

**THIRD DIVISION
BARNES, P. J.,
BOGGS and BRANCH, JJ.**

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December 27, 2013

**NOT TO BE OFFICIALLY
REPORTED**

In the Court of Appeals of Georgia

A14A0800. IN THE INTEREST OF JANE DOE.

BARNES, Presiding Judge.

Seventeen-year-old Jane Doe petitioned the juvenile court to waive the requirement pursuant to OCGA § 15-11-110 et seq., that her parents or legal guardian be notified before she undergo a procedure to terminate her pregnancy. The juvenile court issued an order denying the petition, and Jane Doe appeals. For the reasons that follow, we affirm.

Under the Georgia Parental Notification Act (“the Act”), OCGA § 15-11-110 et seq., a physician is prohibited from terminating the pregnancy of a minor unless she is accompanied by a parent or legal guardian, or her parent or guardian is notified at least 24 hours before the impending procedure either in person, by telephone, or by certified mail. OCGA § 15-11-112 (a) (1).

A minor who does not want her parents to be notified of the upcoming procedure may petition the juvenile court to waive the Act notification requirements. OCGA § 15-11-112 (b). The Act further provides that the juvenile court shall waive the notification requirement if the court finds either that the abortion minor is mature enough and well-enough informed to make the decision in consultation with her physician, regardless of her parents' wishes, or that giving notice to a parent would not be in the minor's best interests. OCGA § 15-11-114 (c). Finally, if the juvenile court denies the petition to waive the notification requirement, the minor is entitled to an expedited appeal under rules promulgated by the appellate court. OCGA § 15-11-114 (e). See also Courts of Appeals Rule 45 (b), (d), (e), (j).

“The standard by which findings of fact are reviewed is the ‘any evidence’ rule, under which a finding by the trial court supported by any evidence must be upheld.” (Citation and punctuation omitted.) *Singh v. Hammond*, 292 Ga. 579, 581 (2) (740 SE2d 126) (2013). On appeal, “this Court will not set aside the trial court’s factual findings unless they are clearly erroneous, and this Court properly gives due deference to the opportunity of the trial court to judge the credibility of the witnesses.” *Id.*

Following a hearing in which the appellant testified, the trial court concluded that

while the unemancipated minor can articulate general information regarding the medical procedures available to terminate her pregnancy, she is neither mature enough nor well enough informed to make the abortion decision in consultation with her physician independently of the wishes of the minor's parent(s).

It further concluded that there was "insufficient evidence to support a conclusion that providing notice to the child's parents would not be in the child's best interest."

The appellant contends on appeal that the evidence did not support the trial court's conclusion that she lacked maturity to make an informed decision in consultation with her physician or that it was not in her best interest for her parents to not be notified of the abortion. We do not agree.

The appellant testified that she and her son lived with her mother, and that she had never made a major decision without her parents' input. Further, although she testified about what she believed the abortion procedure would entail, she did not demonstrate that she was informed beyond the most cursory information provided by someone she referenced as "they." She also testified that she wanted to get the abortion without her mother being notified because her mother told her that "if I ever wanted to get an abortion, then don't tell her, or get my own money for it." "[T]he reason she did not want to tell her parents did not stem from any fear that they would

abuse or harm her if they found out about the pregnancy.” *In the Interest of E. H.*, 240 Ga. App. 91, 92 (524 SE2d 2) (1999) (The fact that appellant did not want to tell her parents about the abortion insufficient to show that it was in her best interest to waive parental notification.)

Based on the evidence in the record, we cannot say that the trial court erred in denying the appellant’s request for a waiver of the parental notification required by OCGA § 15-11-112 (a) (1).

Judgment affirmed. Boggs and Branch, JJ., concur.