

INSTRUCTIONS FOR WAIVER OF PARENTAL CONSENT

If you are a pregnant unemancipated woman under the age of 18, or a pregnant woman for whom a guardian has been appointed, and you wish to have a physician perform an abortion without a written consent from one of your parents or legal guardian, you may file a petition requesting a court order allowing the abortion without the consent of your parent or guardian. (Unemancipated means legally under the custody or control of your parent(s) or guardian.)

Complete the form PETITION FOR WAIVER OF PARENTAL CONSENT. The clerk of the court will assist you with administrative matters but will not provide you with legal advice. To insure your anonymity, you may file the form using a pseudonym or your initials instead of your name. File the form with the clerk of the court personally or by mail or fax. There is no fee for filing the petition. The petition may be filed in the district court, separate juvenile court, or a county court sitting as a juvenile court. The [name, address, and telephone number](#) of each court in which you may file your petition are included with these instructions. Note: In Douglas, Lancaster, and Sarpy Counties, you must file your petition in the [district](#) or [separate juvenile court](#) and not in the county court.

When you file your petition you will be told where and when to appear. The hearing may be held immediately or it may be delayed until a judge is available. If you do not deliver the petition to the court in person, or provide contact information, you must contact the court immediately after they receive it in order to obtain your hearing date and time. Because of the strict confidentiality requirements, court personnel will need your full cooperation so that you may be contacted with necessary information about your case. The court will not contact you unless you have given them permission, and a method of contacting you confidentially.

You may hire your own attorney, or you are entitled to have an attorney appointed to represent you at no cost to you. If you request an attorney, the judge will appoint one to represent you. The judge may also appoint a guardian ad litem for you if the judge decides it is necessary. (A guardian ad litem is an attorney appointed to represent your best interests.)

At the hearing, you or your attorney or guardian ad litem will need to provide evidence to the court that

1. You are sufficiently mature and well-informed enough to decide whether to have an abortion. This will include testimony on your emotional development, maturity, intellect and understanding; or
2. You have been the victim of abuse, sexual abuse or child abuse or neglect by a parent or guardian, and that an abortion without the consent of a parent or guardian is in your best interests.

All proceedings are confidential and held in private. Only you, your guardian ad litem, your attorney, and any person whose presence is specifically requested by you, your guardian ad litem, or your attorney, may attend the hearing. All testimony, documents, other evidence presented to the court, the petition, and any order entered are confidential and will be kept sealed by the court and not open to inspection by any person except upon order of the court for good cause shown.

The court is required to issue a ruling within seven calendar days from the time you file your petition.

1. After the hearing, the court will normally make one of four findings: (a) You are sufficiently mature and well-informed to decide whether or not to have an abortion; (b) You have been the victim of abuse, sexual abuse or child abuse or neglect by a parent or guardian, and an abortion without the consent of a parent or guardian is in your best interests. (c) you have not proven that you are sufficiently mature and well-informed enough to decide whether to have an abortion without consent of your parent or guardian; (d) you have not proven that you have been abused or neglected by your parents or guardian, and it is not in your best interests for the physician to perform the proposed abortion without notarized written consent from a parent or guardian.
2. Depending upon the findings, the court will enter an order authorizing you to consent to the abortion without consent of your parent or guardian, or will dismiss your petition. The order may be issued immediately after the hearing or it may be delayed a short while, but no longer than seven calendar days from the date you filed the petition.

If the court fails to rule within seven days you may file a mandamus action with the Clerk of the Nebraska Supreme Court to direct the inferior court to act. If this is necessary, your attorney or guardian ad litem will assist you.

If the court dismisses your petition for waiver of parental consent for an abortion, you may appeal the decision to the Nebraska Supreme Court. Complete the NOTICE OF APPEAL document and file it with the clerk of the court that dismissed the petition. The transcript and bill of exceptions (case records) will be prepared by the clerk of the court and court reporter/stenographer at no cost to you. The necessary documents will be filed with the Clerk of the Supreme Court no later than seven calendar days from the date of filing the notice of appeal. You will not have to appear personally in the Supreme Court. The Supreme Court will review the written record and issue a written decision on your appeal within seven calendar days from the time they receive the appeal. The decision of the Supreme Court will be provided to you, your attorney, the guardian ad litem, or any other person designated by you to receive the order.

The petition and notice of appeal documents are available with these instructions. If they are not available, you can get them online at www.supremecourt.ne.gov or contact the clerk of the court, who will provide you with the proper forms

Pursuant to Neb. Rev. Stat. sec. 71-6903 this document shall be made available in each courthouse in such a place that members of the public may obtain it without requesting it from the clerk of the court or other court personnel.