

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

IN RE: JANE DOE,

Appellant,

Case No. 5D19-3544

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Opinion filed December 6, 2019

Appeal from the Circuit Court
for St. Johns County,
Bryan Rendzio, Judge.

Debra Alexander, St. Augustine,
for Appellant.

SASSO, J.

In this appeal, Jane Doe (“Appellant”) seeks review of an order dismissing her petition for a judicial waiver under section 390.01114, Florida Statutes (2019), the “Parental Notice of Abortion Act.” We affirm.

Appellant filed a petition for judicial waiver of parental notice of termination of pregnancy on the grounds that she is sufficiently mature to decide whether to terminate her pregnancy and that notifying her parent or guardian is not in her best interest. Following a hearing on Appellant’s petition, at which she expressly declined court-appointed counsel, the court entered an order dismissing the petition. In doing so, the court discussed each of the factors delineated in section 390.01114(4)(c), explaining

Appellant's testimony relevant to each factor. The court noted that Appellant presented as a credible witness but nonetheless concluded that Appellant had failed to meet her burden of demonstrating "sufficient maturity to justify [the lower court] waiving the notice to the parent."

Appellant filed a motion for rehearing, this time seeking appointment of counsel. The court granted rehearing and appointed counsel. At the rehearing, the court took additional testimony from Appellant through direct examination conducted by her court-appointed counsel. The same day, the court issued an order denying the motion for rehearing. The court indicated that it had analyzed all of the information presented by Appellant and her reasons for seeking waiver. Even so, the court determined it was not presented with sufficient evidence to grant the relief requested.

We review a lower court's order dismissing a petition for judicial waiver of a parental notice requirement for an abuse of discretion. See § 390.01114(4)(b)2., Florida Statutes (2019) ("The reason for overturning a ruling on appeal must be based on abuse of discretion by the court and may not be based on the weight of the evidence presented to the circuit court . . ."). The abuse of discretion standard is highly deferential, and its application honors the superior vantage point of the trial court in assessing the demeanor and credibility of witnesses. See, e.g., *Wilson v. State*, 191 So. 3d 537, 538 (Fla. 1st DCA 2016) (quoting *Stephens v. State*, 748 So. 2d 1028, 1034 (Fla. 1999)). Consequently, the order must be affirmed unless "no reasonable person would take the view adopted by the court." *Treloar v. Smith*, 791 So. 2d 1195, 1197 (Fla. 5th DCA 2001) (citing *Quince v. State*, 732 So. 2d 1059, 1062 (Fla. 1999)).

Section 390.01114 provides for judicial waiver of the parental notice required by that section if the court finds (1) by clear and convincing evidence, that the minor is sufficiently mature to decide whether to terminate the pregnancy, (2) by a preponderance of the evidence, that the petitioner is the victim of child abuse or sexual abuse inflicted by one or both of her parents or her guardian, or (3) by clear and convincing evidence, that the notification of a parent or guardian is not in the best interest of the petitioner. § 390.01114(4)(c), (d), Fla. Stat. (2019); see also *In re Doe*, 113 So. 3d 882, 884-85 (Fla. 2d DCA 2012). The petitioner has the burden of proof. *In re Doe*, 973 So. 2d 548, 550 (Fla. 2d DCA 2008).

Here, Appellant did not allege abuse. As a result, the court conducted a thorough analysis of the remaining two grounds for judicial waiver: maturity and best interests. In doing so, the court articulated the testimony it considered when evaluating the requisite statutory criteria. And, as required by section 390.01114(4)(e), the court set forth its factual findings and legal conclusions supporting its decision to dismiss the petition, including factual findings and legal conclusions relating to Appellant's maturity. Upon careful review of the complete record, including the testimony presented, we find no abuse of discretion. Consequently, we affirm.

AFFIRMED.

ORFINGER and GROSSHANS, JJ., concur.