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HOUSE BILL NO. 2899

Offered January 20, 1997

A BILL to amend and reenact § 16.1-241 of the Code of Virginia, as it is currently effective and as it may become effective, and to amend the Code of Virginia by adding sections numbered 18.2-75.1, 18.2-75.2 and 18.2-75.3, relating to procedures governing abortions for minors; penalty.

Patrons—Marshall, Katzen and O'Brien

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-241 of the Code of Virginia, as it is currently effective and as it may become effective, is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 18.2-75.1, 18.2-75.2 and 18.2-75.3 as follows:

§ 16.1-241. Jurisdiction.

The judges of the juvenile and domestic relations district court elected or appointed under this law shall be conservators of the peace within the corporate limits of the cities and the boundaries of the counties for which they are respectively chosen and within one mile beyond the limits of such cities and counties. Except as hereinafter provided, each juvenile and domestic relations district court shall have, within the limits of the territory for which it is created, exclusive original jurisdiction, and within one mile beyond the limits of said city or county, concurrent jurisdiction with the juvenile court or courts of the adjoining city or county over all cases, matters and proceedings involving:

A. The custody, visitation, support, control or disposition of a child:

1. Who is alleged to be abused, neglected, in need of services, in need of supervision, a status offender, or delinquent except where the jurisdiction of the juvenile court has been terminated or divested;

2. Who is abandoned by his parent or other custodian or who by reason of the absence or physical or mental incapacity of his parents is without parental care and guardianship;

2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated as having abused or neglected another child in the care of the parent or custodian;

3. Whose custody, visitation or support is a subject of controversy or requires determination. In such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, except as provided in § 16.1-244;

4. Who is the subject of an entrustment agreement entered into pursuant to § 63.1-56 or § 63.1-204 or whose parent or parents for good cause desire to be relieved of his care and custody;

5. Where the termination of residual parental rights and responsibilities is sought. In such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, as provided in § 16.1-244;

6. Who is charged with a traffic infraction as defined in § 46.2-100.

In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated in subsection B of § 16.1-269.1, and for any charges ancillary thereto, the jurisdiction of the juvenile court shall be limited to conducting a preliminary hearing to determine if there is probable cause to believe that the juvenile committed the act alleged and that the juvenile was fourteen years of age or older at the time of the commission of the alleged offense, and any matters related thereto. In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated in subsection C of § 16.1-269.1, and for all charges ancillary thereto, if the attorney for the Commonwealth has given notice as provided in subsection C of § 16.1-269.1, the jurisdiction of the juvenile court shall be limited to conducting a preliminary hearing to determine if there is probable cause to believe that the juvenile committed the act alleged and that the juvenile was fourteen years of age or older at the time of the commission of the alleged offense, and any matters related thereto. A determination by the juvenile court following a preliminary hearing pursuant to subsection B or C of § 16.1-269.1 to certify a charge to the grand jury shall divest the juvenile court of jurisdiction over the charge and any ancillary charge. In any case in which a transfer hearing is

held pursuant to subsection A of § 16.1-269.1, if the juvenile court determines to transfer the case, jurisdiction of the juvenile court over the case shall be divested as provided in § 16.1-269.6.

In all other cases involving delinquent acts, and in cases in which an ancillary charge remains after a violent juvenile felony charge has been dismissed or a violent juvenile felony has been reduced to a lesser offense not constituting a violent juvenile felony, the jurisdiction of the juvenile court shall not be divested unless there is a transfer pursuant to subsection A of § 16.1-269.1.

INTRODUCED

HB2899

60 The authority of the juvenile court to adjudicate matters involving the custody, visitation, support,
61 control or disposition of a child shall not be limited to the consideration of petitions filed by a mother,
62 father or legal guardian but shall include petitions filed at any time by any party with a legitimate
63 interest therein. A party with a legitimate interest shall be broadly construed and shall include, but not
64 be limited to, grandparents, stepparents, former stepparents, blood relatives and family members. A party
65 with a legitimate interest shall not include any person (i) whose parental rights have been involuntarily
66 terminated by court order if the child subsequently has been legally adopted, or (ii) who has been
67 convicted of a violation of subsection A of § 18.2-61 or subsection B of § 18.2-366 when the child who
68 is the subject of the petition was conceived as a result of such violation. The authority of the juvenile
69 court to consider a petition involving the custody of a child shall not be proscribed or limited where the
70 child has previously been awarded to the custody of a local board of social services.

71 B. The admission of minors for inpatient treatment in a mental health facility in accordance with the
72 provisions of Article 16 (§ 16.1-335 et seq.) of this chapter and the commitment of a mentally ill person
73 or judicial certification of eligibility for admission to a treatment facility of a mentally retarded person
74 in accordance with the provisions of Chapters 1 (§ 37.1-1 et seq.) and 2 (§ 37.1-63 et seq.) of Title 37.1.
75 Jurisdiction of the commitment and certification of adults shall be concurrent with the general district
76 court.

77 C. Except as provided in subsections D and H hereof, judicial consent to such activities as may
78 require parental consent may be given for a child who has been separated from his parents, guardian,
79 legal custodian or other person standing in loco parentis and is in the custody of the court when such
80 consent is required by law.

81 D. Judicial consent for emergency surgical or medical treatment for a child who is neither married
82 nor has ever been married, when the consent of his parent, guardian, legal custodian or other person
83 standing in loco parentis is unobtainable because such parent, guardian, legal custodian or other person
84 standing in loco parentis (i) is not a resident of this Commonwealth, (ii) his whereabouts is unknown,
85 (iii) he cannot be consulted with promptness, reasonable under the circumstances or (iv) fails to give
86 such consent or provide such treatment when requested by the judge to do so.

87 E. Any person charged with deserting, abandoning or failing to provide support for any person in
88 violation of law.

89 F. Any parent, guardian, legal custodian or other person standing in loco parentis of a child:

90 1. Who has been abused or neglected;

91 2. Who is the subject of an entrustment agreement entered into pursuant to § 63.1-56 or § 63.1-204
92 or is otherwise before the court pursuant to subdivision A 4 of this section;

93 3. Who has been adjudicated in need of services, in need of supervision, or delinquent, if the court
94 finds that such person has by overt act or omission induced, caused, encouraged or contributed to the
95 conduct of the child complained of in the petition.

96 G. Petitions filed by or on behalf of a child or such child's parent, guardian, legal custodian or other
97 person standing in loco parentis for the purpose of obtaining treatment, rehabilitation or other services
98 which are required by law to be provided for that child or such child's parent, guardian, legal custodian
99 or other person standing in loco parentis. Jurisdiction in such cases shall be concurrent with and not
100 exclusive of that of courts having equity jurisdiction as provided in § 16.1-244.

101 H. Judicial consent to apply for work permit for a child when such child is separated from his
102 parents, legal guardian or other person standing in loco parentis.

103 I. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or
104 neglect of children or with any violation of law which causes or tends to cause a child to come within
105 the purview of this law, or with any other offense against the person of a child. In prosecution for
106 felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not
107 there is probable cause.

108 J. All offenses in which one family or household member is charged with an offense in which
109 another family or household member is the victim and all offenses under § 18.2-49.1.

110 In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to
111 determining whether or not there is probable cause. Any objection based on jurisdiction under this
112 subsection shall be made before a jury is impaneled and sworn in a jury trial or, in a nonjury trial,
113 before the earlier of when the court begins to hear or receive evidence or the first witness is sworn, or it
114 shall be conclusively waived for all purposes. Any such objection shall not affect or be grounds for
115 challenging directly or collaterally the jurisdiction of the court in which the case is tried. For purposes
116 of this subsection, "family or household member," as defined in § 16.1-228, shall also be construed to
117 include parent and child, stepparent and stepchild, brothers and sisters, and grandparent and grandchild,
118 regardless of whether such persons reside in the same home.

119 K. Petitions filed by a natural parent, whose parental rights to a child have been voluntarily
120 relinquished pursuant to a court proceeding, to seek a reversal of the court order terminating such
121 parental rights. No such petition shall be accepted, however, after the child has been placed in the home

122 of adoptive parents.

123 L. Any person who seeks spousal support after having separated from his spouse. A decision under
124 this subdivision shall not be res judicata in any subsequent action for spousal support in a circuit court.
125 A circuit court shall have concurrent original jurisdiction in all causes of action under this subdivision.

126 M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1 or
127 § 16.1-279.1.

128 N. Any person who escapes or remains away without proper authority from a residential care facility
129 in which he had been placed by the court or as a result of his commitment to the Virginia Department
130 of Juvenile Justice.

131 O. Petitions for emancipation of a minor pursuant to Article 15 (§ 16.1-331 et seq.) of this chapter.

132 P. Petitions for enforcement of administrative support orders entered pursuant to Chapter 13
133 (§ 63.1-249 et seq.) of Title 63.1, or by another state in the same manner as if the orders were entered
134 by a juvenile and domestic relations district court upon the filing of a certified copy of such order in the
135 juvenile and domestic relations district court.

136 Q. Petitions for a determination of parentage pursuant to Chapter 3.1 (§ 20-49.1 et seq.) of Title 20.

137 R. Petitions for the purpose of obtaining an emergency protective order pursuant to § 16.1-253.4.

138 S. Petitions filed by school boards against parents pursuant to §§ 16.1-241.2 and 22.1-279.3.

139 T. Petitions to enforce any request for information or subpoena that is not complied with or to
140 review any refusal to issue a subpoena in an administrative appeal regarding child abuse and neglect
141 pursuant to § 63.1-248.6:1.

142 U. Petitions filed in connection with parental placement adoption consent hearings, pursuant to
143 § 63.1-220.3. Such proceedings shall be advanced on the docket so as to be heard by the court within
144 ten days of filing of the petition, or as soon thereafter as practicable so as to provide the earliest
145 possible disposition.

146 *V. Petitions for obtaining authorization for a physician to perform an abortion pursuant to*
147 *§ 18.2-75.2.*

148 The ages specified in this law refer to the age of the child at the time of the acts complained of in
149 the petition.

150 Notwithstanding any other provision of law no fees shall be charged by a sheriff for the service of
151 any process in a proceeding pursuant to subdivision 3 of subsection A or subsection B, D, M or R of
152 this section.

153 § 16.1-241. (Delayed effective date) Jurisdiction.

154 The judges of the family court elected or appointed under this law shall be conservators of the peace
155 within the corporate limits of the cities and the boundaries of the counties for which they are
156 respectively chosen and within one mile beyond the limits of such cities and counties. Except as
157 hereinafter provided, each family court shall have, within the limits of the territory for which it is
158 created, exclusive original jurisdiction, and within one mile beyond the limits of said city or county,
159 concurrent jurisdiction with the family court or courts of the adjoining city or county over all cases,
160 matters and proceedings involving:

161 A. The custody, visitation, support, control or disposition of a child:

162 1. Who is alleged to be abused, neglected, in need of services, in need of supervision, a status
163 offender, or delinquent; except where the jurisdiction of the family court has been terminated or
164 divested;

165 2. Who is abandoned by his parent or other custodian or who by reason of the absence or physical
166 or mental incapacity of his parents is without parental care and guardianship;

167 2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated
168 as having abused or neglected another child in the care of the parent or custodian;

169 3. Whose custody, visitation or support is a subject of controversy or requires determination;

170 4. Who is the subject of an entrustment agreement entered into pursuant to § 63.1-56 or § 63.1-204
171 or whose parent or parents for good cause desire to be relieved of his care and custody;

172 5. Where the termination of residual parental rights and responsibilities is sought;

173 6. Who is charged with a traffic infraction as defined in § 46.2-100.

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175 in subsection B of § 16.1-269.1, and for any charges ancillary thereto, the jurisdiction of the family
176 court shall be limited to conducting a preliminary hearing to determine if there is probable cause to
177 believe that the juvenile committed the act alleged and that the juvenile was fourteen years of age or
178 older at the time of the commission of the alleged offense, and any matters related thereto. In any case
179 in which the juvenile is alleged to have committed a violent juvenile felony enumerated in subsection C
180 of § 16.1-269.1, and for all charges ancillary thereto, if the attorney for the Commonwealth has given
181 notice as provided in subsection C of § 16.1-269.1, the jurisdiction of the family court shall be limited
182 to conducting a preliminary hearing to determine if there is probable cause to believe that the juvenile

183 committed the act alleged and that the juvenile was fourteen years of age or older at the time of the
184 commission of the alleged offense, and any matters related thereto. A determination by the family court
185 following a preliminary hearing pursuant to subsection B or C of § 16.1-269.1 to certify a charge to the
186 grand jury shall divest the family court of jurisdiction over the charge and any ancillary charge. In any
187 case in which a transfer hearing is held pursuant to subsection A of § 16.1-269.1, if the family court
188 determines to transfer the case, jurisdiction of the family court over the case shall be divested as
189 provided in § 16.1-269.6.

190 In all other cases involving delinquent acts, and in cases in which an ancillary charge remains after a
191 violent juvenile felony charge has been dismissed or a violent juvenile felony has been reduced to a
192 lesser offense not constituting a violent juvenile felony, the jurisdiction of the family court shall not be
193 divested unless there is a transfer pursuant to subsection A of § 16.1-269.1.

194 The authority of the family court to adjudicate matters involving the custody, visitation, support,
195 control or disposition of a child shall not be limited to the consideration of petitions filed by a mother,
196 father or legal guardian but shall include petitions filed at any time by any party with a legitimate
197 interest therein. A party with a legitimate interest shall be broadly construed and shall include, but not
198 be limited to, grandparents, stepparents, former stepparents, blood relatives and family members. A party
199 with a legitimate interest shall not include any person (i) whose parental rights have been involuntarily
200 terminated by court order if the child subsequently has been legally adopted, or (ii) who has been
201 convicted of a violation of subsection A of § 18.2-61 or subsection B of § 18.2-366 when the child who
202 is the subject of the petition was conceived as a result of such violation. The authority of the family
203 court to consider a petition involving the custody of a child shall not be proscribed or limited where the
204 child has previously been awarded to the custody of a local board of social services.

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206 provisions of Article 16 (§ 16.1-335 et seq.) of this chapter and the commitment of a mentally ill person
207 or judicial certification of eligibility for admission to a treatment facility of a mentally retarded person
208 in accordance with the provisions of Chapters 1 (§ 37.1-1 et seq.) and 2 (§ 37.1-63 et seq.) of Title 37.1.
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210 court.

211 C. Except as provided in subsections D and H hereof, judicial consent to such activities as may
212 require parental consent may be given for a child who has been separated from his parents, guardian,
213 legal custodian or other person standing in loco parentis and is in the custody of the court when such
214 consent is required by law.

215 D. Judicial consent for emergency surgical or medical treatment for a child who is neither married
216 nor has ever been married, when the consent of his parent, guardian, legal custodian or other person
217 standing in loco parentis is unobtainable because such parent, guardian, legal custodian or other person
218 standing in loco parentis (i) is not a resident of this Commonwealth, (ii) his whereabouts is unknown,
219 (iii) cannot be consulted with promptness, reasonable under the circumstances or (iv) fails to give such
220 consent or provide such treatment when requested by the judge to do so.

221 E. Any person charged with deserting, abandoning or failing to provide support for any person in
222 violation of law pursuant to Chapter 5 (§ 20-61 et seq.) of Title 20.

223 F. Any parent, guardian, legal custodian or other person standing in loco parentis of a child:

224 1. Who has been abused or neglected;

225 2. Who is the subject of an entrustment agreement entered into pursuant to § 63.1-56 or § 63.1-204
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229 conduct of the child complained of in the petition.

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232 which are required by law to be provided for that child or such child's parent, guardian, legal custodian
233 or other person standing in loco parentis.

234 H. Judicial consent to apply for work permit for a child when such child is separated from his
235 parents, legal guardian or other person standing in loco parentis.

236 I. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or
237 neglect of children or with any violation of law which causes or tends to cause a child to come within
238 the purview of this law, or with any other offense against the person of a child. In prosecution for
239 felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not
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242 another family or household member is the victim and all offenses under § 18.2-49.1.

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244 determining whether or not there is probable cause. Any objection based on jurisdiction under this

245 subsection shall be made before a jury is impaneled and sworn in a jury trial or, in a nonjury trial,
 246 before the earlier of when the court begins to hear or receive evidence or the first witness is sworn, or it
 247 shall be conclusively waived for all purposes. Any such objection shall not affect or be grounds for
 248 challenging directly or collaterally the jurisdiction of the court in which the case is tried. For purposes
 249 of this subsection, "family or household member," as defined in § 16.1-228, shall also be construed to
 250 include parent and child, stepparent and stepchild, brothers and sisters, and grandparent and grandchild,
 251 regardless of whether such persons reside in the same home.

252 K. Petitions filed by a natural parent, whose parental rights to a child have been voluntarily
 253 relinquished pursuant to a court proceeding, to seek a reversal of the court order terminating such
 254 parental rights. No such petition shall be accepted, however, after the child has been placed in the home
 255 of adoptive parents.

256 L. Any person who seeks spousal support after having separated from his spouse.

257 M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1 or
 258 § 16.1-279.1.

259 N. Any person who escapes or remains away without proper authority from a residential care facility
 260 in which he had been placed by the court or as a result of his commitment to the Virginia Department
 261 of Juvenile Justice.

262 O. Petitions for emancipation of a minor pursuant to Article 15 (§ 16.1-331 et seq.) of this chapter.

263 P. Petitions for enforcement of administrative support orders entered pursuant to Chapter 13
 264 (§ 63.1-249 et seq.) of Title 63.1, or by another state in the same manner as if the orders were entered
 265 by a family court upon the filing of a certified copy of such order in the family court.

266 Q. Petitions for a determination of parentage pursuant to Chapter 3.1 (§ 20-49.1 et seq.) of Title 20.

267 R. Petitions for the purpose of obtaining an emergency protective order pursuant to § 16.1-253.4.

268 S. Suits for divorce and for annulling or affirming marriage in accordance with Title 20.

269 T. Suits for separate maintenance.

270 U. Suits for equitable distribution based on a foreign decree in accordance with § 20-107.3.

271 V. Petitions for adoption.

272 W. Petitions for change of name when incident to suits for annulling or affirming marriage, divorce,
 273 or adoption or when ancillary to any action within the jurisdiction of the family court.

274 X. Petitions regarding records of birth pursuant to Chapter 7 (§ 32.1-249 et seq.) of Title 32.1.

275 Y. Judicial review of school board actions pursuant to § 22.1-87 and of hearing officer decisions
 276 pursuant to §§ 22.1-214 and 22.1-214.1.

277 Z. Petitions filed by school boards against parents pursuant to §§ 16.1-241.2 and 22.1-279.3.

278 AA. Petitions to enforce any request for information or subpoena that is not complied with or to
 279 review any refusal to issue a subpoena in an administrative appeal regarding child abuse and neglect
 280 pursuant to § 63.1-248.6:1.

281 BB. Petitions filed in connection with parental placement adoption consent hearings, pursuant to
 282 § 63.1-220.3. Such proceedings shall be advanced on the docket so as to be heard by the court within
 283 ten days of filing of the petition, or as soon thereafter as practicable so as to provide the earliest
 284 possible disposition.

285 CC. *Petitions for obtaining authorization for a physician to perform an abortion pursuant to*
 286 *§ 18.2-75.2.*

287 The ages specified in this law refer to the age of the child at the time of the acts complained of in
 288 the petition.

289 Notwithstanding any other provision of law no fees shall be charged by a sheriff for the service of
 290 any process in a proceeding pursuant to subdivision 3 of subsection A or subsection B, D, M or R of
 291 this section.

292 *§ 18.2-75.1. Minors; abortion requirements and procedure; penalty.*

293 A. *No physician shall knowingly perform an abortion, induce any miscarriage or terminate any*
 294 *pregnancy as provided in § 18.2-72, § 18.2-73, or § 18.2-74, including the performance of menstrual*
 295 *regulation for the purpose of confirming a nonpregnancy, upon an unemancipated minor under the age*
 296 *of eighteen years unless:*

297 1. *The physician or his agent has given directly to a parent, person standing in loco parentis with*
 298 *whom the minor resides on a regular basis and under such person's care and control in the absence of*
 299 *the minor's parent or parents and with the consent of such parent or parents, or other lawfully*
 300 *appointed custodian of the minor, either in person or by telephone, at least twenty-four hours' actual*
 301 *notice of his intention to perform such abortion, and the physician has secured the informed, written*
 302 *consent of the minor;*

303 2. *After a reasonable effort to notify the parent or other person as required by subdivision 1, (i) the*
 304 *physician or his agent has mailed notice to one parent or such other person by certified mail addressed*
 305 *to the parent or other person at his usual place of abode, with return receipt requested, (ii) seventy-two*

306 hours have elapsed since such mailing, and (iii) the physician has secured the informed, written consent
307 of the minor;

308 3. At least one person who is entitled to notice under subdivision 1 is present with the minor seeking
309 the abortion, and the physician has secured the informed written consent of the minor; or

310 4. The abortion is authorized in a notarized writing by at least one person who is entitled to notice
311 under subdivision 1, the authorization is delivered to the physician prior to the abortion, and the
312 physician has secured the informed, written consent of the minor.

313 With the consent of the minor, if a male who is also a minor (i) acknowledges paternity of the
314 preborn child or (ii) is identified by the minor female as being the father of the preborn child, the
315 notice required in subdivisions 1 and 2 shall also be given by the physician or his agent to one of the
316 putative father's parents or other person as provided in such subdivisions.

317 For purposes of this section, a minor shall be emancipated if the minor (i) has entered into a valid
318 marriage, whether or not that marriage has been terminated by dissolution; (ii) is on active duty with
319 any of the armed forces of the United States of America; (iii) willingly lives separate and apart from his
320 parents or guardian, with the consent or acquiescence of the parents or guardian, and the minor is or is
321 capable of supporting himself and competently managing his own financial affairs or (iv) has been
322 judicially declared emancipated pursuant to Article 15 (§ 16.1-331 et seq.) of Chapter 11 of Title 16.1.

323 For purposes of determining whether any person seeking an abortion has obtained the age of
324 majority, no abortion shall be performed under the provisions of this article until such person has
325 presented satisfactory proof of age to the physician requested to perform the abortion.

326 B. Notwithstanding the provisions of § 18.2-71, any physician who performs an abortion, induces any
327 miscarriage or terminates any pregnancy upon an unmarried, unemancipated woman under the age of
328 eighteen years which would otherwise be lawful under the provisions of this article without complying
329 with the provisions of this section and § 18.2-75.2 shall be guilty of a Class 3 misdemeanor.

330 § 18.2-75.2. Minor's abortion; judicial procedure in lieu of notification.

331 If an unmarried, unemancipated minor elects not to allow the notification of one of her parents or
332 other person as provided in § 18.2-75.1, upon petition as provided in § 16.1-241 and after hearing, a
333 judge may authorize a physician to perform the abortion if the judge determines that all persons entitled
334 to notice under § 18.2-75.1 have abused or neglected the minor.

335 The minor may participate in the court proceedings on her own behalf, and the court may appoint a
336 guardian ad litem for her. The court shall advise her that she has a right to counsel and shall, upon her
337 request, appoint counsel for her.

338 Court proceedings under this section shall be confidential and shall be given precedence over other
339 pending matters so that the court may reach a decision promptly and without delay in order to serve the
340 minor's best interests. Court proceedings under this section shall be heard as soon as practicable, but in
341 no event later than five business days after the petition is filed.

342 An expedited confidential appeal shall be available to any minor for whom the court denies an order
343 authorizing an abortion without notification. Any such appeal must be heard and decided no later than
344 five business days after the appeal is filed. An order authorizing an abortion without notification shall
345 not be subject to appeal, except by the guardian ad litem.

346 No filing fees shall be required of the minor at either the trial or appellate level.

347 § 18.2-75.3. When notification or judicial approval not required.

348 The provisions of § 18.2-75.1 shall not apply when the attending physician certifies in the minor's
349 medical record that, in his good faith medical judgment, medical intervention is necessary immediately
350 to preserve the minor's life or the life of her unborn child. Written notice shall be given to the person
351 entitled to notice pursuant to § 18.2-75.1 by the attending physician as soon as practicable, but no later
352 than ten days after the medical emergency, to ensure that the person entitled to notice may fulfill any
353 obligation to secure and provide for medical care for the minor.