Access to the Judicial Bypass Option in Michigan: Is There Really an Option for Minors?

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Executive Summary

This project is a comprehensive study of the accessibility of the judicial bypass process to minors across the state of Michigan. Michigan law requires a minor to have permission from a parent or guardian before having an abortion, but allows her to bypass that requirement by going before a judge and demonstrating that she is sufficiently mature to make the decision on her own or that having an abortion is in her best interests. Supporters of parental notification policies often claim that parental notification statutes are in place to protect the welfare of the minor, but according to the U.S. Supreme Court, statues that do not give minors uninhibited access to a judicial bypass hearing constitute a violation of minors’ constitutional rights. Though the availability of a judicial bypass option is the sole reason that notification statutes remain constitutional, previous research in other states has shown that this process is fraught with barriers such as misinformation, refusals to comply, and outright ideological pressure.

We sought to test the use of this legal provision by systematically calling all 83 Michigan county courts and inquiring about how to obtain a judicial bypass. Calls were conducted using a guide from a similar study conducted in Missouri and with the same guidelines about how, where, and when to call. Court employee responses were coded for accuracy and helpfulness on a 0-100 scale using a shared rubric with a check and adjustment for inter-coder reliability. We found a wide range of responses, a significant number of which were inaccurate, misleading, or even abusive. In fact, 54 percent of the counties surveyed received a failing score. The most common problems callers encountered were: ignorance of the law, inappropriate referrals (defined as a referral to a third party not obligated to assist the minor rather than supplying the statutorily required information), limited judge availability, and circular transfers.

In order to repair the systematic failures that this study has observed, we recommend that courts increase the accessibility of the judicial bypass option by informing court employees of the details of the process and the proper way to

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2 Bellotti II, 443 U.S. 622 (1979) (plurality opinion)
respond to such inquiries. To aid them in doing so, we have provided a fact sheet with accurate information as an appendix C to this report. We also suggest that they keep their telephone listings and websites up to date, and that they provide relevant information through their websites. Court employees should also be more sensitive to the rights of the minors contacting them, especially in regard to the need for confidential and discreet handling of their cases. We hope that with the cooperation of Michigan’s court employees, we can work to make the judicial bypass process simple and accessible for minors across the state.
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Acknowledgements

This project began in Professor Anna Kirkland’s Advanced Gender and the Law course at the University of Michigan in the winter term of 2010. We would like to thank Professor Kirkland for her guidance, not just with this project but throughout the courses she has taught. We also would like to thank Professor Helena Silverstein (Lafayette College) for inspiring us to recreate her study and for providing valuable information and support. We are also very grateful for support from the University of Michigan Institute for Research on Women and Gender.
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I. Introduction

The Supreme Court has said that parents may not have veto power over minors’ decisions to have an abortion.\(^5\) Many states, including Michigan, have a judicial bypass option for minors trying to obtain an abortion to prevent parents from having that absolute power.\(^6\) This option includes filing a petition with the court, attending a closed hearing in which the judge rules on the petition, and an appeal procedure in case of denial. The law also provides a timeline that must be followed, for example the judge is required to hear the petition within 72 hours (excluding Sunday’s or holiday’s). The law states there is no cost for the bypass hearing to the minor, there is not a filing fee when she files the petition for the hearing, and a lawyer is provided at no cost. The entire process is designed to be completely confidential and to be simple for a minor to navigate without parental or outside involvement.

In order to investigate the true accessibility of this process in the state of Michigan, researchers called the courts in all of Michigan’s 83 counties, asking the court employees for information about how the judicial bypass process works and what would be required of a minor who wants to go through the process. Our results indicate a lack of knowledge in many courts, not just of what the bypass option entails, but also of the cost, confidentiality, and the length of the process. Most disturbingly, some courts indicated that there was either no such process available in Michigan, or that the minor would have to contact an attorney because court employees are not allowed to provide legal advice. Our findings indicate that misinformation or lack of knowledge of the process within the court process represent a significant obstacle to minors seeking to obtain a judicial waiver.

I. Main Results

When beginning our research, we hypothesized that we would encounter many counties who were unprepared to deal with minors seeking bypass hearings, and that regional difference, population size, county demographics, and other factors would affect county performance. Though some of our predictions were correct, the extent of failure within the court system and the effects of specific factors were often the opposite of what we expected. For example, we predicted that less densely populated counties from Northern Michigan might fare worse in terms of knowledge of the judicial bypass law than


\(^6\) Levels of parental consent vary among states ranging from one parent notification to two parent consent statute.
those counties situated in lower Michigan that tend to be more populous and therefore have larger, better-staffed courts. However, our results indicate that the smaller counties were actually the most knowledgeable and most helpful to callers. We were also surprised to find that regional and demographic differences did not have the strong effects on county performance that we expected. The highest and lowest-scoring counties were spread evenly across the state. Also, though we did find that courts across the state of Michigan are not adequately prepared to assist minors seeking judicial bypass hearings, we were surprised that it was not just a small portion, but rather the vast majority of courts that failed in their duties.

II. Methodology

Our script and scoring criteria for the telephone calls placed to each county’s court was taken from a similar study that was conducted in Missouri (see Appendix B). All calls began with: “Hi, I’m trying to find out how someone who is under 18 who wants an abortion can get a judge’s permission so she doesn’t have to tell her parents.” This was followed by a series of eight questions asking about associated costs, whether a lawyer was needed, confidentiality, and how long the process takes. If the court employee either could not or would not provide any information the caller then asked if they knew somewhere else to find that information.

After calls were completed, responses were assigned scores on a 100-point scale based on their performance in three main categories: overall treatment (20 points), correctness of response (20 points), and completeness of response (60 points). Each main category was divided into subsections. Within the overall treatment section, point designations ranged from zero for being hostile or refusing to provide information, five for delayed or inaccurate responses, ten for being concerned but ineffective, fifteen points if the researcher had to be very persistent but the information was eventually provided, and finally the full twenty points were awarded when the court employee knew or quickly obtained the information. Correctness of response is broken down into three point designations: twenty points for a completely accurate response, 10 points for a partially accurate response, and zero points for an entirely or mostly incorrect or misleading response. Completeness of response made up the bulk of the point scoring. (This is the reason that we started the designation of green counties with having as little as sixty points.) Points were assigned for correct information on the confidentiality of process, the availability of court-appointed counsel, privacy during hearings, costs associated with the bypass process, and the amount of time that the process would take.

7 Choudhury and Baumgartner, Barriers to Access, 18.
We then assigned counties a color based on their numerical scores. Green counties were those that received passing scores 60 or more points. We concluded that 60 points should be the minimum passing score because a full 60 points could be awarded for the disclosure of all of correct information on the judicial bypass process, regardless of caller treatment, or for a combination of exemplary treatment of the caller and mostly complete information. Yellow counties were those that scored between 40 and 59 points. Such counties were able to provide some accurate information, but their response may not have been complete, some misinformation was given, and/or there was a significant degree of caller mistreatment such as rudeness, laughing, or very long wait times on hold. Less than 40 points earned a county a red score. Red scores describe calls in which the provided information was completely insufficient, when there was extreme difficulty or delay in reaching a knowledgeable court employee, and in cases of extreme caller mistreatment.

III. History of Parental Consent Laws

After Roe v. Wade (1973) legalized abortion in all states, there were two more important Supreme Court decisions that would pave the way for a judicial bypass option. First was Planned Parenthood of Central Missouri v. Danforth (1976), which upheld the right to an abortion, but struck down Missouri’s requirements for minors’ parental consent and married women’s spousal consent. Then came Bellotti v. Baird (1976), in which the Court upheld the Massachusetts law requiring either parental consent for a minor’s abortion or consent of a judge. In Bellotti II (1979), the Supreme Court ruled that it is unconstitutional to require a pregnant minor to obtain parental consent for abortion without the option for judicial bypass. In order for the minor to obtain the waiver of parental consent she would have to prove that she was well-informed and mature enough to make the decision for herself, or that the waiver and consequential abortion would serve her best interests. Following this decision, states began revising their abortion laws to reflect the court’s ruling. Currently, 34 states require some sort of parental involvement for minors’ abortions, whether that is notification, consent, or both. All 34 of these states also provide for a judicial bypass option.

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8 Roe v. Wade, 410 U.S. 113 (1973) ruled that the state cannot interfere with a woman’s right to an abortion in the first trimester of her pregnancy, and only in the second and third unless it is a matter of preserving maternal health.
IV. Parental Consent Law in Michigan

The Parental Rights Restoration Act of 1990 states that pregnant minors seeking an abortion must give their own consent and obtain the consent of at least one parent or guardian in order for the abortion provider to perform the procedure.\(^{13}\) If the minor chooses not to involve a parent in this decision for whatever reason, she has the right to a judicial bypass hearing. This law requires a minor to file a petition and appear before a judge for a hearing in which she must prove that she is sufficiently informed on the process, and mature enough to have an abortion without consent from a parent or guardian. If she can do so, or if the judge decides the parental waiver is in the minor’s best interests, a waiver of parental consent will be granted. The law spells out the procedure and requirements quite clearly. The minor or a “next friend” files a petition for a hearing with the Probate Court. There will be no cost associated with any part of the proceedings for the minor. The filing must occur in the county in which the minor resides or is found. The court will assist the minor in preparing and filing the petition, and only her initials will be used to identify her. The minor has the option for a court-appointed attorney or a guardian ad litem, at no cost to her; the appointment of which will take place within 24 hours of filing the petition. From the time of filing, a hearing must occur within 72 hours. The hearing is closed to the public and the court record will be sealed, which means the minor’s parents will not be notified of the hearing. The Court must make a judgment in favor or against the granting of the waiver within 48 hours of the hearing. If the minor is denied the waiver, she may appeal with the Court of Appeals within 24 hours, and the appeal will occur within 72 hours of filing. Moreover, the confidentiality requirements do not prevent the court from reporting suspected child or sexual abuse revealed during the hearing. A medical emergency overrides the requirements for obtaining parental consent. The requirements laid out in this act for the judicial bypass apply even to those minors traveling from another state seeking an abortion. However, it must be noted that the Parental Rights Restoration Act does not create the right to an abortion. Additionally, if a physician performs the abortion procedure in violation of (i.e. the minor does not provide parental consent or a parental waiver) it is a misdemeanor.\(^{14}\)


V. Key Findings

When examining the overall findings for county performance across the state, we observed that 38 (46 percent) counties had green scores, 9 (11 percent) had yellow scores, and 36 (43 percent) were red. The results seem to be polarized between green (performing moderate to perfect) and red (performing poorly to zero). The red counties represent 43 percent of the total counties, while the red points range represents only 40 percent of the total points spread (scores between 0 and 39). The yellow counties represent 11 percent of the counties, but 20 percent of the total points spread (scores between 40 and 60). The green counties represent 46 percent of the total counties, and but only 40 percent of the total points available (scores 60 or greater). See Figure 1 for a chart illustrating the percentages of counties that received each color designation.

Figure 1: Red, Green, and Yellow Counties in Michigan

A. Red Counties

Red counties are those that scored under 40 points. Generally, these counties shared only minimal or mostly incorrect information about the judicial bypass law, and/or merely provided the caller with a referral phone number. Thirty-eight percent of Michigan’s minors live in counties that scored a zero out of 100 points. Of the 36 red counties in Michigan, there were 13 that received zero points. In red counties, responses ranged from uncaring and unknowledgeable to ideological lectures and condescension.
For example, in Luce County the caller was laughed at upon asking her question, and the court employee then told her to call the Health Department. Laughing at a citizen who is calling to find out information about a serious process is extremely unprofessional, not to mention hurtful to the person asking. In Benzie County the court employee then insisted upon knowing whom the abortion was for, and would not give the caller any more information unless she knew it was the caller who was having the abortion. When a citizen calls with a question, it is not required that the information be strictly for them—everyone living in Michigan is entitled to know their rights.

When we called Branch County, the court employee informed the caller that Branch County does not authorize abortions for minors and that she should call Planned Parenthood or another county. If the minor had no way of traveling to another county, as many do not it would be impossible for her to receive a judicial waiver. All counties in Michigan are required to provide judicial bypass hearings when they are requested. In Macomb County, which has a population of almost one million, the caller was put on hold after the court employee said she would need to look up the information, and when the employee finally returned, she directed the caller to two pro-life organizations, claiming that they would have “all of the information” that the caller needed. The court employee then said, “I’ll be praying for you and your baby,” and told the caller that her referrals would help her make the “right” choice. When the caller requested to speak to another court employee for more information, the respondent refused to refer the caller to anyone else.

Most of the counties who received red scores were unable to provide any information about the parental consent law. The 36 counties who received red scores represent 43 percent of counties surveyed. That means 5,221,469 people in Michigan live in counties whose courts provide grossly inaccurate information. Another 914,690 people live in yellow counties, whose courts provide only partially accurate information. This adds up to a total of 61.5 percent of Michigan’s entire population living in counties whose courts do not provide entirely accurate information. There is no valid reason why so many Michigan citizens should be denied proper service by their courts.

The high frequency of red counties (43 percent) indicates a strong presence of unfamiliarity and lack of court personnel training on how to deal with questions surrounding the bypass procedure, which may be attributable to the option being underutilized. In 2009 there were 315 petitions filed for waivers of parental
consent and 248 (78 percent) were granted.\textsuperscript{15} This relatively small number of cases may help explain why so many counties are unfamiliar with the process.

These results show that employees of the court are not properly trained or given enough information to be able to complete their jobs in a way that best serves the citizens of their counties. If court employees are not properly informed of any Michigan law, or provided with resources to find necessary information in a timely manner, then they are rendered incapable of fulfilling their duties to their communities.

**B. Yellow Counties**

Of the 83 counties contacted for this study, nine fell into the Yellow category. Though it is relevant to note that this category represented the smallest range of scores (40-59), the category’s smaller range fails to account completely for the disproportionately low number of counties that fall into this category. Though the scores represented 20 percent of the total spread, less than 11 percent of the counties fell into the category. This may be because the overall results of the study seemed to be relatively polarized; it seemed that most often, counties either knew almost all of the necessary information or nearly none at all.

Though the yellow counties represent only about a tenth of the counties surveyed, their uniqueness and diversity make them an important group to examine. Yellow counties were characterized by at least some knowledge of the existence of the judicial bypass process. Though some of the court employees from yellow courts were very polite and willing to help, it was possible for a court to obtain a yellow score without being polite or willing, as long as they ultimately provided the majority of the correct information. Courts could also achieve a yellow score if the court employee was polite and willing, but provided very incomplete or mostly inaccurate information. Therefore, though the range of scores was relatively small, there was a great diversity between the types of responses received.

Ontonagon County is a perfect example of a county that had a court employee who was rude and uncooperative, but ultimately gave nearly all of the correct information. According to the caller, the court employee seemed unmotivated to look up any information for her over the phone. She insisted that the forms were self-explanatory, and that if the minor were interested in going

through the process, she would need to come into the courthouse and fill out the forms. After further pressing, the court employee finally answered nearly all of the caller’s questions, but she remained rude and reluctant throughout the process. The county received a score of 50 for the employee’s response.

Alger County, on the other hand, had a very polite and willing court employee who scored in the yellow range because she did not offer all of the complete and correct information. She seemed like she was genuinely trying to help the caller and give her correct information, but she did not know if there would be a cost to the minor, and she thought that the age of the minor would make a difference in how the case was dealt with. There should not be any cost or any difference in treatment, but she was unsure and could not explain why. This court employee also told the caller that if the minor was too far along in the pregnancy then the judge would not grant the petition, but she was unsure how far along would be too far. She did not acknowledge the minor’s rights to privacy and confidentiality.

Yellow counties may have provided better information and service than their red counterparts, but they require further improvement for their responses and service to be completely acceptable. Fortunately, by utilizing the resources available in this report, yellow counties can easily improve their responses to a passing green level.

C. Green Counties

Out of 83 counties in Michigan, a total of 38 obtained a total score of 60 or above, meaning 46 percent of Michigan counties were labeled as green counties. While that may seem encouraging, it is important to take into account that many of these counties had small populations. There are 3,560,870 people that reside in these green counties, which accounts for 35.3 percent of Michigan’s total population, while only 2 percent of all minors live in counties that scored all 100 points.

Many of the court employees that the researchers spoke with were very polite, and many of them showed care and concern for the minor seeking the abortion. In Bay County, which received a perfect score of 100 points, the female respondent initially had no knowledge of the process, but she insisted that the researcher wait for a moment while she found the information or someone who would know. The respondent ultimately transferred the researcher to another court employee who was able to answer all of the questions fully and thoroughly.
In all of the counties that were labeled green, the court employees answered all of the questions to the best of their ability, and in most cases they provided accurate, valuable information regarding parental consent and judicial bypass. In Mackinac County, which also scored 100 points, the court employee went well above and beyond what was expected. Not only was all of the information provided accurate, but the court employee also provided the researcher with contact information of the lawyer that Mackinac County uses to assist minors with the judicial bypass process.

While being a green county requires that the county provide mostly accurate information, it is important to note that some of these court employees did not necessarily treat the caller well and at times were suspicious or hostile. For instance, in Ontonagon County the court employee did provide accurate information, but the researcher had to ask numerous times and at one point the court employee said, “The forms are self-explanatory. If you just come get them you wouldn’t have to keep asking me.”

D. Scores by Population

Figure 2 illustrates how each population group performed across the Michigan counties. Small populations were those counties in which less than 30,000 people reside; mid-size populations were counties with between 30,000 and 100,000 people; large populations included counties in which more than 100,000 people reside (2008 estimates). The population designations were selected in order to create three equal-sized groups of counties. The graph shows the frequency of red, yellow, and green scores across population groups. The frequency of red counties seems to be equally high across the three population groups. There were more yellow counties in small and large populations than in counties with mid-size populations like Hillsdale (10 points) and Chippewa (95 points). In fact, the distribution of the mid-size population group seems to be mostly polarized between red and green. This indicates that in this group, the vast majority of respondents knew nearly all of the information or none at all.

It is important to note that the frequency of green counties seems inversely proportional to the population size. Less populated counties such as Kalkaska (90) and Leelanau (75) tended to perform better in terms of dispensing the correct information about the judicial bypass process than more populous counties such as Macomb (0) and Wexford (0).

Several factors may contribute to this trend. Often, calls to more populous counties such as Wayne (0), Ingham (0), and Berrien (0) were unsuccessful in
terms of reaching either an actual person with whom to speak or someone knowledgeable about the subject. Callers observed that extensive phone menus and busier court employees made it difficult to get information from the courts in larger counties. Courts in smaller counties such as Mason (95) and Missaukee (90) were more effective because they did not seem overwhelmed or rushed when dealing with callers, and because it was easier for callers to navigate the phone menus and find a real person to talk to.

**Figure 2: Score by Population. The performance of all counties in each population grouping is shown (small, mid-size, large).**

![Score by Population](image)

**E. Percentage of Minors in Michigan**

According to our data, only 2 percent of minors in Michigan live in counties whose court employees will provide them with entirely accurate information concerning the judicial bypass law while treating them with respect. Thirty-eight percent, however, live in counties that received a score of zero because their employees had no knowledge of this law or refused to disclose any information regarding it, be it because of their own personal values or morals, or because they simply believe it is against the law for them to do so.
(i.e. they feel that giving information about this law is legal advice), while also falling to treat callers with the respect that they deserve. Sixty percent of minors in Michigan live in counties that give partially correct information, as can be seen in Figure 3. See Figure 2 (page 12) for a chart illustrating the percentages of minors that live in counties scoring zeros, perfect scores, and other scores.

The female to male ratio in Michigan is almost perfectly 1:1, and this means that any percentages calculated for the whole population of minors will be proportional for both males and females. The courts will provide misinformation to everyone, and not just female minors or minors in general, but these results indicate that a large number of minors are at risk of receiving poor treatment and inadequate information.

**Figure 3: Minors Living in High-Scoring vs. Low-Scoring Counties**

![Pie chart showing percentages of minors living in counties scoring different points](image)

- **Minors living in counties between 0 and 100 points**
- **Minors living in 0-point Counties**
- **Minors living in 100-point Counties**

**F. Regional Variation**

Figure 4 (page 14) illustrates patterns of similarly color-coded counties based on geographic region, potentially attributable to factors such political, religious, judicial, or demographic similarities and differences between counties. For instance, the Western half of the state is typically thought of as more conservative, perhaps accounting for the generally low or red scores those counties received. More conservative counties may be less likely to have judges that will preside over judicial bypass hearings. For example, one court
employee told the caller that her “judge is anti-abortion, and he doesn’t believe a child should have [this procedure] done without her parents.”

Overall, the northern half of the state, including the Upper Peninsula, although typically thought of as more conservative, fared better than the southern half. Northern Michigan is generally less densely populated than southern Michigan. Northern, less-populated counties seemed to have court employees that were better informed than their southern, more populated counterparts. Some exemplary northern counties were Iron (85), Marquette (90), and Mackinac (100).

Additionally, there is a band of red counties across the southern border of the state. We were not able to find any feasible explanation for this phenomenon. We considered that Ohio may have less stringent laws, but this was incorrect as their law is similar to Michigan’s. Whether this pattern is coincidental or has another explanation is a matter for further research.

Figure 4: The overall performance of each Michigan County.

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G. Common Problems

<table>
<thead>
<tr>
<th>Response</th>
<th>Number of Courts</th>
<th>Percentage of Courts</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Relevant Information Provided</td>
<td>36</td>
<td>43 percent</td>
</tr>
<tr>
<td>Referral to an Outside Source</td>
<td>30</td>
<td>36.1 percent</td>
</tr>
<tr>
<td>Unavailability of Judge</td>
<td>4</td>
<td>4.8 percent</td>
</tr>
<tr>
<td>Phone Menus and Circular Transfers</td>
<td>15</td>
<td>18.1 percent</td>
</tr>
<tr>
<td>Callbacks</td>
<td>17</td>
<td>20.4 percent</td>
</tr>
</tbody>
</table>

* Please note court employees could provide multiple answers and thereby counties can be counted in multiple sections.

a. No Relevant Information Provided

One of the most prevalent problems in this study was the number of court employees that had no knowledge of the law. While many court employees (36 percent) tried to help by providing referrals, a large portion (46 percent) of employees simply told the researcher they knew nothing about the process. The court employee in Sanilac County seemed to be sympathetic and apologized, she told the researcher “I’m sorry but I’m not familiar with that option, you could try calling Planned Parenthood.” While it was thoughtful of the court employee to try to help, the responsibility of distributing judicial bypass information lies with court employees.

Employees of six Michigan counties indicated that there a judicial bypass option did not exist. For example the court employee in Lenawee County told the researcher, “There is no such process here, but you can try to call the Crisis Pregnancy Center.” An employee in Livingston County said there “wasn’t anything like that here, but you could try to call legal aid.” Another employee this time in Luce County laughed and put the researcher on hold while she spoke with the county clerk when she came back on the line she said, “You are going to have to call the Health Department.” The most direct absolute denial came from St. Clair County, where the court employee said, “I don’t think the possibility [of a judicial bypass] even exists.”
This problem creates a major roadblock for minors trying to access or learn about obtaining a parental waiver. A minor would likely have little or no previous knowledge of the law and, when faced with a respondent who denied its existence, would be likely to give up. This leaves them with the options of telling their parents, continuing the pregnancy, or having the abortion done under unsafe conditions.

b. Referrals to Outside Sources

Within the 36 different counties (43 percent of total counties) in which court employee had no knowledge of the judicial bypass option, 37 percent of respondents told callers that they needed to contact a private attorney, even though the law requires the court to appoint counsel to a minor seeking a judicial waiver. Such was the case in Gogebic County:

Court Employee (CE) “That is a legal question, you have to call a lawyer, and we can’t give legal advice.”
Researcher (R) “Actually, I just want information about the process.”
(CE): “I said we don’t give legal advice, it’s against the law for me to give you legal advice.”
(R) “Ok, do you know you could provide me with some information?”
(CE) “A lawyer, look in the yellow pages.”

Instances like these would most likely discourage a minor because she would not likely be aware of her right to court-appointed counsel and could have concerns about the costs of a private attorney.

Twenty-three percent of referrals were to Planned Parenthood or the county Health Department. While we hope the minor would follow through with these calls, this does not guarantee that they would get the right information about the judicial bypass. She should not have to make a second call to an outside source when, by law, court employees are required to provide the bypass information when asked. This was the case in Luce County:

(R) “Hi, I am calling to find out how a girl who is not 18 who wants an abortion can get a judge’s permission to avoid telling her parents.”
The remaining 17 percent of referrals were to crisis pregnancy centers, pro-life organizations, or adoption services, all of which are inappropriate referrals for minors trying to obtain information about the bypass procedure.

c. Lack of Access to Judges

In some counties, there were no judges available to deal with judicial bypass proceedings. This was an issue in four different counties, and because there is a 72-hour window in which courts must hold a hearing once the petition has been filed (with the exception of Sundays and holidays), this could result in a serious violation of a minor’s rights. For example, when a researcher called Barry County, she was told, “Barry County doesn’t have a judge.” An online search of the court’s directory indicates that the county does have a county circuit court judge, but the fact that the minor was denied access to the judge and told that he did not exist would likely deter minors from continuing to seek a judicial bypass. The judge in Dickinson County was on vacation so the court employee didn’t know whom, “if anyone, would be available to rule on [the minor’s] hearing.” Marquette County, according to the court employee, only has a judge in the court “Monday mornings” which is a problem due to the 72-hour time constraint in the law. If a judge is not available to oversee the process and grant or deny the parental waiver, the minor will have to wait. In some cases, time may be of the essence and waiting may pose serious problems for the minors, especially because a woman may be unable to obtain an abortion after she reaches her third trimester of pregnancy. Lack of access to a judge might provide an insurmountable roadblock that will cause the minor to cease seeking the waiver.

d. Phone Menus and Circular Transfers

A common problem researchers faced when they initially called the county courts was trying to reach a real person through the courts’ extensive phone menus. This was especially difficult in large counties. In Wayne county, there were numerous “push ___ for” type options. One of them, “parental waivers,” seemed to be related to the judicial bypass process, but the employee that the
caller was directed to knew nothing of the process and recommended the researcher try navigating the menu again.

Similarly, researchers had problems with circular transfers. After numerous transfers the caller would end up speaking with the person that they had initially called. In Berrien county the researcher was transferred to the Health Department, who then transferred her to the Family Planning Department, who then recommended the caller try the County Clerk again and demand that the information be explained to her. This cycle of going around and around would likely discourage a minor looking for information about the bypass process.

Approximately 18 percent of the counties had a system in which circular transfers of the call were made. Not only were these circular transfers time consuming, but often they also resulted in no information about the judicial bypass process being given whatsoever. While most of these circular transfers occurred in very large counties, there were a few that occurred in smaller counties as well. These transfers present a significant obstacle to minors because not only do they have to stay on the phone for a long time, but there is also a very high probability that by the end of the process they will still have received no information about the judicial bypass option. The process of finding information about parental waivers should not be complicated or time consuming. Court employees should have an effective system in place to give information to people in a timely manner.

e. Callbacks

In 19 counties, the respondents either did not answer the phone or told the caller to call back at a certain time to speak with a particular person, as was the case in Keweenaw County. The researcher was put on hold numerous times and was asked to call back multiple times. The first three (of four) callbacks resulted in incorrect information; only the fourth call to yet another court employee resulted in any correct or useful information. These callbacks provide a huge inconvenience to the caller and increase the risk of breaching confidentiality for the minor by forcing her to provide personal information on an answering machine, in order for the court employee to call her back with the bypass information. There is also an increased risk of the minor’s parents finding out that their child is seeking information from the courts if she must make multiple calls to the court’s phone number. This is yet another issue that could be avoided if courts had the information readily available. A minor should not have to make five or six calls just to reach someone on the phone or to be told they will have to call back later.
VII. Conclusions

This case study draws attention to significant flaws in the on-the-ground workings of Michigan’s judicial bypass process. Court employees in some counties, such as Arenac, Bay, and Isabella were aware of the judicial bypass procedure and found the correct information quickly. However this was not the case in most of Michigan’s counties. Thirty-six (43 percent) of the counties in Michigan scored in the red category meaning they had little to no knowledge of the judicial bypass procedure. This figure could be a result of court employees being overworked when they are employed by larger counties, or may be due to basic lack of knowledge about the bypass procedure attributable to the bypass option not often being used. Regardless of the reason for these problems, this study demonstrates that in a majority of counties, court employees are uninformed or unwilling to provide information about the judicial bypass process.

Our results show that there are serious barriers to the access of information about the judicial bypass process. These include: court employees denying the existence of the bypass process, giving inappropriate referrals to health departments and Planned Parenthood offices, and a lack of available judges to handle petitions.

Counties with large populations particularly failed in the task of giving out information about the judicial bypass process, which is why 38 percent of minors in Michigan have no real access to this crucial information. The failure of the courts to provide minors with the information they need leaves them with limited options and deprives them of their right to seek a legal abortion without informing their parents.

VIII. Recommendations

In order to ensure that minors have access to information about parental waivers from the courts in the state of Michigan, some changes must be enacted. These policy changes must not only be implemented, but also enforced, in order to ensure that the courts are performing their duties. This study has illustrated the flaws in disseminating information to minors about parental waivers. Listed below are a number of policy changes that could be enacted immediately so that minors have access to information about parental waivers in all counties throughout Michigan.

A. Have Information Readily Available
Keeping a fact sheet with information on the judicial bypass process readily available will allow court employees to respond in a timely and accurate manner. Many court employees were simply unaware of the law or only knew some of the details about the parental waiver process. The attached fact sheet (Appendix C) will eliminate this problem and ensure that minors receive the correct information. The fact sheet should be copied and distributed to all court employees who might be in contact with citizens seeking information.

Having information readily available will also eliminate the long waiting periods that many callers had to endure before they finally received the responses that they needed. A minor should not have to wait on hold for lengthy periods of time, make multiple calls within counties, or call back numerous times over a period of days. Courts should also simplify calling menus to ensure that callers can easily find the person that they need to talk to. Courts also need to insure that someone is monitoring the phones during regular business hours. Simplifying the calling process by insuring easy access to key information would eliminate a serious obstacle for many minors, who may be calling without their parents’ knowledge.

B. Eliminate the Designation of One Person In Charge of Parental Waivers

There are many counties within the state of Michigan that have only one employee or judge prepared to provide information on parental waivers, or to take on judicial bypass cases. This is extremely important because if that one individual is unavailable, then callers seeking information on the process will have nowhere else to turn, and the court will have failed in its’ duties to give them the information that they requested. For example, in St. Joseph County, a clerk told the researcher that there was another clerk who she thought had the information she was looking for, but he would be on vacation for the next 1½ weeks, and that she would have to wait and call back then to ask him. When dealing with pregnancies, there is a specific window of opportunity to obtain a legal abortion, so requesting callers to call back in a week or two is unacceptable, and could ultimately keep them from being able to have a legal abortion. Equipping every employee with the correct information on the fact sheet would eliminate this problem.

C. Provide Accurate Information Online

The Internet is one of the most valuable resources for a minor, and the courts should utilize the online resources available to provide accurate information to minors about the parental waiver process. The courts should create a section on
their website to describe the parental waiver process or provide the correct phone number for the court that the minor should contact about the process. Excessive transfers were one of the biggest problems callers faced, as fifteen counties transferred or referred the caller twice or more to someone else who supposedly had the right information. For example, in the counties of Kent and Alpena, the original respondent knew nothing about the parental waiver process and transferred the caller to a different court, and then that court transferred them to a different court and that court referred them back to the court that they had originally phoned. Dealing with such transfers can be confusing and frustrating for callers, but it can be avoided by providing the correct number online that minors should call when looking for information about the process.

There were also several instances in which the court phone numbers that were listed in the courts’ online directories had been disconnected and were never updated. In Muskegon, the original phone number that was found online had been disconnected and the caller had to look up a second number to dial in order to find the information they needed. In the case of Kalamazoo, a court employee gave the caller a disconnected court phone number that the caller was supposed to utilize to find information about the parental waiver process. These numbers should be updated so that callers and the court employees directing them have accurate contact information for those who are best prepared to provide judicial bypass information.

Overall, courts should improve and update their websites to reflect accurate information. Additionally, if the courts have the ability to do so, they should post a summary of the parental waiver process on their website. This online information will allow the minor to learn about the process without having to call the courts, which would allow more minors to have convenient access to accurate information about the process, while alleviating the burden on court employees. Courts could simply upload the attached one-page fact sheet to their website along with the proper phone number for the minor to call to find out more information. This improvement will be an invaluable resource to minors that are attempting to learn about this process, and guarantee that they attain the right information in a timely manner.

**D. Maintain the Privacy of Minors that Call County Courts**

Maintaining the privacy of minors and ensuring that the entire parental waiver process stays confidential should be of utmost importance to courts. Many courts have answering machines for when a court employee is not available, but these answering machines ask for personal information from the minor. For instance, in the counties of Jackson, Muskegon, Oscoda, and Allegan a real
person could not be reached for multiple days and the only option for the caller was to keep calling back or to leave a message on the automated machine. Like any answering machine, the court answering machines ask for the caller’s name and callback number as well as a brief description of the question they need answered. A minor should not be faced with the decision of calling the court back multiple times to talk with a court employee, or having to leave their personal information on an answering machine. This information could later, by the court calling the minor back, alert the parent(s) to their activity in regard to this process.

Also, minors should not be interrogated on the phone about personal information or details about themselves. Two instances of interrogation of callers were in the counties of Oceana and Barry. In Oceana County the initial respondent said she knew nothing about the process and hung up, but approximately two minutes later Oceana County traced the caller’s personal phone number and called her back. The respondent then interrogated the caller as to what county she lived in and why she needed the information, since her phone number did appear to be from Oceana County. The questions the respondent asked were very invasive and were an attempt to gain personal information about the caller. In Barry County the court employee refused to give out any information about the process until she knew whom the abortion was for and where the lived. Such questions were very common and could potentially jeopardize the anonymity of the minors seeking judicial waivers.

Court employees must be made aware of the implications their actions have pertaining to the privacy of the minor. The privacy of the minor and the confidentiality of this process must be maintained in order for the parental waiver process to function properly in the state of Michigan. It is simply unacceptable that minors are asked to give their personal information to court employees, since state law guarantees that the entire process will be anonymous.
Appendix A: Script for County Calls

Hi, I am calling to find out how a girl who is not 18 who wants an abortion can get a judge’s permission to avoid telling her parents. *(if unaware of judicial bypass process, proceed straight to question 8)*

(1) How does she start? What will she have to do to get the judge’s permission?
   a. Knowledge of process, requirements and details.
   b. Unfamiliar with process, unable to provide details.
   c. Denial of procedure through judge, rejection.
   d. Other: __________________________________________

(2) So, her parents will not be notified?
   a. No, they will not be notified.
   b. Yes, they will be notified.
   c. Not sure
   d. Other: __________________________________________

(3) Will everything remain confidential?
   a. Yes, it will remain confidential.
   b. No, it will not remain confidential.
   c. Not sure
   d. Other: __________________________________________

(4) Is there any kind of public record of the event?
   a. No, it will be sealed.
   b. Yes, there will be a public record.
   c. Not sure
   d. Other: __________________________________________

(5) This sounds like a complicated process. Is there somebody who can help her with it? Does she need a lawyer?
   a. No, she has a right to court-appointed counsel.
   b. Yes, she will need a private lawyer.
   c. Not sure
   d. Other: __________________________________________

(6) Will it cost money?
(7) How long will the process take?
   a. Will be handled within 5 business days.
   b. Unspecified, long time.
   c. Not sure
   d. Other: __________________________________________

(8) Where can I get information about this process?
   a. Referral given: __________________________________________
Appendix B: Assessment and Evaluation Criteria

(20) **Overall treatment:**
   (20) Effective/helpful
   Knew or quickly obtained the correct answer
   (15) Unwilling but helpful
   Able to provide accurate information, but reluctant or hesitant to do so without significant prompting
   (10) Concerned but ineffective
   Wanted to help/seemed concerned but unable to properly provide accurate information, possibly attempted to provide references
   (05) Delayed/inaccurate
   Needed to speak to multiple references before providing information and/or only provided incorrect information
   (00) Suspicious/Hostile
   Refused to help without more information or required in-person visit; scolding, disapproving or generally unwilling

(20) **Correctness of response:**
   (20) Completely accurate
   All information given was accurate
   (10) Partially accurate
   Information given was only partially accurate
   (00) Entirely or mostly incorrect
   Majority of information given was incorrect and/or misleading

(60) **Completeness of response:**
   (15) Confidentiality of process
   Records remain sealed, only initials used
   No notice given to parents/guardians
   (15) Court-appointed counsel
   Provided within 24 hours prior to hearing
   (10) Private hearing
   Not available in public records
   Nobody else present
   (10) No associated costs
   No court costs
   No costs for representation
   (10) Expeditious handling (72 hours excluding Sundays and holidays)
Appendix C: A Fact Sheet on the Judicial Bypass Process

According to Michigan’s Parental Rights Restoration Act (1990), the following information must be dispensed to minors and observed by court employees:

Pregnant minors seeking an abortion must obtain the consent of one parent to do so. If the parent will not consent or the minor chooses not to involve a parent, she may file a petition with the Probate Court for a Judicial Bypass (waiver of parental consent).

The Probate Court has jurisdiction over all petitions by minors for a waiver of parental consent.

All proceedings are confidential, not a matter of public record, the minor’s initials may be used in place of a full name, and the parents of the minor will not be notified of the petition or hearing.

The minor must be provided with notice of her rights upon first contact, which include:

- Confidentiality of proceedings, including the right to use initials
- Court appointment of attorney or guardian ad litem at no cost to the minor within 24 hours of filing
- Assistance by Probate Court in preparing and filing the petition

- The minor will file a petition in the county in which she resides or the county in which the “minor is found”
- “Next friend” can file on behalf of the minor. This person can be anyone associated with the minor, and must be at least 21 years of age and not affiliated with an abortion clinic in any way.
- There will be no costs incurred on the minor for filing a petition
- There will be a hearing for the waiver which must be held within 72 hours of filing the petition
- The hearing is closed to the public
- All records are confidential, as noted above
- The Probate Court must make a judgment within 48 hours after the hearing
- Court must grant petition if minor proves to be “sufficiently mature and well-enough informed”
  - OR if granting the waiver is in the minor’s best interest
- Minors denied the waiver may appeal to the Court of Appeals within 24 hours; the appeal shall be perfected within 72 hours of filing the appeal

NOTE: This information is not considered “legal advice,” and court employees are obligated to share this information with anyone who requests it.
Appendix D: Individual County Reports

Alcona (70)
Population: 11,091
Percentage under 18: 15.7 percent

The first court employee the caller spoke with was female and unaware of the judicial bypass law. Even though she was oblivious to the law, the court employee was eager to help the caller. She responded with, “Good question, I don’t know the answer, but I will find out.” She informed the caller that the process was something that she was unable to assist with and proceeded to transfer the caller to someone that she thought would be more helpful. The woman on the line after the transfer informed the caller of the information that was useful. She explained to the caller that the process had only been done a few other times in the county and that as far as she knew it was a feasible option for minors.

Alger (40)
Population: 9,286
Percentage under 18: 17.0 percent

While answers were mostly correct, there was a lack of knowledge about what costs the minor would have to pay. The court employee told the caller that the age of the minor was going to make a difference but could not explain why. The caller was also told that if the minor was too far along in the pregnancy the judge would not grant the petition but the court employee could not say how far along that was. The caller was also incorrectly told that the process would take a couple of weeks. The court employee did correctly acknowledge the right to privacy and confidentiality.

Allegan (0)
Population: 113,449
Percentage under 18: 7.4 percent

Caller attempted to contact Allegan County several times. After calling six times, the caller was transferred four times until finally reaching a court employee. The court employee knew nothing of the process and referred the

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17 All population information is adherent to the 2008 United States Census, and was retrieved from http://quickfacts.census.gov/qfd/states/26000.html.
caller to the local Planned Parenthood, the phone number and address of which were furnished to the caller.

Alpena (35)
Population: 29,289
Percentage under 18: 19.6 percent

The caller was transferred twice and had to call back multiple times before reaching a court employee who could provide any information. Upon finally reaching Probate Court, the court employee told the caller that she needed the Juvenile Court, but she told the court employee that she’d already called the Juvenile Court and they had transferred her to Probate. The court employee then offered to look up the information, and told the caller that she’d need to “petition to file” in Circuit Court and then gave the Circuit Court Clerk’s number, as well as a website for the forms a minor would have to fill out. The caller called the Circuit Court’s number and reached a clerk immediately. She was very hesitant with her answers, and did not end up knowing very much about the process. When asked if the minor would need an attorney, the court employee replied, “You never have to have an attorney for any court action. You’re acting as your own attorney and you have to do your own research. No one here can help you file the papers because we cannot give legal advice.” She did correctly say that the documents would be sealed, and she “assumed” that there was no filing fee because the paperwork did not have one listed on it. When asked how long the process would take, the court employee was not able to answer the question.

Antrim (10)
Population: 23,834
Percentage under 18: 20.7 percent

In this county, the court employee was not at all informed about judicial bypass, but extremely nice. The young woman informed the caller that she would need to go through a counseling process and that there are other options besides abortion. The court employee told the caller that Antrim County does not offer any of this type of procedure and that she would have to go all the way to Saginaw to the Women’s Health Center for counseling because that was the closest place that dealt with teenagers who wanted an abortion, and they would also help the caller find other options. The woman also informed the caller that she could call Planned Parenthood if she did not know what else to do.
Arenac (100)
Population: 16,092
Percentage under 18: 20.0 percent

Arenac County was easily reachable and informative. The caller was given entirely correct and complete information on the first attempt by a friendly and helpful female court employee.

Baraga (0)
Population: 8,604
Percentage under 18: 20.1 percent

The caller was told to contact an attorney because the court employee considered the subject in question legal advice and it is illegal for personnel of the court to give legal advice. This is incorrect—asking for information about the judicial bypass law is not asking for legal advice.

Barry (0)
Population: 58,434
Percentage under 18: 23.5 percent

The caller was on hold for five minutes, after which she was received by a court employee that was rude and unhelpful. She was very persistent in finding out whom the abortion was for. The first woman that the caller spoke with actually asked the caller if she was the one “calling all of the counties” and then refused to give the caller any information. The court employee kept insisting that the caller needed to be the one having the abortion to find out any information, and that an abortion would cost so much money that the caller wouldn’t be able to afford one anyways. The court employee then told the caller that Barry County does not even have a judge.

Bay (100)
Population: 107,434
Percentage under 18: 22.0 percent

The first female court employee that the caller spoke with at the general number did not know the answer to the question asked, but she was very kind, saying “Hold on, I want to be able to help you.” She then transferred the caller to another woman who was also extremely nice, and extremely helpful. All questions asked were answered correctly, and the court employee even gave some additional information. Aside from the correctly answered questions, the court employee informed the caller that the minor would need to bring a statement from a physician that confirms her pregnancy and how far along she
is. When asked how long the whole process would take, the court employee replied that they would try to set up a hearing the same day that the paperwork was turned in, and that a hearing should only take 15-20 minutes.

**Benzie (10)**
*Population: 17,227*
*Percentage under 18: 21.8 percent*

The caller was transferred three times, and each time the researcher was on hold for 2-3 minutes. In this county the male court employees that the caller talked to were more respectful to her than the female court employees. The female court employees were very quick to inform the caller that this is something that is very confidential, but then they insisted on knowing who the abortion was for and directed the caller to an online resource. When the caller asked how long the process would take the court employees informed the caller it depends on the situation and that if more information was needed, the person having the abortion would need to call.

**Berrien (0)**
*Population: 160,472*
*Percentage under 18: 24.1 percent*

The caller was transferred first to the Health Department, and then to the Family Planning department. The woman in the Family Planning department was not exactly helpful, but she took the time to listen to what the caller had to say. The court employee did not know anything about the judicial bypass process and recommended that the caller call the County Clerk again and demand that they explain it to her. When the caller called them back, she was then transferred to the same place she ended up the first time. The second time the caller talked to the Family Planning court employee, she said that the caller should just go down to the Courthouse and ask the question in person.

**Branch (0)**
*Population: 44,737*
*Percentage under 18: 23.0 percent*

The court employee informed the caller that Branch County does not authorize any type of minor abortion and that they do not have any information about the judicial bypass. He told the caller to try calling Planned Parenthood or a different county.
Calhoun (85)
Population: 135,616
Percentage under 18: 24.2 percent

The court employee was well-informed about judicial bypass. She explained everything to the caller and reassured her that everything was completely confidential and that there would be a record of the attorney that she was appointed, but no one was able to access that information other than the judge and her lawyer. The court employee informed the caller that it is a long process to completion, but that her paperwork would be processed within 72 hours. The court employee was well-informed, but quite rude.

Cass (0)
Population: 49,925
Percentage under 18: 22.4 percent

The initial court employee informed the caller that there was nothing that could be done and referred her to the Friend of the Court. When the caller called the FOC she was given an automated system, and chose the Information Help Line option because it seemed to best fit her needs. When the caller reached the Information Help Line, she was not given any information on judicial bypass.

Charlevoix (70)
Population: 25,796
Percentage under 18: 22.3 percent

It took the caller a lot of time to get through to a knowledgeable person—multiple transfers and multiple holds. The final court employee was able to communicate the information accurately.

Cheboygan (70)
Population: 26,106
Percentage under 18: 20.8 percent

The first person the caller spoke with said this was a legal question and she could not help, however when asked she did provide the number for the Juvenile Court. The Juvenile/Probate Court was much more helpful. On the first try, they were unsure of most answers, but offered to look it up and asked the caller to call back the following day. When the follow-up call was made all answers were accurate and given in an efficient manner.
Chippewa (95)
*Population:* 38,731  
*Percentage under 18:* 18.3 percent

Information provided was accurate and to the point. The court employee did mention that the court tries to have the hearing the same day as the minor files the petition, which is a policy not strictly established within the law, but may be a special policy of this specific court.

Clare (50)
*Population:* 30,104  
*Percentage under 18:* 21.7 percent

While the court employee did have knowledge of the process, she was unwilling to provide information over the phone. The court employee insisted upon a courthouse appearance, at which time there would be a discussion about the process and the filing of the petition would occur. The court employee stated that they have not had one of these cases in a long time, and could haul out the information, but the court employee did not. When pushed, answers were provided and most were correct, however the court employee did not know the length of the process.

Clinton (75)
*Population:* 69,893  
*Percentage under 18:* 24.1 percent

The court employee was initially unsure of many answers, but asked the caller to call back. During the follow-up call, information was provided accurately and previous informational errors were corrected.

Crawford (55)
*Population:* 14,203  
*Percentage under 18:* 19.9 percent

The caller found it hard to navigate the phone menu, and after numerous attempts and being re-routed several times, the caller did eventually reach a knowledgeable person. Most information was correct, however cost information was incorrect and could pose a substantial obstacle for a minor. Cost was said to be $150, but the minor could fill out a fee waiver, which is incorrect, as there is no filing fee for parental waiver petitions.
Delta (60)
Population: 36,918
Percentage under 18: 20.6 percent

The caller had a difficult time attempting to reach someone; the automated menu of court faculty did not clearly reflect who the minor would need to speak with, and it took multiple transfers to finally reach a person that was knowledgeable. The first contact said that the judge could not do that, but then transferred the caller to Probate Court. The court employee here read directly from a judicial bypass form so information given was mostly accurate, and she corrected incorrect information about cost that the caller was previously given (i.e. the filing cost was originally $150). The court employee then incorrectly told the caller that she must call legal services for a lawyer, that there would be a public record of the event, and that the age of the minor would matter, but refused to say why.

Dickinson (60)
Population: 26,691
Percentage under 18: 21.2 percent

The court employee was resistant to answer questions and at times was hostile, but ended up giving delayed, but accurate, responses. She incorrectly said that the minor would have to request an attorney. She said the biggest problem, currently, is that the judge is on vacation so the court employee did not know who, if anyone would be available to rule on the hearing.

Eaton (10)
Population: 106,077
Percentage under 18: 22.2 percent

The caller found the automated menu extremely confusing, and she had to try several routes before being connected to a person. Upon this connection the court employee was polite and friendly and said the minor would have to contact an attorney, and could look in the Yellow Pages for one.

Emmet (60)
Population: 33,649
Percentage under 18: 21.7 percent

The caller was put on hold numerous times. Most of the information given was correct, but the court employee would not provide information over the phone until she was pushed. The court employee incorrectly stated that the
process would take up to a week, and was insistent that the minor come to the courthouse for a private consultation.

Genesee (40)
Population: 424,043
Percentage under 18: 25.3 percent

The first court employee told the caller to come in and look around in the courthouse law library. She also stated that they did not have the forms to fill out. The second court employee within the Juvenile Court did provide some viable information. However, the court employee was brief, rude, and needed much prompting to provide any information about the process. The court employee did not recognize the minor’s right to counsel and said the judge would help her get through the forms and process.

Gladwin (85)
Population: 25,724
Percentage under 18: 20.1 percent

At the general courthouse number, the caller was told to call Probate Court and given their number. Upon reaching Probate, the caller was told to call back the next morning and speak to a specific clerk. The next day, the caller was given correct and useful information. After answering most questions correctly, the court employee also offered to help with the paperwork.

Gogebic (0)
Population: 15,936
Percentage under 18: 17.0 percent

The caller was told this was a legal question and the minor would have to contact an attorney. When the court employee was asked for a referral to someone that may be able to answer questions the caller was told to look in the Yellow Pages.

Grand Traverse (80)
Population: 86,333
Percentage under 18: 21.8 percent

The first court employee stated, “I don’t have a clue,” and then made the transfer to Probate/Juvenile Court. Information from the Juvenile Court was correct but the court employee bordered on rudeness. It is also worth noting that the court employee mentioned the appointment of a Guardian ad litem for the “baby, or fetus, or whatever.”
Gratiot (60)
Population: 41,984
Percentage under 18: 20.9 percent

The caller was transferred to a judge’s office, where the court employee provided partially correct information. The court employee stated that an attorney was not needed for the process and could not help the minor complete the petition. She was incorrect about the timeline, but indicated that it would be handled ASAP.

Hillsdale (10)
Population: 45,650
Percentage under 18: 23.0 percent

The court employee stated that she had never heard of the judicial bypass process, nor seen it come through before. She did not give any information, but provided the number to get in contact with Legal Aid.

Houghton (80)
Population: 35,333
Percentage under 18: 20.1 percent

The court employee was helpful and most of the information obtained was accurate. The court employee found information quickly. However, the caller was incorrectly told that an attorney would be appointed within 3 days instead of the required 24 hours.

Huron (95)
Population: 32,236
Percentage under 18: 19.9 percent

The caller had difficulty trying to reach someone because the call was transferred multiple times from Circuit Court to Probate Court and then the caller was told to call back. Information provided was accurate and given by a friendly and helpful female court employee when one was finally reached.

Ingham (0)
Population: 277,633
Percentage under 18: 21.9 percent

The caller was unsuccessful in obtaining any information on the issue from the Circuit Court. She was directed to several different people over the course of two unsuccessful days of calling, including the judge’s judicial assistant who did
not answer the phone. The caller was finally directed to a clerk that would be
able to help her, but was unable to get beyond her answering machine a few
times, and upon discovering that her call had been routed to the Adoption
Services Office, rendered the trial unsuccessful. Court employees were female.

Ionia (90)
Population: 62,574
Percentage under 18: 23.7 percent

Court employees were female. Although the court employee from the
Probate Court was familiar with the process, she had to read from a pamphlet.
Overall, the court employee was very helpful and kind. She provided an almost
totally accurate and complete response with the exception of being unsure as to
whether or not the girl in question’s parents would be notified of the judicial
bypass process and hearing.

Iosco (95)
Population: 25,817
Percentage under 18: 18.9 percent

On the first call to the general courthouse number, the caller was told to
call Probate Court and was supplied with their phone number. After reaching a
clerk in Probate, the caller was briefly put on hold, and the female court
employee returned with every bit of correct information. The court employee
also informed the caller that this was “not a matter of permission” and that the
minor’s attorney would need to indicate that the filer is mature enough to
“understand the gravity of the situation.”

Iron (85)
Population: 11,633
Percentage under 18: 16.9 percent

The court employee gave unsolicited advice that was not relevant (told
caller to talk with parents, and they would likely be more understanding than
expected). The court employee correctly emphasized confidentiality, but did say
that full name would be required. While information was mostly accurate the
dispensing of advice was inappropriate.
Isabella (100)
Population: 67,176
Percentage under 18: 18.5 percent

Court employees were female. Called the Juvenile Probate Court, and was then routed to a confidential line to speak with a specific clerk about the issue. All information given was accurate and complete.

Jackson (60)
Population: 159,828
Percentage under 18: 23.6 percent

At the general number, the caller tried calling multiple times and only reached an answering machine, but when she finally reached a clerk she was given a different number and told to talk to a specific individual. The caller tried calling back multiple times a day for multiple days, but only reached the court employee’s answering machine each time. After a few days the caller was able to speak with someone, and the court employee gave somewhat helpful, but incorrect information. The caller was told that the process would be confidential, but that it would cost money unless the filer qualified for a fee waiver. The court employee also provided the name and phone number of an attorney who could help.

Kalamazoo (40)
Population: 248,407
Percentage under 18: 22.9 percent

After calling the general court number and reaching an answering machine every time, the caller chose to call the Family Division instead. Upon reaching a female court employee at the Family Division, the caller was given another number. This number had been disconnected. After trying multiple times, the caller finally reached another female court employee in Probate Court, who then proceeded in questioning her about why she was calling, stating that many other counties had received similar calls lately. This female court employee’s best advice was for the caller to go to Planned Parenthood. She said a minor would need to get confirmation of her pregnancy from a doctor or clinic as well, and after that, she could come to the courthouse to file the papers and wait for a hearing. The court employee said that the documents would be sealed, but that there would be one document with the minor’s name on it.
Kalkaska (90)
Population: 16,891
Percentage under 18: 23.3 percent

Although extremely insistent that the caller come in to receive any of the information, persistence on the caller’s part encouraged the female court employee from the Family Division to disclose information about the process over the phone. The female court employee admitted that the county hadn’t had many of these and she was therefore a little unfamiliar with the process. However, she was very helpful and gave almost entirely accurate information including a brief explanation of the Parental Rights Restoration Act. One piece of misinformation was that the girl’s parents would be notified of her engagement in this process.

Kent (75)
Population: 608,315
Percentage under 18: 26.8 percent

The call to Kent County was a very long process. A male court employee answered the phone and then transferred the caller to a woman who then proceeded to transfer the call to someone else. A court employee was reached who informed the caller that this is a very confidential procedure and that parents would not find out by the court, but she urged the caller to tell her parents about the abortion just in case the pregnant minor had health problems after the procedure. All of the caller’s questions were answered and court employee was very polite.

Keweenaw (45)
Population: 2,305
Percentage under 18: 19.9 percent

The caller was given incorrect information during the first call and the court employee was resistant, saying that she had never heard of the judicial bypass process. The caller had to call back later to get corrected information, which also ended up being inaccurate. She was told that the minor was required to call Dial Help for counseling before she was allowed to file a parental waiver petition. The court employee also said that the minor was entitled to an attorney but would have to call legal services herself to get one, and that the Judge is only available every other Thursday.
Lake (5)
Population: 10,926
Percentage under 18: 19.6 percent

The initial court employee from the Circuit Court was female, and was completely unfamiliar with the process. The caller was transferred to a male court employee who was also unfamiliar with the process, and then transferred to the Probate Register and reached another male court employee. He denied the existence of such a process and suggested the minor contact an attorney.

Lapeer (95)
Population: 89,974
Percentage under 18: 23.1 percent

After initially calling the Family Court, the caller was transferred to a female court employee from the Probate Court who was very insistent that the girl had to be a resident of the county to even receive this information, let alone petition for the hearing. After some persistence, the court employee reluctantly disclosed information on the process. She then proceeded to give entirely accurate and complete information on the judicial bypass process.

Leelanau (75)
Population: 21,899
Percentage under 18: 19.3 percent

Female court employees in the Family Court Division were unfamiliar with the process as the county had never had one of these, and were also lacking a judge in their court. After looking up information, court employee was able to produce a mostly accurate report of the law, but was unsure whether the minor’s parents would be notified and could not report what the costs to the minor would be.

Lenawee (5)
Population: 99,837
Percentage under 18: 22.8 percent

The female court employee from the Circuit Court was completely unfamiliar with the process and put the caller on hold for ten minutes. The court employee then returned to the phone with a complete denial of the process, and gave a referral to the Crisis Pregnancy Center.
Livingston (5)  
*Population*: 183,118  
*Percentage under 18*: 24.0 percent

The female court employee from the Circuit Court denied the existence of such a process and referred the caller to legal aid, but was polite and attempted to be helpful.

Luce (5)  
*Population*: 6,518  
*Percentage under 18*: 17.7 percent

The court employee initially laughed at the question. She then spoke to the County Clerk and said that the minor would have to call their Health Department.

Mackinac (100)  
*Population*: 10,591  
*Percentage under 18*: 18.6 percent

Court employee was helpful and polite while she provided accurate information in a timely manner.

Macomb (0)  
*Population*: 831,427  
*Percentage under 18*: 23.2 percent

The female court employee who answered the phone in the Juvenile Division initially seemed like she was going to cooperate, saying that she would go and obtain information for the caller. The court employee left the caller on hold for approximately 6 minutes, and finally returned, only with comments pertaining to other options. The court employee told the caller, “I'll be praying for you and your baby,” and then referred the caller to two radical pro-life organizations, claiming that they would have “all of the information [she] needed.” The court employee blatantly refused to connect the caller to any other court employees who could give the caller information. The court employee informed the caller that the referrals that were provided would help the caller make the right choice.
Manistee (10)
*Population: 24,439*
*Percentage under 18: 19.7 percent*

After initially calling the Circuit Court, the caller was transferred to a female court employee from the Probate Court who denied the existence of such a process, but wanted to be helpful. She recommended that the caller contact an abortion clinic or her doctor’s office, or call the Health Department or Human Services.

Marquette (90)
*Population: 65,703*
*Percentage under 18: 18.3 percent*

The court employee was helpful and provided accurate information; however, the judge is only available Monday mornings, which could prove to be problematic due to the 72 hour rule. The court employee did mention that they would try to find another judge for the petition hearing.

Mason (95)
*Population: 28,637*
*Percentage under 18: 21.0 percent*

After several transfers and being put on hold for a short while, a knowledgeable female court employee from the Probate Court was able to give almost entirely accurate information on the process and gave complete responses. The only issue was that the court employee said there was *usually* no fee for the court-appointed counsel, when in fact there is no cost at all. When asked how long the process would take, she responded that it would be really quick, like two days. She also said, “Time is of the essence!” The court employee was extremely helpful overall and very kind and sympathetic, although the entire telephone process was time-consuming.

Mecosta (10)
*Population: 41,775*
*Percentage under 18: 20.4 percent*

The female court employee from the Family Court was very helpful and polite, but was unaware of the process. However, since the court employee did provide the phone number for an attorney minimal points were given for the referral.
**Menominee (90)**
*Population*: 23,969  
*Percentage under 18*: 20.6 percent

It was difficult for the caller to reach someone at this court. The first court employee said that there was no way a judge would hold a judicial bypass hearing and that she had no idea who the minor could talk with. The caller was eventually transferred to Probate Court. The court employee from Probate Court was helpful and provided correct information.

**Midland (95)**
*Population*: 82,548  
*Percentage under 18*: 23.2 percent

At Midland County the caller was given correct information, but the answers given seemed as though they were right out of a textbook. The court employee was very professional and indifferent to the question asked.

**Missaukee (90)**
*Population*: 14,838  
*Percentage under 18*: 22.8 percent

It was difficult to reach someone because the call was transferred multiple times within Circuit Court and then the caller was told to call back. A female court employee was reached and she was very friendly, willing to help, and provided mostly accurate information. The court employee did say that the girl seeking the parental waiver might have to be at least 16 years old, which is inaccurate information.

**Monroe (5)**
*Population*: 152,721  
*Percentage under 18*: 23.5 percent

A female court employee from the Circuit Court was rude and had no information about the parental waiver process. When asked for a referral, the court employee stated that the county cannot refer callers to attorneys and to look in a phone book for that information.
Montcalm (85)
Population: 62,733
Percentage under 18: 23.9 percent

The female court employee was extremely nice, polite, and understanding. She was well-informed of the judicial bypass process and answered all of the questions to the best of her ability. The court employee answered many of the questions before the caller could even ask them. The court employee then told the caller that she should visit Planned Parenthood to obtain some sort of contraception so that she would not be in such a bad situation again.

Montmorency (10)
Population: 10,094
Percentage under 18: 17.2 percent

The female court employee from Circuit Court had no information about the process, but seemed very friendly and professional. When asked for a referral, the court employee provided the name and number of an attorney.

Muskegon (55)
Population: 173,951
Percentage under 18: 24.8 percent

The initial number that the caller found had been disconnected. After looking up another number, it took the caller two days to reach someone from the Circuit Court. The female court employee was very hesitant to give information about the process and kept repeating the fact that the girl needed to come to the courthouse to receive any information. After the caller pressed for details the court employee gave mostly accurate information, but did not have information about the cost of the process and also stated that the process would take one to two months, which is inaccurate information.

Newaygo (10)
Population: 48,686
Percentage under 18: 25.1 percent

The caller was told by a female court employee from the Circuit Court that this was a legal question and that she had no information about the process. The court employee was friendly and seemed like she wanted to help, but when asked for a referral she stated that the county is not allowed to refer people to attorneys.
Oakland (75)
Population: 1,205,508
Percentage under 18: 23.7 percent

The caller dialed the initial number and asked the opening question and was immediately forced to tell the court employee her age. The court employee said “we don’t handle 17 year olds, and if you’re 16 there are some things we can’t do.” The caller then asked her to suppose she was 15, and the court employee then gave another number to call. The woman court employee at this number also made sure the caller was under 17, and she then proceeded in giving mostly accurate information. The caller was also given the names and phone numbers of two attorneys who the court normally appoints to this kind of case, and the clerk offered to help the caller find more attorneys.

Oceana (60)
Population: 27,577
Percentage under 18: 24.9 percent

It was difficult to reach someone because the call was transferred multiple times and the caller was told to call back multiple times. The original female court employee from Circuit Court said there is no such thing as a parental waiver, but two minutes later a different court employee dialed the caller’s personal phone and interrogated the caller as to what county they were from. This court employee was resistant to help, especially if the girl in question was not from Oceana County, but eventually transferred the call to another female within the Probate Court. This female court employee told the caller to call back, and this court employee was very resistant to help and stated that the girl who wanted the information needed to come to the court to receive a packet of information. The caller had to press the court employee for details about the process and received mostly accurate information, but did not receive all the information about the process.

Ogemaw (10)
Population: 21,234
Percentage under 18: 20.1 percent

A female court employee from Circuit Court was friendly and concerned, but had no information about the parental waiver process. The court employee referred the caller to a Crisis Pregnancy Center.
Ontonagon (50)
Population: 6,569
Percentage under 18: 15.1 percent

The court employee was rude and insisted that the minor come in to get the information. She said that the forms were self-explanatory, and when the caller pressed for information, answers were given accurately.

Osceola (5)
Population: 22,703
Percentage under 18: 23.4 percent

It was difficult to reach someone from the Circuit Court because the call was transferred and the caller was told to call back in two days to speak to a person in Mecosta County with information, because Osceola and Mecosta work together on these matters, according to a female court employee. The female court employee that was finally reached from Mecosta County had no information about the process, but did give the caller a referral to a local attorney.

Oscoda (5)
Population: 8,707
Percentage under 18: 19.6 percent

The caller was only able to speak to a person twice at Oscoda County, and neither time did the court employee give any information regarding the judicial bypass process. The Family Court was called at least 20 times, but a court employee was only reached once, and the caller was then told to call back. Because the caller could never reach the court employee again at this number, she decided to call Probate Court to see if they could help, but they ended up directing the call back to the Family Court. The caller attempted to call the Family Court again, but could not reach anyone.

Otsego (5)
Population: 23,412
Percentage under 18: 22.7 percent

A female court employee from Circuit Court was friendly and professional on the phone and seemed concerned. Although the court employee was friendly she had no information about the process and no referral to give.
**Ottawa (10)**  
*Population:* 261,957  
*Percentage under 18:* 25.7 percent  

The female court employee was polite and said that she wanted to help, but that she could not give the caller the information that she was asking for because she is not allowed to give legal advice. The court employee suggested that the caller look in the Yellow Pages to contact a lawyer.

**Presque Isle**  
*Population:* 13,436  
*Percentage under 18:* 17.6 percent  

(Same courts as Cheboygan)

**Roscommon (70)**  
*Population:* 24,682  
*Percentage under 18:* 17.7 percent  

The court employee was polite and very helpful. She provided most of the necessary information, but seemed to think that there may be a cost involved for the minor (though she was not sure how much), and she could not give an exact estimate of how long the process would take. She explained that the girl would have to visit Planned Parenthood first, because the judge required that of anyone who wanted to go through the process.

**Saginaw (0)**  
*Population:* 200,050  
*Percentage under 18:* 23.9 percent  

At the general courthouse phone number the caller asked about the process, and the court employee replied with “I don’t know anything about that and I have no idea where you can get that information,” and that was it.

**St. Clair (5)**  
*Population:* 167,562  
*Percentage under 18:* 23.5 percent  

The female court employee was reluctant to offer any information and had a negative attitude. She was very reluctant to even discuss the issue, and would only refer the caller to legal aid. She said that she “didn’t think the possibility [of a judicial bypass] even existed.”
St. Joseph (10)
Population: 61,723
Percentage under 18: 25.9 percent

The caller reached a female court employee in the Juvenile Division who said that there was a male clerk who would be able to provide the proper information, but he was on vacation and would not be back for 1 ½ weeks, and recommended that the caller call back then.

Sanilac (10)
Population: 42,064
Percentage under 18: 23.3 percent

The court employee was very kind and seemed sympathetic to the situation but apologized, and said “I’m sorry but I’m not familiar with that option.” She suggested that the caller contact Planned Parenthood to find out about the process, and that she should contact a private lawyer.

Schoolcraft (40)
Population: 8,127
Percentage under 18: 20.0 percent

On the first attempt, the caller was told that the court employee could not help, but was then transferred to Probate Court. Most of the information given here was incorrect. The caller was told that the minor would be required to have a “next friend” sign the forms and appear in court, but that an attorney was not necessary. The court employee also incorrectly said that the filing fee would be $150, and was generally not helpful, her responses bordering on rude.

Shiawassee (5)
Population: 70,006
Percentage under 18: 23.5 percent

The caller was connected to various automated messages until finally reaching a Juvenile Court clerk who said she would call the caller back in an hour. The court employee did not do this, so the caller called back and was told that the court employee needed personal information from her. The caller refused, so the court employee transferred her to an automated message in the Adoption Department. The caller called back again to ask if she could be connected to a live person, but the court employee said that she could not do this without obtaining personal information from the caller.
Tuscola (0)
Population: 55,395
Percentage under 18: 22.8 percent

The female court employee at the general courthouse phone number told the caller that she needed to contact legal aid and hung up the phone. Tuscola County’s website also had the Juvenile Division’s number listed right on the front page, and this would make it probable that a minor might see that number and call it, the caller then tried this number. At the Juvenile Division, much better information was obtained. The male court employee told the caller that the minor would need to fill out paperwork, that an attorney would be appointed, and that everything would be free of cost. When asked if everything would be confidential, he replied, “It’s supposed to be” and said that a hearing would be set up within a week. Tuscola scored a zero because if a minor had only called the general number, she would have gotten no information whatsoever.

Van Buren (85)
Population: 78,227
Percentage under 18: 25.0 percent

The female court employee remembered a similar case that they had had several years ago and pulled the file. She was able to answer all questions correctly, but she said that a girl couldn’t get a court appointed counsel, because a guardian ad litem would be appointed for her and her “unborn baby” instead.

Washtenaw (60)
Population: 347,563
Percentage under 18: 21.4 percent

The woman who answered at the Juvenile Court initially told the caller that she should come in to the court for more information, but was willing to go and find the information after further prompting. She had mostly correct information, except she said that a girl would not have a lawyer appointed to her, because she would be required to go to Planned Parenthood and get a counselor who would go with her to court and serve as her counsel. Besides this information, the woman was very knowledgeable and helpful.

Wayne (0)
Population: 1,925,848
Percentage under 18: 26.0 percent

Several calls over several days proved to be unsuccessful. After initially calling the general court number, transferring to the Juvenile Court office, and
going through several automated phone messages and menus, the caller was unable to reach a real person to speak with. One menu option included the County Clerk, and according to the menu option she would answer questions on parental waivers. However, upon actually speaking with her, she denied the procedure’s existence and gave a referral back to the Juvenile Court. After calling this number again several times, the caller failed to talk with a real person.

**Wexford (0)**

*Population: 31,553*

*Percentage under 18: 23.2 percent*

The female court employee was not outwardly rude, but was extremely reluctant to help, and only offered two numbers to a pro-life organization and a church’s outreach ministry saying, “they are the numbers you need to call to get the help you need.” She said that no other court workers were available to help, and ended the call.