of the Clerk's Office. That office is located in Room 1202 of the Richard J. Daley Center, 50 W. Washington Street, Chicago, Illinois. The office hours are Monday through Friday, 8:30 a.m. to 4:30 p.m. There is no fee or charge for filing the petition. The Clerk will also accept filings Monday through Friday at its suburban offices. They are located in the court houses located at 5600 Old Orchard Road, Skokie, Illinois (Room 136); 2121 Euclid Ave. Rolling Meadows, Illinois (Room 121); 1500 Maybrook Drive, Maywood, Illinois (Room 236); 10220 South 76th Avenue, Bridgeview, Illinois (Room 121); 16501 S. Kedzie parkway, Markham, Illinois (Room 119).
- b. Confidentiality of the Proceeding:** The law requires that the Court undertake efforts to ensure that the identity of the petitioner is not disclosed to any member of the public. In order to assist the Court, a petitioner may use her own name in filing the petition. She may also decide to identify herself by using the initials of her first and last names. She may also use an assumed or false name. This is also referred to as a pseudonym. She may file her case in any court in Illinois. A woman from a State other than Illinois who intends to have her pregnancy terminated in Illinois may also file a petition in an Illinois court. The public will be barred from attending any court hearing. A Petitioner may also seek to have her hearing in the judge's chambers. The court file will be kept confidential from the moment it is filed. That means that the public will not have access to it. After the case is resolved, the file will be sealed. If a petitioner chooses to use her initials or a pseudonym, the Clerk's office may require some identifier in order to make certain only the petitioner may access her court file.
- c. Obtaining a Lawyer:** The statute requires the Court to appoint a Guardian *ad Litem* for the petitioner. The law of Illinois defines the role of a Guardian *ad Litem* as a person who

is duty bound to call the rights of the minor to the attention of the court and to present their interests and to claim for them such protection as under the law they are entitled. Such a person is also required to present the child's best interests to the court. The statute also provides that the court will provide the petitioner with counsel upon her request. It is the practice of the County Division to designate the same person to serve in both roles as their duties and responsibilities are very similar. Each Petitioner has a right to seek a separate lawyer if she believes that the Guardian *ad Litem* and she have a conflict between them. **Every Petitioner will be better served if she consults with a lawyer prior to filing the petition. If you desire to consult with a lawyer contact the Illinois Bypass Coordination Project at 877-442-9727 or text at 312-560-6607 or visit www.ilbypasscoordinationproject.org.**

- d. **Scheduling a Hearing:** At the time you file your petition, you will be directed to the Office of the Presiding Judge of the County Division. That Office is located in Room 1701 Richard J. Daley Center, 50 W. Washington Street, Chicago, Illinois. If you do not have a lawyer, a Guardian *ad Litem*/Attorney will be appointed for you and an appointment for a face to face meeting will be arranged. You will also be given a hearing date. In most instances the hearing will be on the next court date. If you have a lawyer, a Guardian *ad item* will be appointed and a hearing scheduled. In most instances, if you request, the court will appoint your lawyer to serve as Guardian *ad Litem*. If that occurs, the hearing may be scheduled for later the same day.
- e. **Interpreters:** The Court will provide foreign language and sign interpreters to petitioners who require this support. The Daley Center is staffed with interpreters fluent in Spanish and Polish. Other interpreters must be ordered for the hearing. In order to assist the court, if an interpreter is required, please advise the staff in the Presiding Judge's Office when the case is scheduled for hearing. The failure to do so may result in a delay in hearing your case.
- f. **The Hearing Location:** The hearing will be scheduled for a courtroom on the 17th floor of the Daley Center. The petitioner may request that the hearing be held in the judge's chambers. The hearing will be attended by the judge, a court clerk, a court reporter, a deputy sheriff, the petitioner, her Guardian *ad Litem* and such persons that the petitioner requests. Please note that the number of persons attending may affect the ability of the court to conduct the proceedings in chambers.
- g. **Conduct of the Proceedings:** The Petitioner will be required to establish her right to a "judicial bypass" by producing evidence that establishes by a preponderance of the evidence that she is either mature and sufficiently well-informed to make an intelligent decision as to whether she should have an abortion or that notification of an adult family member would not be in her best interest. The Petitioner may introduce evidence to establish both grounds. The hearing will usually be conducted by the Guardian *ad Litem*/attorney asking questions of the petitioner and any other witness. There may also be documents; e.g., letters, reports, tendered to the judge. Finally, the judge may ask questions to clarify a point or inquire into a relevant area that was not covered. After the presentation of evidence, the court will entertain the comments by the Guardian *ad Litem*/attorney. The judge will recess the proceedings to draft his or her decision in the case.
- h. **The Decision:** The statute requires the judge to issue a written ruling within 48 hours of the filing of the petition. This time frame excludes weekends and holidays. The failure of the judge to rule deems the petition granted by operation of law. Each judge should advise the litigant of the time that will be necessary to reduce the decision to writing. If the Petition is granted, the order will be certified by the Clerk and delivered to the Guardian *ad Litem*/Attorney. If the Guardian is unavailable to receive the decision, the certified copy will be given to the petitioner. If she has used her initials or a pseudonym, she will be requested to produce information that will assure the health care provider will be certain that the petitioner and the patient are the same person. Such information will only be added to the copy of the order certified for the petitioner for delivery to her physician. These items can include a recent photograph without any identifying information, a form of photo identification with the petitioner's identity concealed, a

physical description together with a numeric identifier such as the last four digits of a social security number.

- i. **Failure to Issue Opinion:** If the judge fails to act timely, the petitioner is entitled to the entry of a order granting her a “judicial bypass.” In order to obtain such an order, the petitioner or her Guardian *ad Litem* should deliver an “*Ex Parte* Application for an Order waiving notice pursuant to 750 ILCS 70/25(c)” to the Office of the Presiding Judge of the County Division at any time during regular business hours. A form for this application can be obtained from the Presiding Judge’s Office. The Presiding Judge shall consider the matter promptly and, if appropriate, sign the required order.
3. **Appeal of an Adverse Ruling:** If the court denies a request for a “judicial bypass,” the petitioner has a right to appeal to the Appellate Court of Illinois, First District. This must be by a written petition filed in the Appellate Court. In order to assist the petitioner, the appointment of the Guardian *ad Litem*/lawyer shall continue through the appeal process. Any order denying a petition will require the Clerk of Court to timely assemble the necessary record. The manner in which an appeal must be conducted is found in Illinois Supreme Court Rule 303A.

Patrick E. McGann
Presiding Judge
County Division
Circuit Court of Cook County, Illinois

PLEASE ATTACH ANY DOCUMENTS IN YOUR POSSESSION THAT YOU BELIEVE SUPPORT THE STATEMENTS YOU MADE IN EITHER PARAGRAPHS 3 OR 4

I request that the Court grant the following relief:

- A. Appoint a Guardian ad Litem/Attorney to assist me in these proceedings;
- B. Conduct an expedited hearing to determine the truth and sufficiency of the allegations in this Petition;
- C. Enter a Declaration that my physician or his or her agents are not required to notify one of my adult family members as required by 750 ILCS 70/15 prior to performing an abortion to terminate my pregnancy.

PETITIONER

Under penalties for perjury as required by Section 1-109 of the Code of Civil Procedure, I declare the above stated facts are true.

PETITIONER

Atty. No. _____
Name: _____
Address: _____

Phone: _____

**INSTRUCTIONS FOR COMPLETING
THE PETITION FOR “JUDICIAL BYPASS”**

THIS IS A LEGAL DOCUMENT. IT IS IMPORTANT THAT YOU UNDERSTAND YOUR RIGHTS BEFORE COMPLETING IT AND THAT THE INFORMATION THAT YOU PROVIDE IS TRUE AND CORRECT. YOU MAY USE A FALSE NAME (“PSEUDONYM”) TO IDENTIFY YOURSELF.

1. **The Caption:** This is the part of the form that begins “**IN RE: THE APPLICATION OF:**” Please print or type your name on the line provided. In order to ensure your privacy and anonymity, the law allows you to use the initials of your first and last name instead of your name. You may also use a false or assumed name. This is called a pseudonym. If you decide to use a pseudonym, please check the box at the end of Paragraph 1. This will assist us in making certain your physician or other health care provider is able to identify you as the person who obtained the court order.
2. **Paragraph 1:** Please tell us how old you are and your date of birth. You must also tell us the name of the State where you live. If you are using a pseudonym, please check the box provided.
3. **Paragraphs 3 and 4:** You may fill out either paragraph or both paragraphs. Please check the box for the Paragraph that you are completing. Check both boxes, if you are completing both Paragraphs. If you believe that you are mature and well enough to make the decision to terminate your pregnancy, please complete only Paragraph 3 by summarizing why you believe that is true. You do not have to complete Paragraph 4. If you believe that it is not in your best interest to notify an adult family member of your decision to terminate your pregnancy, please complete only Paragraph 4 by summarizing why you believe that is true. You need not complete Paragraph 3. If you are unsure as to whether you should complete Paragraph 3 or 4, you may complete both paragraph by summarizing why you do not believe your physician or other care giver should notify one of your adult family members of your decision to terminate your pregnancy by means of abortion.
4. **Attachments:** If you have any documents, letters or other written material that you believe will help the judge make a decision attach them to the Petition. If you are using your initials or a pseudonym, please make certain that any information on the material that could identify you as the petitioner is “blacked out.” If there are materials that identify your care giver or could lead to identifying you as the petitioner, please make certain that that information is also hidden. However, it is important for the judge to know the person’s business or profession. Please do not conceal that information when editing the document.
5. **Signature:** Please sign the petition on the two signature lines above the word “Petitioner.” Please read the statement above the second signature line so that you understand what you are signing. You may sign by affixing your initials or a pseudonym if you have used them to complete the caption portion of the Petition.

