

## Notaries

A notary public has been authorized by the government to witness important documents. They verify that no one has falsified a signature. If a parent decides to give consent, you will need a **notary** to be a witness to both your parent's statement and your statement. Notaries are commonly found at courthouses, post offices, banks and some health centers. Make sure to check the notary's hours so they are present when you arrive.

*Note:* If you're worried about what other people may think and the notary may know you, there's no legal reason they can't divulge your situation to others. Notaries aren't legally required to keep your situation confidential, so they could tell other people they know.

You and your parent will need **state-sponsored ID** (like a driver's license or state ID) to have your statement notarized.

To obtain a **state-sponsored ID** you'll need:

- A complete application for a state ID.
- Proof of US Citizenship (like a passport, birth certificate or citizenship certificate)
- 2 documents of proof of address (bank statements, checks, bills sent through mail, or magazine subscriptions sent to your home).
- Proof of social security number (like a SSN card or a paystub). Not all DMVs require this.

*Note:* You can get an ID at the DMV from \$5-\$24, depending on the type. Check DMV hours, as they may be limited.

## What is an abortion?

- A **medical abortion** means that you take pills (medications) at two different times: one pill in the clinic, and the other medication about 1-2 days later on your own. You can have a medication abortion up to 10 weeks into your pregnancy.
- A **surgical abortion** means that in the clinic, a doctor will use a tool to remove the pregnancy tissue from your uterus.

## Items to consider

- Abortions can cost between \$500 and \$2200, depending on when and what kind of abortion you get. Your insurance probably won't cover it, so make sure you've thought about how you'll pay.
- You will have a follow-up visit at the health center about two weeks after your medication abortion; no follow up is needed after a surgical abortion.
- You might not want or be able to drive afterwards —make sure you have a plan to get back home.
- Do you have all your paperwork? You don't want to have to go back!

## For More Information

### Megan Mikolajczyk

Megan.Mikolajczyk@ppheartland.org  
402.202.7955  
www.ppheartland.org

### American Civil Liberties Union

www.aclunebra.org/judicialbypass

### As part of the judicial bypass process, you have a right to 5 things:

- Free lawyer
- Confidentiality and anonymity
- Prompt decision (within 7 days of your petition being filed)
- Right to appeal
- Guardian ad litem (This is an adult who represents your interests.)

# WHAT IS A JUDICIAL BYPASS?

A guide for minors  
seeking abortion.

## Judicial Bypass

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If you are under 18 and not emancipated, you are considered a minor for purposes of accessing abortion. If you are under 18 and want an abortion you will need parental consent. But, there are certain situations when a minor may ask a judge to waive parental consent. This is called “judicial bypass.” A judicial bypass is when a judge decides one of your parents doesn’t need to give their permission to your doctor to have an abortion.

## Situations that Qualify for a Judicial Bypass

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### 1 ABUSE

If you’ve been abused, you could qualify for judicial bypass, but there are certain requirements. You need to have “clear and convincing evidence.”

- The abuse must be by the person giving permission.
- It needs to be current or recent case of abuse.

### 2 BEST INTEREST

You can try to prove to the judge that neither of your parents is acting in your best interest when deciding to give consent. Examples include:

- Your parents would kick you out.
- You’re worried about your safety.
- You’re worried about the impact on your family.

Or, there may be scenarios where you are unable to obtain parental consent because they are not present in your life so judicial bypass is in your best interest.

### 3 MATURE AND WELL-INFORMED

The judge will try to determine how articulate you are, how reasonable you seem, and also:

- **Experience:** Have you lived away from home before? Have you had a job with a decent salary? Have you managed your own finances?
- **Perspective:** Do you understand the seriousness of the situation and the emotional and physical effects of each of your options? Do you understand the short- and long-term consequences of both carrying pregnancy to term or having an abortion?
- **Judgment:** Do you have all the information necessary to make a realistic decision?

## The Process

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- Download or pick up a JC 14:7 form (Waiver of Parental Consent) at the courthouse. You can also go to <https://supremecourtnebraska.gov/forms> and search “Waiver of Parental Consent Nebraska” to find the PDF.
- Get a lawyer. Planned Parenthood maintains a current list of lawyers across Nebraska who are trained and willing to help with judicial bypass. There is often little or no charge associated with this service.
- Fill out the Petition.
- Turn in the Petition at the courthouse with the District Court Clerk’s office. Ask for your hearing date; in Douglas County, this is nearly immediate. In Lancaster County, it may be another day that week.

## Preparing for a Hearing

- Ask questions! To make sure you have sufficient information, the judge will want to know if you asked questions while at the health center. Ask questions at the health center and receive as much information as possible to be prepared!
- Talk with your lawyer: Ask them questions and review your strategies. The more they know about you, the more they can help.
- Prepare the logistics: How will you get to court? What will you wear? (The court is a formal place, so try to dress professionally.) How will you handle difficult questions or nerves?
- Study! A judge will ask you lots of questions to ensure you know what you’re doing and that you’re aware of the abortion procedure and potential risks. Be prepared to talk about the details of an abortion.

## Appealing a Court Decision

If a judge doesn’t give you a judicial bypass, you can appeal the decision with the Nebraska Supreme Court and have them review your case.

- After the judge gives their decision, you can confidentially appeal the decision.
- If you don’t have a lawyer, the state will appoint one. You don’t need to go to this hearing, only your lawyer does.
- Within a week the Supreme Court will give you their decision.

This pamphlet is an educational tool and is not legal advice. Be sure to contact a lawyer to help you through this legal process.

