

The Judicial Waiver Process in North Carolina

A REPORT

if
when
how

Lawyering for Reproductive Justice



Planned Parenthood South Atlantic



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INTRODUCTION

On top of other barriers to access already impeding access to abortion and reproductive healthcare, the current doctrine also allows for an additional restriction on young people—parental consent. These laws require young people seeking abortion care to get consent from a parent. If the young person is not comfortable with that—which is common and expected for a variety of reasons—they must seek a “judicial waiver” through the state court.

WHY THIS MATTERS

Because access to abortion care is already effectively unreachable for many. This was true even before the Supreme Court eliminated the right to abortion nationwide in June 2022, and even more so now. **Abortion remains legal in North Carolina up to the twentieth week of pregnancy**, but because so many surrounding states have banned the procedure, wait times for appointments in the state are longer, and people may have to travel farther away from home to access timely care. This additional hurdle, especially on young people, may be the final and ultimate barrier, keeping them from seeking the reproductive care they need. Additionally, parental consent laws create safety, autonomy, and well-being concerns for young people. Even though the judicial waiver option presents a way around informing a parent, the system is confusing. Those in charge are unclear themselves, and navigating the court’s system without a parent catching on is often an insurmountable hurdle in itself.

WHAT WE DID

Due to these concerns, we wanted to see exactly how prepared the North Carolina court system was to deal with the judicial waiver process. On top of all other barriers, young people should not also have to deal with unprepared districts giving them unclear, discouraging, or plain inaccurate information. The judicial waiver process is meant to be an accessible alternative to parental consent — so the court system should be prepped and informed about this process.

YOUNG PEOPLE'S ACCESS TO ABORTION IN NORTH CAROLINA

North Carolina law mandates that young people¹ must get parental consent before accessing abortion.

North Carolina law (see § 90-21.7) limits a young person's right to access abortion by requiring written parental consent for all "unemancipated minors."² Those eligible to give parental consent include only "(a) a parent with custody of the minor, (b) the legal guardian or legal custodian of the minor, (c) a parent with whom the minor is living, or (d) a grandparent with whom the minor has been living for at least six months."³

The health care provider performing the young person's abortion is not required to determine or analyze the validity of the parental consent given.⁴ However, anyone who "intentionally" or "with reckless disregard" performs an abortion on an unemancipated minor who does not meet parental consent requirements, is guilty of a criminal misdemeanor.⁵

Exceptions to the parental consent laws are made only when the physician determines, based on their "best medical judgment," that a medical emergency exists that requires an immediate abortion.⁶

For young people who are unable or uncomfortable asking for parental consent, judicial waivers are a way to bypass the requirement.

North Carolina law permits young people to file a judicial waiver in the county in which they reside or the county in which they are physically present.⁷ Judicial waiver is granted, and parental consent requirements are waived, if the court finds that (1) the minor is mature enough to decide on their own, (2) it is in the young person's best interest, or (3) the minor is a victim of rape or incest.⁸

¹ Although legally referred to as "minors" in the law/statutes - this report will use the term "young person" to refer to people under the age of 18.

² N.C. Gen. Stat. § 90-21.6(1) (Unemancipated minor definition, "any person under the age of 18 who has not been married or has not been emancipated").

³ Herein "parent" will be used to encompass all eligible to give consent pursuant to N.C. Gen. Stat. § 90-21.7

⁴ See Jackson ex. Rel. Robinson v. A Woman's Choice 130 N.C. App. 590, 503 S.E.2d 422 (holding the provider's unintentional failure to get parental consent was not a violation).

⁵ N.C. Gen. Stat. § 90-21.10

⁶ N.C. Gen. Stat. § 90-21.9

⁷ N.C. Gen. Stat. § 90-21.7(b)

⁸ N.C. Gen. Stat. § 90-21.8(e). It is important to note in the case where the court finds the minor is a victim of incest, it must be reported to Social Services. N.C. Gen. Stat. § 90-21.8(f).

The petition can be filed through either the young person themselves or a “guardian ad litem”⁹ appointed by the court. To qualify, the young person must allege that (1) none of the parties eligible to give parental consent were available, (2) the persons refused to give consent, or (3) the young person did not want to seek consent from such persons.¹⁰ The young person may request in their petition that their parents are not to be notified.¹¹

After a petition is filed, the court has seven days to issue a decision.¹² Before the court issues a decision, there will be a hearing which considers evidence related to “emotional development, maturity, intellect, and understanding of the minor; the nature, possible consequences, and alternatives to the abortion.”¹³ The young person may appeal the court’s outcome within 24 hours.¹⁴ No fees will be imposed on the young person for the waiver process.¹⁵

For unemancipated minors in North Carolina, the judicial waiver process, absent a medical emergency, is the only way around parental consent laws.

THE COURT’S ROLE

By controlling the judicial waiver system, the court plays an important role in a young person’s journey to access abortion care.

Because of the young person’s likely lack of experience with the court, and the lack of resources available on judicial waiver, the court is a necessary resource for all young people seeking a waiver. **Not only must the young person file their petition through the court clerk, but the court is required to assist them through various steps in the process.**

The court “shall ensure” that the young person has helped “in preparing and filing the petition.”¹⁶ This means that the clerk must provide such assistance to the young person. The court must inform and assist the young person of their right to a “guardian ad litem” as well as their right to an attorney, both at no cost.¹⁷ Both can be requested and assigned at any point in the proceeding.¹⁸

⁹ Guardians Ad Litem are trained community volunteers, appointed by the court to investigate the situation and advocate for a child’s best interest. See <https://volunteerforal.org>.

¹⁰ N.C. Gen. Stat. § 90-21.7(b)

¹¹ N.C. Gen. Stat. § 90-21.8(g)

¹² N.C. Gen. Stat. § 90-21.8(d)

¹³ N.C. Gen. Stat. § 90-21.8(d)

¹⁴ N.C. Gen. Stat. § 90-21.8(h)

¹⁵ N.C. Gen. Stat. § 90-21.8(i)

¹⁶ N.C. Gen. Stat. § 90-21.8(b)

¹⁷ N.C. Gen. Stat. § 90-21.8(c)

¹⁸ R. Recordkeeping 18.4 Comment B; See North Carolina Trial Judges Bench Book, 1 Family Law: Chapter 9 Judicial Waiver of Parental Consent Requirement for a Minor’s Abortion, 6 (2019).

Because of the prescribed role of the court clerk, and the “newness” of the process for many using it, the level of knowledge and preparedness of a clerk has an impact on the young person’s experience and success with the process. North Carolina law requires that minors have the ability to access the judicial waiver process as needed.¹⁹ Without a court system prepared to fully implement and support a judicial waiver process, it will not work.

COURT PREPAREDNESS

METHOD

This project borrows its structure from similar reports in other states, including the If/When/How report on the judicial waiver process in Florida. The study and corresponding report, in this case, comes out of a need for more informed access to the judicial bypass process for the young people of North Carolina. Given the court’s central role, analyzing the court’s preparedness is key to such access. The data was collected through a series of phone calls made to all the counties in the state of North Carolina. The calls were made pursuant to a script that was based on the script used for the Florida report. The caller would identify to the court that they were calling on behalf of a minor seeking an abortion. The callers then went through the questions on the script, skipping down to Question 9 if the court/clerk was unaware of the judicial waiver process in general. After the call, the results were evaluated for preparedness both quantitatively, by scoring each question response, and qualitatively, by taking down a narrative of the call. Included in the narrative are details such as who answered the call, if they got transferred, call length, hold time, and overall demeanor of the person they spoke to.

ANALYSIS

After the calls were completed, each was evaluated for “preparedness” about knowledge of the judicial waiver system. Responses to every individual question were scored from 0-1. A zero indicates that there was no answer or an incorrect answer, a one indicates that the correct answer was provided, and a 0.5 indicates partially correct and partially incorrect or missing information. The sum for each response was then totaled, for a score ranging from 0-10. Counties that received 0-4.5 points were categorized as unprepared, those with 5-8.5 were semi-prepared, and those with 9-10 points were prepared. Counties that were “prepared” demonstrated high accuracy on most to all of the questions. The clerks provided accurate information so that a minor would likely be able to navigate the process after the conversation. “Semi-prepared” counties were able to provide some information, but lacked a full range so that young people could leave with all of the

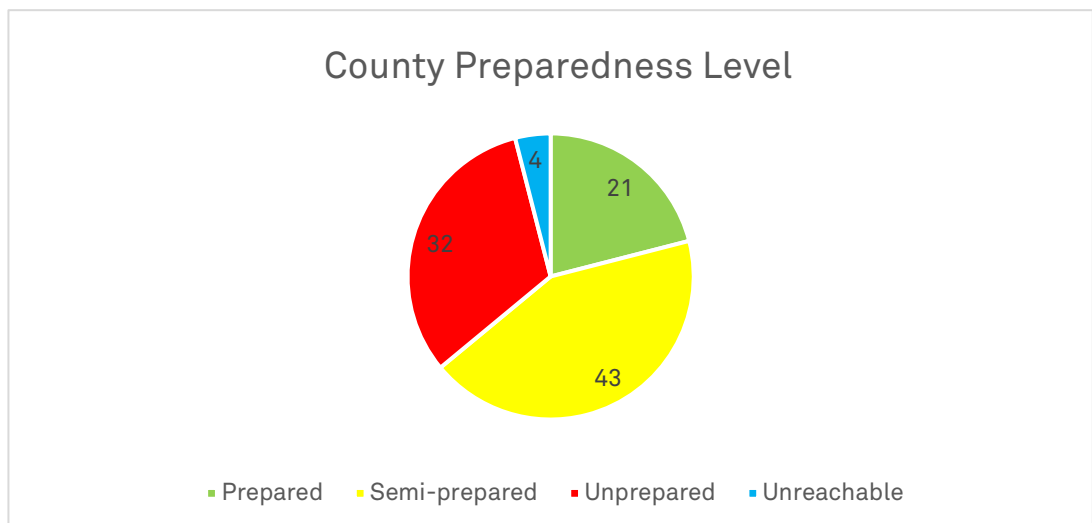
¹⁹ Jackson ex rel. Robinson v. A Woman’s Choice, Inc., 130 N.C. App. 590, 503 S.E.2d 422 (citing Wilkie v. Hoke, 609 F. Supp. 241 (W.D.N.C. 1985)), review denied, 517 S.E.2d 896 (N.C. 1998).

information they might be looking for. Some semi-prepared counties had partially accurate information across the board, while others had very accurate information on some questions, and were completely lacking on others. “Unprepared counties” either were unfamiliar with the judicial waiver process as a whole, or knew about the process and didn’t have answers to most of the questions, or gave wrong information. And finally, unreachable counties were unreachable after multiple attempts.

In addition to the quantitative scoring, the narrative of the call was also given a score from 0-5 based on qualitative factors. The reason for this additional score was to account for things beyond availability of information and accuracy. For example, a county may be “prepared” with accurate information, but judgmental or curt. On the other hand, a county may lack resources, but the clerk tried their best to locate what they had and was kind to the caller. While the accuracy of information is key to the process, the softer factors also shape the experience of the young person.

RESULTS

The overall average call time was 7 minutes and 7 seconds, but varied based on the category of preparedness.²⁰ Prepared counties took the longest on average, and unprepared were the quickest calls. The call time calculation also included all hold time and transfers. Calls that were transferred to voicemails, auto-ended, or were unanswered were not factored into the call time. Holds and transfers were more common among lesser prepared counties. The specific department that was tasked to answer questions about Judicial Waiver varied, some could answer questions at the general clerk’s office, while others had to be transferred to a more specific office, often the juvenile division.



²⁰ This calculation excluded Montgomery County (semi-prepared) which did not record a call time.

Prepared counties

The “prepared” counties account for 21% of all of North Carolina’s 100 Counties. These 21 counties expressed knowledge of the Judicial Waiver process and a willingness to help and respond to questions. The average call time for these counties was 10 minutes 54 seconds, ranging from as short as 4 minutes to as long as 20. Five of the ten questions received perfect scores across the board, answered helpfully and correctly by all of the prepared counties. Consistency with regard to getting started, confidentiality, public records, cost, and translation services demonstrates the important information that these counties were able to accurately convey. The question with the lowest sum total of points for prepared counties was Question 5, which asked who can help the young person with this process. There were only a few questions on which prepared counties received “zero” scores—including questions about process length and county to file in. This demonstrates the need for increased education and resources, even in the most prepared places in the state. Overall, these counties demonstrated high information quality quantitatively, providing most, if not all, the information the caller was seeking.

The high quantitative scores correlated with high qualitative scores regarding the narratives of the calls. Not only did the counties have accurate information, but they were also pleasant to deal with. The call narratives reflected helpful clerks with a high degree of knowledge on the issue. Callers described the clerks in ways, such as:

- “Extremely helpful, and very kind”
- “She seemed eager to assist the minor”
- “Answered by a woman who clearly knew the judicial process well and was very helpful”
- “Wanted to emphasize that there would be plenty of help available”

Additionally, some counties provided information without having to be asked. In one instance, the caller was told they could have an attorney at no cost before the caller even got to that question on the script. This type of preemptive information could prove invaluable when applied to an actual minor, who knows much less about the process or even what to ask.

In instances where there was wrong or unknown information, often the clerks took extra efforts to find information. One example of this comes from a county where the clerk did give wrong information, but then took extra steps to call the person back and correct themselves. This is a drastic difference from unprepared counties that provided wrong or no information, without any follow-up.

Overall, the prepared counties were both knowledgeable about the facts, as well as generally kind and demonstrated a willingness to help out the minors as they navigate the process.

Semi-prepared counties

Forty-three (43%) of the counties in North Carolina fell into the “semi-prepared” category. The average call time for semi-prepared counties was 8 minutes 38 seconds, which includes hold and transfer time.²¹ This category demonstrates significantly less knowledge and accuracy than the “prepared” section. However, there was a broad range of types within this classification. Some counties across the board did average, scoring lots of 0.5s with semi-accurate information. On the other hand, many counties knew a lot about some questions, while also getting several zeros. There was also a broad range of qualitative scores. Some clerks were very unfamiliar with judicial waiver, but tried very hard to get information, even if it turned out to be somewhat inaccurate. For example:

- “Was helpful, but she gave some false information”
- “She was not familiar with the process and needed to connect with her supervisor for more information. Unfortunately, her supervisor gave her inaccurate information. However, she tried to be helpful and seemed eager to assist the minor with the process.”
- “Did not seem familiar with the judicial bypass process, but she did seem to want to be helpful.”
- “Was clearly not familiar with judicial bypass, but she did try very hard to help me.”

However, others may have known more information, but were short, eager to get off the phone, or gave off-putting or concerning information that would likely deter a young person from continuing the process.

- “The juvenile clerk seemed reluctant to give me information and was unsure about some aspects of the process.”
- “I spoke with a woman who seemed to have some of the information about judicial bypass, but she seemed to be trying to get me off the phone, and she gave some wrong answers.”
- “Gave disturbing answers about how the county handles judicial waivers,” for example information provided to callers included:
 - “[the young person] has to have a good reason. It cannot be ‘my boyfriend and I slept together. None of the judges will go for that. She must have good

²¹ This calculation excludes Montgomery county, which did not have a recorded call time.

plans, be smart, 4.0 GPA; not just ‘oops.’ She must have a good, legitimate reason.”

- “If [the young person] is too far along they won’t allow it, and they don’t like to do it at all. There has to be a really good reason.”

Some counties were split. In these instances, callers spoke to multiple people, some of whom were dismissive and unprepared while others wanted to help as much as possible. These experiences demonstrate uncertainty and nonuniform training on judicial waivers. Who these young people happen to speak to can make a big difference.

- For example, these qualitative notes are from the same county:
 - “She was not aware of the process and not willing to direct me to anyone else who may have more information.”
 - “He was very helpful but had a few inaccurate answers.”

It was also much more common to wait longer on hold, speak to multiple people, and transfer departments with semi-prepared counties as compared to prepared counties.

- “Overall, it took a while to connect with the clerk but after I did, most of their information was correct.”
- Long hold... but “sweet and apologetic for keeping me on hold so long.”

Semi-prepared counties also had a common theme of not knowing what to do or being thrown off, especially when asked about people who did not speak English. Many clerks were unsure if the forms were offered in other languages, or what translation services were available for the hearing. One especially egregious example occurred when a clerk “immediately became very concerned for the minor in question” when asked about the language, and began to ask if there was non-consensual activity or a crime involved.²² Additionally, it should be noted that in almost every instance, when asked about “non-English” speakers, all the resources were for Spanish. There was little to no information given about languages beyond English and Spanish.

²² It is important to note the particular sensitivity of this question because of N.C.’s mandatory reporting laws. N.C. Gen. Stat. § 7B-301 requires any person who “has cause to suspect” juvenile abuse to report it to social services, and failure to do so is a misdemeanor. Additionally, § 14-318.6(b) requires anyone “who knows or should have reasonably known” of a sexual offense against a juvenile to report it to local law enforcement. So if the clerk had obtained such information over this phone call, they would have had to report it to CPS and law enforcement. This raises many concerns about confidentiality which is of vital importance to this process.

Overall, semi-prepared counties varied a lot with the experience the caller had. Each county ranked as only semi-prepared for a variety of reasons, each providing another barrier in the way of the young person seeking access to the waiver process.

Unprepared counties

Thirty-two of the 100 counties in North Carolina (32%) are classified as “unprepared.” Counties that fell into this category either were completely unfamiliar with the judicial waiver process, or were somewhat familiar with the process, but unable to provide answers or provided wrong answers. The calls were quick in this category, averaging 3 minutes and 32 seconds. Only five of the thirty-two counties in this category scored any points—the remaining twenty-eight received no points for any questions. Question 7, about process length, Question 8 about county to file, and Question 10 about resources in additional languages, received no points in any of the unprepared counties.

Some of the counties were completely unfamiliar with the concept of and process behind judicial waivers when asked. For example:

- “Ma’am, I just asked a few people, and none of us know of anything like that here, we don’t do something like that here.”
- “The clerk was unfamiliar with the process and her supervisor was unwilling to disclose information.”
- Referenced emancipation instead—unaware of judicial waiver option:
 - “I think that they would have to go through the emancipation process to do that, which requires an attorney.”
 - “I’m thinking she might have to fill out paperwork to become emancipated to do that.”

When clerks were aware, many of them would not provide any information and instead referenced an attorney. They claimed this was “legal advice” they couldn’t give out. For example:

- “Umm I’m not sure that’s something our office can do.”
 - Told to talk to an attorney but they could not help.
- “You’ll need to talk to an attorney about that. We can’t give any legal advice.”
- “We can’t answer legal questions like that.”
- Wouldn’t say anything about the paperwork because “that would be considered legal advice.”

Additionally, many clerks that did know about the process were generally unwilling to give out information or seek out answers they did not know. For example:

- “Both staffers were unable to provide vital information about judicial waivers. They were not willing to help me figure out the types of forms or places where I could get more information.”
- “I’m sorry, this just isn’t something I know much about.”

Often the clerks told callers they had to come in person and refused to give out more information over the phone. For example:

- “She would not disclose any information about the process other than the minor must go to clerk’s office.”

Overall, unprepared counties were much less familiar with the process and more likely to give out completely wrong information. Additionally, there were lots of transfers, voicemails, and instances where the caller was told to call back later — making them much harder to get in contact with in the first place.

Unable to be reached

Four (4%) of the 100 counties in North Carolina are “unreachable” with regard to judicial waiver. Counties classified as “unreachable” were contacted multiple times and were either told to call back or transferred to a voicemail.

Counties with abortion clinics

Only nine of the 100 counties in North Carolina have abortion clinics. There was no clear pattern of preparedness level of the county clerk’s office in connection with having a clinic. The preparedness scores were evenly split across the board. Two counties (Durham and Buncombe) were unreachable, three (Cumberland, New Hanover, and Forsyth) were reachable but unprepared, two (Mecklenburg and Guilford) were semi-prepared, and two (Wake and Orange) ranked as prepared.

Prepared Level of Counties with Clinic



■ Prepared ■ Semi-prepared ■ Unprepared ■ Unreachable

Counties with female population age 15-17 over 5,000

Seven counties (out of the 100) have a population of over 5000 females aged 15-17 (likely target for young people seeking a waiver, although not fully accurate as some people under age 15 seek waivers).²³ Once again, there was no clear pattern — with counties falling across the preparedness rankings. One county was prepared (Wake), three (Mecklenburg, Guilford, and Union) were semi-prepared, two (Forsyth and Cumberland) ranked unprepared, and one (Durham) was unreachable.

Preparedness of Counties with Female Age 15-17 Population >5,000

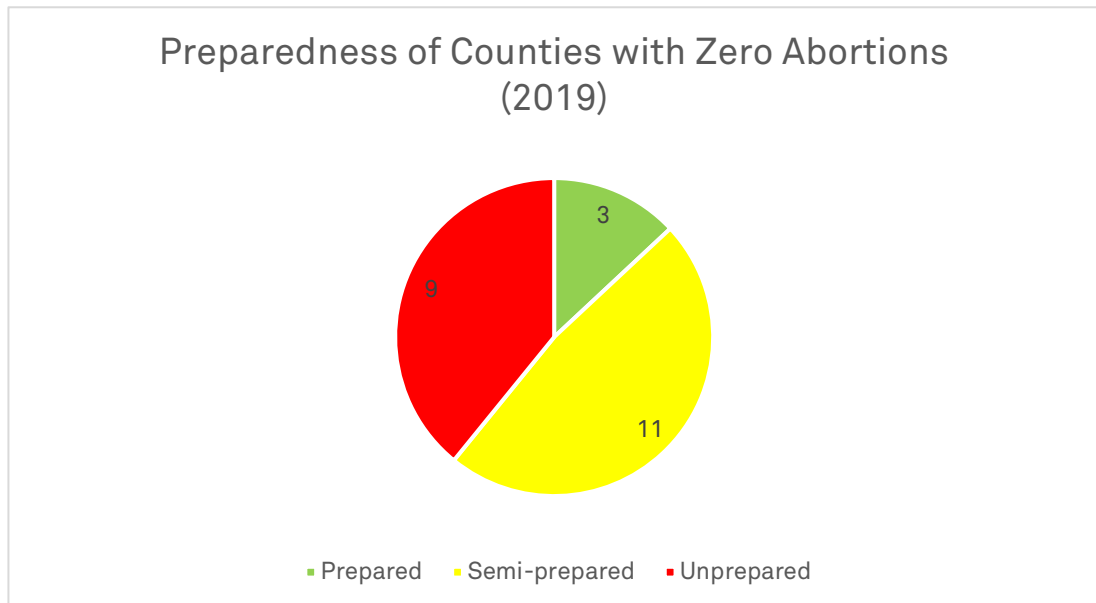


■ Prepared ■ Semi-prepared ■ Unprepared ■ Unreachable

²³ <https://demography.osbm.nc.gov/explore/?sort=modified>.

Counties with no reported abortion for young people age 15-17

Twenty-three (23%) of North Carolina's counties reported no abortions for the 15-17 female age range in 2019.²⁴ Only three of these counties scored as prepared. Eleven ranked as semi-prepared, and nine ranked as unprepared but reachable. These counties also had a relatively low 15-17 age range population for females, none surpassing 900. Beaufort County (semi-prepared) had the highest pregnancy total for this age range, at 14. The remaining counties all reported single digit, or zeros for total pregnancies in this age range.²⁵



LIMITATIONS

The calls to county clerks took place between the fall of 2019 and the spring of 2021, and COVID-related closures and staff shortages may have resulted in more unanswered calls than usual. Multiple attempts were made to contact the clerk's offices that did not answer.

²⁴ <https://schs.dph.ncdhhs.gov/data/vital/pregnancies/2019/abort1517.pdf>

²⁵ It is important to note that there are remaining questions about the accuracy of these abortion statistics. It is not known how the total abortions get reported, or if the numbers get reported back to the county for individuals that leave their county to obtain one.

DISCUSSION

Of the 100 counties in North Carolina, only 21 ranked as prepared when answering questions about judicial waiver. This leaves 79 counties lacking in their knowledge and preparedness regarding important questions that have the potential to shape a young person's experience and success with the waiver process.

While even the prepared counties had information gaps, callers were likely to walk away (1) having had a good experience, and (2) with sufficient information in order to continue along with the judicial waiver process. However, every answer and question matters. The information a caller is looking for could be the one area that even some of the most prepared counties did not know. The importance of each and every question demonstrates a need, even at the highest level, for increased awareness and training on dealing with Judicial Waivers. Walking away from a phone call to a clerk's office in North Carolina, it is most likely that a young person will at least know the process is confidential and there will not be a record someone can trace back to them, as the highest scoring questions across the board were Question 3, about confidentiality, and Question 4, about public record. The lowest scoring question overall was Question 5, which asked if there was anybody who could help the young person with the process.

Common characteristics of high scoring, and more prepared counties connect both the knowledge the caller had, as well as the "soft" factors of the call. Counties scored high when the clerk was kind and reassuring that there was help available. Additionally, special note was taken when the clerk was doing more than simply reading off forms, and when additional efforts were taken to seek out information the person may not have already known. Another factor that scored well was when clerks had a call-back number and direct contact, so that the caller wouldn't have to go through the same transfer chain if they needed to call back for additional help.

On the other hand, there were common trends identified with negative call experiences. Some counties offer generally discouraging information about the judicial waiver process and negative opinions toward young people seeking abortions. Clerks discussed the judge's political views, opposition, and high standards in granting such waivers. For many young people, this information could cause stress, delay, and even abandonment of the process altogether. Moreover, this leaves the public with the distinct impression that the courts are biased and politically motivated, not deciding waiver cases on an impartial basis.

Other lower-scoring calls simply refused to give out any information. A common theme among unprepared counties was clerks labeling information about judicial waiver "legal advice" that they were not "allowed" to give out, even though the statute requires the

court to provide guidance on the judicial waiver process.²⁶ Others required the young person to come in person, and refused to offer help over the phone. Many young people are not able to find a way to come in person, and these phone calls are vital to getting accurate information.

Another common issue with lower-scoring counties was a lack of awareness and wrong information. Many clerks were either completely unaware of judicial waiver, or wrong in their assumptions of how the process plays out. Callers were referred to the public defender's office, clinics, or told they couldn't start without an attorney. Additionally, many clerks unaware of the judicial waiver option told the caller that the only way around the parental consent laws was through emancipation. This option is especially dangerous, because not only is it wrong, but the emancipation process may take longer than the young person has, and it involves notifying the parents of the proceeding, which often is what the young person is attempting to avoid in the first place.

Call time varied with preparedness level. The prepared counties had the longest average call time. Although easier to get into contact with, and with generally fewer holds and transfers, prepared counties talked longer and had more information to give out about the process. One reason for going longer is that callers are more likely to get information about all ten questions. In contrast, unprepared county calls were much shorter. Some of these calls barely lasted 1-2 minutes. This call time reflects the little information these counties had about the process, as well as the unwillingness of the clerks to engage in the conversation and seek out answers they did not know.

A couple of areas of concern showed up across preparedness levels. First, most counties had limited, if any, non-English language services or knowledge. Many clerks did not know what services were available for additional languages. Counties that were aware of language services, almost across the board, only had knowledge of Spanish language resources, and did not mention options for languages beyond. Another common problem was that many counties asked callers to leave voicemails with personal information. Leaving such information causes concerns about caller privacy and confidentiality.

The court clerk's role in the judicial waiver process is extremely important because it is key to a young person's ability to navigate this option. Without information from the clerk, young people may be unable to complete the process. Additionally, incorrect information may lead to decisions they did not want to make—and otherwise would not have had to make—such as continuing the pregnancy, telling parents and risking negative consequences, or even paying more to go to a state without parental consent requirements.

²⁶ N.C. Gen. Stat. § 90-21.8(c)

RECOMMENDATIONS

Although some amount of training on the judicial waiver process is provided to North Carolina Clerks of Superior Court through the UNC School of Government, court employees are in need of further training on how to answer the most pertinent questions on the judicial bypass process.

It is also critical that the information provided during training is conveyed to other staff who may be answering phone calls or in-person questions from young people in need of information about the judicial waiver process. At the very least, clerk staff should know that the judicial waiver option exists, should be able to provide the name of the form that the minor needs to access (Petition for Waiver of Parental Consent for Minor's Abortion) on the NC Courts website (www.nccourts.gov) or in person, and should be able to relay basic and consistent information about the process (that is it confidential, that it is free, that there is help available to navigate the process if needed, that the hearing should take place within 7 days of filing the petition).

ADDITIONAL RESOURCES

- Textabby: <https://www.carolinaabortionfund.org/textabby> or (844-997-2229)

Textabby is a resource available through the Carolina Abortion Fund for young people seeking information about the Judicial Waiver process. It is a free text hotline that answers questions and helps them through the process.

- Bench book:
<https://www.sog.unc.edu/sites/www.sog.unc.edu/files/Bench%20Book%2009%20Minors%20Abortion%202019.pdf>

The North Carolina Trial Judges' Bench Book on Judicial Waiver is a legal resource, created to outline the law behind judicial waiver in North Carolina. It walks through the requirement of such waiver with parental consent laws, the procedure, and the appeals process.

- If/When/How state info pages on judicial bypass:
<https://judicialbypasswiki.ifwhenhow.org/wiki/north-carolina/>

This site provides a general overview of the judicial waiver law and process for North Carolina. It has FAQs where an individual can search my question for the specific information they may need.

APPENDIX

COURTHOUSE CALL QUESTIONNAIRE

Volunteer: “Hi, I am calling to find out how a girl who is not 18 who wants an abortion can get a judge’s permission to avoid telling her parents.” (If unaware of judicial bypass process, proceed straight to question 9.)

1. How does she start? What will she have to do to get the judge’s permission?
 - a. Knowledge of process, requirements, and details
 - b. Unfamiliar with process, unable to provide details
 - c. Denial of procedure through judge, rejection
2. So, her parents will not be notified?
 - a. No, they will not be notified
 - b. Yes, they will be notified
 - c. Not sure
3. Is it confidential?
 - a. Yes, it will remain confidential
 - b. No, it will not remain confidential
 - c. Not sure
4. Is there any kind of public record?
 - a. No, it will be sealed
 - b. Yes, there will be a public record
 - c. Not sure
5. This sounds like a complicated process. Is there somebody who can help her with it?
 - a. Yes, we can help her fill out the paperwork at the clerk’s office AND she is entitled to a court-appointed attorney
 - b. Yes, we can help her fill out the paperwork at the clerk’s office OR she is entitled to a court-appointed attorney. (Circle the option offered.)
 - c. No, she will need to hire a private attorney
 - d. Not sure
6. Will it cost money?
 - a. No, there will be no costs to her
 - b. Yes, it will cost her money
 - c. Not sure
7. How long will the process take?
 - a. Will be handled within 7 business days
 - b. Unspecified, long time
 - c. Not sure
8. Does she have to file in the country where she lives?
 - a. No, she can file in any county in North Carolina
 - b. Yes, she must file in the county where she lives
 - c. Not sure

9. Where can I get information about this process?
- a. Abortion clinic
 - b. AOC instruction sheet (If offered, ask where to find this.)
 - c. In-person
 - d. Not sure
10. Where can someone get information if they do not speak English?
- a. Translator available
 - b. Not sure

PREPAREDNESS BY COUNTY

PREPARED COUNTIES (HIGH-LOW SCORES)	FEMALE POPULATION 15-17 YEARS OLD	ABORTION FOR AGE 15-17 (2019)	ABORTION CLINIC
Cabarrus	4,835	18	
Chatham	1,298	2	
Rockingham	1,660	4	
Stokes	830	4	
Surry	1,356	1	
Wayne	2,433	7	
Davie	858	0	
Jones	161	1	
Lee	1,257	4	
Lenoir	998	1	
Orange	2,721	6	✓
Person	680	1	
Tyrrell	58	0	
Wake	23,665	56	✓
Washington	218	1	
Yadkin	668	0	
Alamance	3,325	7	
Haywood	1,026	1	
Henderson	2,090	5	
Randolph	2,996	4	
Rowan	2,881	6	

SEMI-PREPARED COUNTIES (HIGH-LOW SCORES)	FEMALE POPULATION 15-17 YEARS OLD	ABORTIONS FOR AGE 15-17 (2019)	ABORTION CLINIC
Anson	433	0	
Carteret	1,058	4	

Montgomery	578	1	
Vance	930	2	
Watauga	565	0	
Wilson	1,581	3	
Bladen	650	1	
Burke	1,653	3	
Camden	233	1	
Hoke	1,197	5	
Iredell	3,936	9	
Mecklenburg	19,825	74	✓
Scotland	630	1	
Beaufort	863	0	
Duplin	1,138	1	
Granville	1,034	1	
Guilford	10,244	26	✓
Hyde	77	0	
Martin	410	1	
Onslow	3,256	8	
Pitt	3,052	8	
Rutherford	1,234	3	
Union	6,095	8	
Warren	284	3	
Yancey	286	0	
Alleghany	179	0	
Clay	172	0	
Davidson	3,336	3	
Greene	362	0	
Madison	379	0	
Nash	1,777	4	
Sampson	1,318	3	
Stanly	1,154	2	
Brunswick	1,960	3	
Gaston	4,273	10	
Robeson	2,457	7	
Transylvania	505	1	
Cherokee	489	0	
Craven	1,852	9	
Hertford	412	3	
Mitchell	245	0	

Caswell	388	2	
Franklin	1,345	4	

UNPREPARED COUNTIES (HIGH-LOW SCORES)	FEMALE POPULATION 15-17 YEARS OLD	ABORTION FOR AGE 15-17 (2019)	COUNTIES WITH CLINICS
Pamlico	198	0	
Jackson	559	1	
Lincoln	1,683	1	
Chowan	234	0	
Forsyth	7,572	21	✓
Alexander	703	1	
Ashe	430	1	
Avery	261	1	
Bertie	306	0	
Caldwell	1,539	3	
Catawba	3,166	5	
Cleveland	1,871	7	
Cumberland	5,632	25	✓
Currituck	567	1	
Dare	613	1	
Edgecombe	1,108	6	
Gates	216	0	
Graham	156	0	
Halifax	961	1	
Harnett	2,941	5	
Johnston	4,275	7	
Macon	571	0	
Moore	1,834	3	
New Hanover	3,639	9	✓
Northampton	314	3	
Pasquotank	690	0	
Pender	1,196	2	
Perquimans	216	1	
Polk	337	0	
Richmond	847	1	
Swain	251	0	
Wilkes	1,282	1	

UNABLE TO REACH	FEMALE POPULATION 15-17 YEARS OLD	ABORTIONS FOR AGE 15-17 (2019)	ABORTION CLINICS
Buncombe	4,264	12	✓
Columbus	1,046	1	
Durham	5,280	19	✓
McDowell	829	1	