

U.S. COURTS
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

PLANNED PARENTHOOD OF IDAHO, INC.,)
and GLENN H. WEYHRICH, M.D.,)
)
Plaintiffs,)
)
v.)
)
ALAN G. LANCE, Attorney General of the)
State of Idaho, and GREG BOWER, Ada)
County Prosecuting Attorney,)
)
Defendants.)
_____)

CASE NO. CIV 00-0353-S-MHW

FINAL JUDGMENT

On December 20, 2001, the Court issued a Memorandum Opinion and Order, permanently enjoining several provisions of Idaho's parental consent law, Idaho Code § 18-601 *et seq.* In January of 2002, Plaintiffs and Defendants filed motions for the Court to reconsider its December 20, 2001, Memorandum Opinion and Order. On March 8, 2002, the Court issued its Order with respect to the parties' motions for reconsideration. Accordingly, **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the following provisions of Idaho's parental consent law, Idaho Code § 18-601 *et seq.*, are permanently enjoined:

- (1) Idaho Code § 18-609A(1)(b)(i), the first sentence only, which states that a minor seeking a waiver of the requirement of parental consent must file her judicial bypass petition in "the county where the minor resides or the county where the abortion is caused or performed";

154

- (2) Idaho Code § 18-609A(1)(c), which provides that if a district court denies a minor's bypass petition, she must file a notice of appeal within two (2) days from the date of issuance of the order. An appeal of a minor's bypass petition would therefore be governed by Idaho Appellate Rule 14.

The following portion of Idaho Code § 18-609A(1)(c) remains in effect:

The record on appeal shall be completed and the appeal shall be perfected as soon as practicable, but in no event later than five (5) days from the filing of notice of appeal. Because time may be of the essence regarding the performance of the abortion, appeals pursuant to this subsection shall receive expedited appellate review.

- (3) Idaho Code § 18-609A(1)(b)(iv), the final three sentences only, which require that if a judge learns of criminal conduct while hearing a bypass petition, the judge must report that activity to law enforcement;
- (4) The post-abortion parental notification procedures set forth in Idaho Code Section 18-609A(1)(a)(v). Consistent with this Court's determination that such procedures are unconstitutional, the affirmative defenses outlined in Idaho Code § 18-614(2) and (3) are rendered moot.

Further, finding that the above-listed provisions are not integral or indispensable to the other portions of Idaho's parental consent law and thus they may be severed from the remaining statute, the Court will not permanently enjoin the whole of Idaho's parental consent law.

DATED: March 8, 2002.


MIKEL H. WILLIAMS
UNITED STATES MAGISTRATE JUDGE

United States District Court
for the
District of Idaho
March 8, 2002

* * CLERK'S CERTIFICATE OF MAILING * *

Re: 1:00-cv-00353

I certify that a copy of the attached document was mailed or faxed to the following named persons:

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Date: 3-8-02

BY: [Signature]
(Deputy Clerk)