

(2) If the judge finds, by clear and convincing evidence, that there is a pattern of physical, sexual, or emotional abuse of the unemancipated minor by a parent or guardian, the judge shall authorize a waiver of notification.

(3) If the judge finds, by clear and convincing evidence, that the unemancipated minor is not sufficiently mature and well-informed to decide whether to have an abortion, and notification of a parent or guardian is not in the best interests of the unemancipated minor, the judge shall authorize a waiver of notification.

(4) If the judge fails to rule within the time period specified in subsection (i) and no extension was requested and granted, the petition shall be deemed granted and the notice requirement shall be waived.

(5) The judge shall ensure that notice of a determination that there is a pattern of physical, sexual, or emotional abuse of the unemancipated minor under subsection (j)(2) is given to the appropriate county child protective agency.

(k) If the judge does not make a finding specified in subsection (j) of this Section, the judge shall deny the petition.

(l) The unemancipated minor may appeal the judgment of the juvenile court by filing a written notice of appeal at any time after the entry of judgment. The Judicial Council shall prescribe, by rule, the practice and procedure on appeal and the time and manner in which any record on appeal shall be prepared and filed and may prescribe forms for such proceedings. These procedures shall require that the notice of the date, time and place of hearing, which shall be held within three court days of filing the notice of appeal, shall be mailed to the parties by the clerk of the court. The appellate court shall ensure that the unemancipated minor's identity be kept confidential and that all court proceedings be sealed. No filing fee shall be required for filing a notice of appeal. Judgment on appeal shall be entered within one court day of submission of the matter.

(m) The Judicial Council shall prescribe, by rule, the practice and procedure for petitions for waiver of parental notification, hearings and entry of judgment as it deems necessary and may prescribe forms for such proceedings, and each court shall provide annually to the Judicial Council, in a manner to be prescribed by the Judicial Council to ensure confidentiality of the unemancipated minors filing petitions, a report, by judge, of the number of petitions filed, the number of petitions granted under each of subsections (j)(1), (j)(2) and (j)(3), deemed granted

under subsection (j)(4), denied under subsection (k) and granted and denied under subsection (l), said reports to be publicly available unless the Judicial Council determines that the data contained in individual reports should be aggregated by court or by county before being made available to the public in order to preserve the confidentiality of the unemancipated minors filing petitions.

(n) The physician who performs an abortion on an unemancipated minor after notifying a parent or guardian according to subsection (e) or (f), or due to a medical emergency pursuant to subsection (h), or after having received a waiver of notification pursuant to subsections (g) or (j)(1) or (j)(2) or (j)(3) or (j)(4) or (l) shall within one month file a report of performing an abortion on an unemancipated minor with the Department of Health Services on forms prescribed by the Department. No unemancipated minor's name is to be written or entered on the forms.

(o) The Department of Health Services shall prescribe forms for the reporting of abortions performed on unemancipated minors by physicians. The report forms shall not identify the minor by name. The forms shall include the identity of the physician who performed the abortion, the facility where the abortion was performed, the county and state in which the minor resides, the minor's date of birth, the date of the procedure, the number of prior pregnancies, the number of prior abortions, the duration of the pregnancy, the type of abortion procedure, and if the abortion was performed after a notice made under subsections (e) or (f); or if it was an emergency abortion performed under subsection (h); or if it was performed after a waiver of notification pursuant to subsections (g) or (j)(1) or (j)(2) or (j)(3) or (j)(4) or (l).

(p) The Department of Health Services shall compile an annual report from the information specified in subsection (o). The annual report shall not include the identity of any physician who filed a report as required by subsection (n). The compilation shall include statistical information on the counties and states in which the minors reside, the minors' ages, the dates of the procedures, the numbers of prior pregnancies, the numbers of prior abortions, the duration of the pregnancies, the types of abortion procedures; and the numbers of abortions performed after notices made under subsections (e) and (f); the numbers of emergency abortions performed under subsection (h); and the numbers performed after waivers of notification pursuant to each of subsections (g), (j)(1), (j)(2), (j)(3), (j)(4), and (l). The annual report shall be made available to the public.

(q) Any person who performs an abortion on an unemancipated minor and in so doing knowingly or negligently fails to comply with the provisions of this Section shall be liable for damages and reasonable attorney's fees in a civil action brought by the unemancipated minor, her legal representative, or by a parent or guardian wrongfully denied notification. A person shall not be liable under this Section if the person establishes by written evidence that the person relied upon evidence sufficient to convince a careful and prudent person that the representations of the unemancipated minor or other persons regarding information necessary to comply with this Section were bona fide and true. At any time prior to the rendering of a final judgment in an action brought under this subsection, the parent or guardian may elect to recover, in lieu of actual damages, an award of statutory damages in the amount of \$10,000. In addition to any damages awarded under this subsection, the plaintiff shall be entitled to an award of reasonable attorney fees. Nothing in this Section shall abrogate, limit, or restrict the common law rights of parents or guardians, or any right to relief under any theory of liability that any person or any state or local agency may have under any statute or common law for any injury or damage, including any legal, equitable, or administrative remedy under federal or state law, against any party, with respect to injury to an unemancipated minor from an abortion.

(r) Except in the case of a medical emergency, as defined in subsection (c)(2), no abortion shall be performed or induced except with the informed consent of the unemancipated minor upon whom the abortion is to be performed or induced. Where a medical emergency compels the performance of an abortion, the physician shall inform the unemancipated minor, prior to the abortion if possible, of the medical indications supporting his judgement that an abortion is necessary to avert her death or to avert substantial and irreversible impairment of a major bodily function.

(s) No person shall coerce an unemancipated minor to have an abortion. Coerce for purposes of this Section is defined as restraining or dominating by force, threat of force, or threatened or actual deprivation of food or shelter the choice of the unemancipated minor concerning the continuation of her pregnancy. An unemancipated minor who is threatened with such coercion may apply to a juvenile court for relief. The court shall provide the unemancipated minor with counsel, give the matter expedited consideration and grant such relief as may be necessary to prevent such coercion. Should an unemancipated minor be denied food or shelter by reason of her choice concerning the continuation of her pregnancy, she shall be considered emancipated for purposes of eligibility for public assistance benefits.

(t) If any one or more provision, subsection, sentence, clause, phrase or word of this Section or the application thereof to any person or circumstance is found to be unconstitutional or invalid, the same is hereby declared to be severable and the balance of this Section shall remain effective notwithstanding such unconstitutionality or invalidity. Each provision, subsection, sentence, clause, phrase or word of this Section would have been approved by voters irrespective of the fact that any one or more provision, subsection, sentence, clause, phrase, or word might be declared unconstitutional or invalid.