DISTRICT COURT OF APPEAL OF FLORIDA
SECOND DISTRICT

In re Petition for Judicial Waiver of
Parental Notice and Consent or Consent
Only to Termination of Pregnancy.

JANE DOE,

Appellant.

No. 2D22-51

January 18, 2022

Appeal pursuant to Fla. R. App. P. 9.147 from the Circuit Court for Hillsborough County; Jared E. Smith, Judge.

Rinky S. Parwani of Parwani Law, P.A., Tampa, for Appellant.

CASANUEVA, Judge.

Jane Doe,[1] a minor, challenges the final order dismissing her petition for judicial waiver of parental consent under section 390.01114(6), Florida Statutes (2021).[2]

The Petitioner is a seventeen-year-old junior in high school. She testified that she has a 2.0 GPA "right now" but also testified that she is making Bs. Upon graduation, she plans to go into the military and then to college to ultimately go into nursing.

The Petitioner has been working for the past year and has had three jobs during that time. Over the summer, she was working two of those jobs at once. The Petitioner's father drives her to work; she does not have a driver's license or learner's permit because her parents will not put her on their insurance and although she offered to pay for it, they would not let her.

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[1] In the circuit court, the minor chose to be identified by her initials rather than a pseudonym. We have elected to use this pseudonym in place of the minor's initials to further protect her privacy.

[2] Florida Rule of Appellate Procedure 9.147(d) sets forth the time frame for this court's judicial deliberation. The rule mandates that this "court shall render its decision on the appeal as expeditiously as possible and no later than 7 days from the transmittal of the record." Should no appellate decision be issued within that time period, the rule provides that "the petition shall be deemed granted."

The Petitioner has two credit cards and $1,600 in savings. She testified that although her mother pays her cellphone bill, she uses her own money "to pay for everything else for me, like clothes, nails, and all the other necessities." She later agreed with the court that she lives at home, that her parents provide her with housing and food, and that she uses her own money just to buy things beyond what her parents are willing to buy for her and also to "set[] [her] up to live on [her] own with saving."

The Petitioner does basic chores around the house. She does not take care of any younger siblings, but the evidence established that she has none.

The Petitioner testified that she has talked to her mother about birth control but that her mother lives out of state. The Petitioner lives with her father, who does not believe in abortion except in cases of rape. She believes that both of her parents would urge her to keep the baby if they found out that she wanted an abortion.

The Petitioner testified that she did not know of any medical problems that could make her pregnancy more difficult. She has never been treated for any mental illness. She testified that she

wants an abortion because she is not yet financially stable and that she wants to be able to be on her own first.

The Petitioner denied that anyone is pressuring her to have an abortion. She has told her boyfriend (the father), her boyfriend's mother, her best friend, and her friend's mom about her pregnancy. She and her boyfriend have been together for more than a year, and he supports her decision to have an abortion. The Petitioner testified that her boyfriend's mother has a nursing background, but the Petitioner could not provide any details. From the Petitioner's testimony, it is clear that she has relied primarily on her boyfriend's mother for advice.

The Petitioner testified that she had discovered that she was pregnant while out of town and that after returning to Tampa, she had gone to a women's health clinic, but they would not talk to her unless she had obtained a judicial bypass. The Petitioner testified that when she is able to return to the clinic, she wants to get a check-up and have a sonogram done and then the pill will be explained.

When asked about the side effects of the procedure, the Petitioner testified that she had used Google to get information

because the clinic would not explain anything unless she had been granted a judicial bypass. She acknowledged that Google is not always reliable. Finding the clinic's website online, she learned that risks of taking the pill include depression and the need for surgery if it does not work right. In her later testimony, she also identified abnormal bleeding and abdominal cramping and pain as possible risks. She described "abnormal" as anything over seven days. She said that she would go to the doctor if she was still having blood clots after the "fourth or sixth day." She said that according to the clinic's website, after she is ten weeks pregnant, she will no longer be able to take the pill and will have to have surgery instead. She said that she wants to be able to talk to the doctors at the clinic "to make sure [she] fully understand[s] anything—everything before [she] go[es] through with it."

The Petitioner testified that long-term risks from the procedure could be difficulty having children in the future "when [she's] ready" because of an increased risk of miscarriages and also irregular periods. The Petitioner testified that if she were to miscarry in the future, she would just "deal with [the] consequences, unless it's fairly significant and [she had] to go to the hospital." She testified

that she had talked to her boyfriend's mother about possible side effects. The Petitioner testified that she has been set on getting the pill and admitted that she is not as familiar with the procedure and possible side effects and long-term risks if she is instead required to have surgery, although she did not seem to think that the side effects and risks would be much different.

The Petitioner testified that her boyfriend will drive her to and from the clinic and his mother will pay for the procedure. The Petitioner stated that if she has any physical or mental issues after the procedure, she will talk to her boyfriend's mother, who is "the one who has been helping [her] all through this." She testified that if she has difficult feelings after having the abortion, she will "[j]ust keep moving [and] do things that get my mind off of it." She testified that she will also reach out to her boyfriend's mother and her best friend. She testified that her plan is to call out of work for a few days and have someone cover her shifts to allow her time to recover.

The Petitioner testified that abortion is inconsistent with her religious beliefs and that she has considered adoption but ultimately "decided to do the abortion because I'm not going to have

a baby for nine months and then get attached." The Petitioner testified that she has not spoken with anyone about adoption but that she "just [didn't] want to do that to [herself]" and that she "[felt] like that would hurt [her] more mentally than this." She understood that even if she is granted a judicial bypass, however, she is not required to go through with having an abortion.

Section 390.01114(6)(c) requires the circuit court to ascertain whether there is clear and convincing evidence "that the minor is sufficiently mature to decide whether to terminate her pregnancy."

"The petitioner need not show that she has the maturity of an adult to satisfy the statute." *In re Doe*, 967 So. 2d 1017, 1018 (Fla. 4th DCA 2007) (citing *In re Jane Doe 06-A*, 932 So. 2d 499, 500 (Fla. 1st DCA 2006)). Rather, the petitioner "need only show that she has the necessary emotional development, intellect and understanding to make an informed decision regarding the termination of her pregnancy." *Id.* (citing *In re Jane Doe 06–A*, 932 So. 2d at 500); *see also In re Doe*, 319 So. 3d 184, 185 (Fla. 2d DCA 2021) ("The minor need not possess the same maturity as an adult, but she must demonstrate that she is sufficiently mature to make this important decision." (quoting *In re Doe*, 153 So. 3d 925, 926

(Fla. 2d DCA 2014))). "[A] minor who meets her burden of proof is entitled to an order authorizing her to consent to the abortion." *Id.* at 187. The circuit court's discretion, in considering her petition, "is limited in the sense it must be exercised in a manner consistent with the applicable statute." *Id.* (quoting *In re Doe*, 113 So. 3d 882, 889 (Fla. 2d DCA 2012)).

In Jane Doe's petition for judicial waiver of parental consent she asserted she was sufficiently mature and explained she is "way to[o] young" to be a parent, she did not possess a sufficient income, and if not permitted to terminate her pregnancy, she would not be able to pursue her goal of entering the military.[3] The circuit court

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[3] In paragraph 9 of its order, under the heading "Credibility and demeanor as a witness," the circuit court stated:

> In line 4(a) of her petition, Petitioner stated the following: "The minor is sufficiently mature to decide whether to terminate her pregnancy, for the following reason(s): *Just way to [sic] young and won't be able to go to the military and my job don't [sic] pay enough at the moment*." Petitioner's response shows she did not read or understand the sentence which she was supposed to be completing. (Footnotes omitted.)

To the contrary, the minor obviously read and understood the sentence to be asking for "the following reason[s]" *why she was terminating her pregnancy*. Perhaps that was not the response that the question was intended to elicit, but it certainly was a reasonable interpretation of the question. But even if the court's perception were correct, we are hard-pressed to understand how her failure to

held an evidentiary hearing on the petition and thereafter issued its final order dismissing the petition.

Pursuant to section 390.01114(6)(c)1, a circuit court is required to consider several factors in determining whether a petitioner is sufficiently mature to make the decision to terminate her pregnancy, including the petitioner's:

> a. Age.
> b. Overall intelligence.
> c. Emotional development and stability.
> d. Credibility and demeanor as a witness.
> e. Ability to accept responsibility.
> f. Ability to assess both the immediate and long-range consequences of the minor's choices.
> g. Ability to understand and explain the medical risks of terminating her pregnancy and to apply that understanding to her decision.

The circuit court's order shall include "factual findings and legal conclusions supporting its decision, including factual findings and legal conclusions relating to the maturity of the minor" in view of these specific factors. § 390.01114(6)(e)2.

In the present case, the circuit court noted that the Petitioner is seventeen years old. However, addressing her "overall

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understand one of the questions on the petition would be pertinent to her "[c]redibility and demeanor as a witness."

intelligence," the court found her intelligence to be less than average because "[w]hile she claimed that her grades were 'Bs' during her testimony, her GPA is currently 2.0. Clearly, a 'B' average would not equate to a 2.0 GPA." The court reasoned, "Petitioner's testimony evinces either a lack of intelligence or credibility, either of which weigh against a finding of maturity pursuant to the statute."

Initially, we observe a "C" average demonstrates average intelligence for a high school student. Next, we examine the transcript. Upon the conclusion of questioning by her attorney, the circuit court initiated its wide-ranging inquiry.

> There is authority supporting a role for the trial judge to clarify ambiguous testimony. "The requisite of a neutral factfinder does not foreclose a judge from asking questions designed to make prior ambiguous testimony clear. But that general ability to clear up the ambiguous is not an invitation to trial judges to supply essential elements in the state's case."

In re Doe, 973 So. 2d 548, 559 (Fla. 2d DCA 2008) (Casanueva, J., concurring) (quoting *McFadden v. State*, 732 So. 2d 1180, 1185 (Fla. 4th DCA 1999)).

During its inquiry the court asked the Petitioner her GPA in school, and she responded, "2.0," although she had previously

testified that she got Bs in school. On its face, these responses are not inconsistent. The circuit court asked what her GPA was presently. Her counsel had previously asked a different question, inquiring about her current grades. Indeed, her current grades may have raised her grade point average as she testified she had been attending her high school for three years. At worst, her testimony created an ambiguity that neither questioner explored. A finding of a lack of credibility is not supported by this record. Further, the evidence certainly did not show that her overall intelligence was "less than average."

Regarding her emotional development and stability, the circuit court found that the Petitioner did not present sufficient evidence supporting this factor. In reaching this conclusion the circuit court found the Petitioner had never had a car, a driver's license, or a driver's permit. While these findings are supported by her testimony, there was no evidence that the failure of one or all of these somehow demonstrates a lack of emotional stability or development. There was unrebutted testimony that the reason that the Petitioner did not have a car, a driver's license, or a driver's permit is that her father and his girlfriend wanted the Petitioner to

wait until she is eighteen years old to do so. Further, her parents refused to place her on their insurance, even though she offered to pay for such.

Next, pertaining to the Petitioner's emotional stability, the circuit court indicated that the Petitioner has no responsibilities pertaining to any younger family members and that her household duties were limited to basic chores. However, the Petitioner testified that her youngest sibling is thirty. There is no record evidence establishing the existence of a younger family member.

As to the Petitioner's credibility and demeanor, there is no question that the circuit court was in a superior vantage point in this regard. But the court did not find, for example, that the Petitioner was timid or hesitant in her answers or that she appeared to seek validation from counsel, which we agree could be construed as evidence of lack of maturity. To the contrary, it found that she was "curt" and that she even cut off the court from time to time. Regardless of what this may have said about her courtroom manners, we fail to see how it reflected on her ability to understand and assess the procedure and its attendant psychological and physical risks.

Next, the circuit court found that the Petitioner "has never had any financial responsibilities, even so much as paying her own cell phone bills." The record demonstrates otherwise. The Petitioner testified:

- it was her decision to get a job;

- she has worked between twenty-seven and thirty-four hours a week; and

- "My mom pays for the cellphone bill off her child support, but I pay for everything else for me, like clothes, nails, and all the other necessities."

Further, the Petitioner established that she had two credit cards and that she had savings of $1,600.

The final order reflects the court's finding that the Petitioner is not involved in after school programs and that in the last year "she has worked at three different places of employment." All true, but this section does not recognize that the Petitioner is presently employed in a position that affords her responsibility. It also fails to recognize that in her past she held two jobs at the same time, including one in the morning and one in the afternoon.

We recognize that section 390.01114(6)(b)2 only permits an appellate court to overturn a circuit court's ruling on appeal if it is

based on an abuse of discretion by the circuit court and it "may not be based on the weight of the evidence presented to the circuit court." Because the statutory factors the circuit court addressed show that the Petitioner met her burden of proof, yet the circuit court denied the petition for reasons not supported by the record, we conclude the circuit court abused its discretion.

Section 390.01114(6)(c) requires a petitioner to show that she is "sufficiently mature" by clear and convincing evidence. This standard

> requires that the evidence must be found to be credible; the facts to which the witnesses testify must be distinctly remembered; the testimony must be precise and explicit and the witnesses must be lacking in confusion as to the facts in issue. The evidence must be of such weight that it produces in the mind of the trier of fact a firm belief or conviction, without hesitancy, as to the truth of the allegations sought to be established.

Inquiry Concerning Davey, 645 So. 2d 398, 404 (Fla. 1994) (quoting *Slomowitz v. Walker*, 429 So. 2d 797, 800 (Fla. 4th DCA 1983)).

This standard rests between the preponderance of the evidence and proof beyond a reasonable doubt standards. It "entails both a qualitative and quantitative standard." *Id.* "[T]he sum total of the evidence must be of sufficient weight to convince

the trier of fact without hesitancy." *Id.* "It is possible for the evidence in such a case to be clear and convincing, even though some evidence may be inconsistent. Likewise, it is possible for the evidence to be uncontroverted, and yet not be clear and convincing." *In re Guardianship of Browning*, 543 So. 2d 258, 273 (Fla. 2d DCA 1989) (citing *Matter of Jobes*, 529 A.2d 434, 441 (1987)), *aff'd*, 568 So. 2d 4 (Fla. 1990).

Previously, we have discussed that, on this record, the Petitioner's testimony regarding her academic situation does not lack credibility. Therefore, we conclude that the clear and convincing standard requirement that the evidence be credible has been met. And a C average or the making of Bs demonstrates an appropriate level of intelligence. Additionally, the record establishes that the Petitioner read and understood health materials on the website of the facility she intended to use for her medical procedure. The Petitioner demonstrated sufficient intelligence and education to read and discuss the information. Section 390.01114(6)(c)1.f requires the Petitioner to prove the "[a]bility to assess both the immediate and long-range consequences" of her choices. As required, the circuit court considered this statutory

factor. A number of the Petitioner's alleged failings as found by the circuit court are not disqualifying. Rather, had they been undertaken, they may have been *further* evidence of maturity, but her failure to undertake them is not evidence of immaturity; nor does it undercut the other evidence establishing her maturity. For example, the circuit court noted that the Petitioner "had never spoken with anyone that had actually adopted." Further, Petitioner had never spoken with any adult who had had an abortion. Had Petitioner done either or both, such evidence may have provided weight to her testimony, but the failure to do so does not subtract from her efforts. It is her efforts that the circuit court is required to examine. It is not for the circuit court to set forth factors that the legislature did not. Further, nowhere in this record is the fact that the Petitioner had access to a person who had either obtained an abortion or had adopted. Again, the circuit court misapprehends statutory demands.

The order discussed whether there was the presence of undue influence upon the Petitioner. The circuit court found, and the record supports, that the Petitioner discussed the procedure and its outcome with her boyfriend and his mother, who has some

background in nursing, although the minor could not elaborate with any detail. These were two of the few people with whom the Petitioner discussed her concerns. The Petitioner found her boyfriend's mother helpful and "comforting."

The consultation with the parent of a boyfriend has been judicially examined. The Fourth District found that "the fact that Doe's decision to seek an abortion was strongly influenced by her fiancé's parents is not indicative of immaturity. To the contrary, other courts have considered it a positive factor that the young woman sought out counsel and support from a trusted adult." *In re Doe*, 967 So. 2d at 1019 (citing *In re Jane Doe 06-A*, 932 So. 2d at 499).

There are other factual similarities between the Fourth District's case and the present one. The Fourth District, in evaluating the evidence of the petitioner's maturity, observed that "upon further reflection she realized how difficult it would be to raise a child while going to school. She also understood how financially strapped she would be during that time. This demonstrates the petitioner's awareness of the realities of her

situation and shows maturity and understanding of long-term responsibilities." *Id.* at 1019-20.

The record demonstrates the same here. The Petitioner demonstrated in support of her petition that working part-time she would be unable to support a child and that she wished to complete her high school education and join the military to better position herself in life. "I'm not financially stable with my own money yet and I want to be able to be on my own. You know, give the kid everything it needs before I do it for myself."

Here, the circuit court's order did not make a specific finding of undue influence, and we do not find its presence in light of this record and decisional law.

We now turn to an examination of the record to determine if the Petitioner put forth evidence to establish compliance with subsections (6)(c)1.f and (6)(c)1.g of the statute. We examine the record to ascertain whether the Petitioner possessed the ability to assess the consequences of her choice and possessed an ability to understand and explain the medical risks involved. The Petitioner is a minor, age seventeen, and were she an adult, age eighteen, this

proceeding would not be mandated. What then did this seventeen-year-old do?

Initially, the transcript reflects she spoke with "the mother of the father, the father, my best friend and my friend's mom." She discussed how it worked, "the process of it; the side effects; the pros and cons of everything." She further indicated the father supported her decision.

Next, she indicated that she was unable to speak with the clinic's personnel until she obtained court approval. She had hoped to obtain a sonogram and an explanation of the procedure to be utilized. Despite not being able to speak with clinic personnel she sought information from their website. She learned of the risks of her contemplated procedure.

Later, in response to the circuit court's inquiries she testified that "I have researched a lot, to all the way to how many weeks and what it should look like and what size it should be, and the medical procedures." Additionally, she recognized that information on Google could be inaccurate; she wanted to go to the clinic so that the personnel there could "tell me fully." She further added that she was aware that there could be additional side effects. Other

effects included "cramping, the abdomen pain, or the bleeding over seven days."

Elsewhere in her testimony she recognized that future concerns could arise should she undergo the medical treatment. These concerns included blood clots and excessive bleeding. To her, obtaining consent for the procedure first afforded her the opportunity to discuss her health concerns with a physician. She testified that she intended to speak with the doctor "to make sure I fully understand anything--everything before I go through with it."

The Petitioner's testimony demonstrates that she possesses an ability to assess the consequences of her choice and the risk it entails, as well as the intention to reassess her decision after direct consultation with her physician.

As noted above, our standard of review is abuse of discretion. This court has previously stated that "a minor who meets her burden of proof is entitled to an order authorizing her to consent to the abortion." *In re Doe*, 319 So. 3d at 187. As this court has explained previously, "the circuit court's discretion is limited in the sense it must be exercised in a manner consistent with the applicable statute." *Id.* (citing *In re Doe*, 113 So. 3d at 889). "An

erroneous view of the law can constitute an abuse of discretion." *Kratz v. Daou*, 299 So. 3d 442, 444 (Fla. 3d DCA 2019) (citing *Buitrago v. Feaster*, 157 So. 3d 318, 320 (Fla. 2d DCA 2014)). For the reasons set forth, we conclude that the circuit court's exercise of discretion was inconsistent with the applicable statute and law. The record demonstrates compliance with the statutory requirements. In so determining, we are not unmindful of the demands placed upon the circuit court by this statute. The circuit court's decision-making process requires counsel for the petitioner to undertake a full factual development and perhaps to inquire if the petitioner's presentation has left an ambiguity requiring clarification.

One further matter merits our discussion. Used in the legislative statutory framework are such factors as emotional development, ability to assess, and ability to understand. Here, the record demonstrates the Petitioner's compliance with each.

First, she testified that she had considered carrying to term for the purpose of placing the child for adoption. She was unable to follow that course because she believed that carrying the child and then parting with the child would be to her emotional detriment.

And, second, it was her preference to have a child when she could financially provide for the child as previously discussed.

For appellate purposes, it is not necessary for the members of this panel to agree with her conclusions or to approve them. Rather, it is appropriate to measure each conclusion against the terms legislatively pronounced as factors to be considered. This record demonstrates that the Petitioner's testimony regarding the statutory factors was precise, explicit, and lacked any hint of confusion. It is of sufficient weight to entitle the Petitioner to the requested relief.

We reverse the circuit court's order, and Doe's petition for judicial waiver of the parental consent required by section 390.01114 is granted. The clerk shall furnish Doe's counsel with a certified copy of this decision for immediate delivery to Doe so that she can deliver it to her physician. *See* Fla. R. App. P. 9.147(g). This court's mandate shall issue simultaneously with this opinion, and no rehearing motion shall be entertained.

Reversed.

ROTHSTEIN-YOUAKIM, J., Concurs.
STARGEL, J., Dissents with opinion.

STARGEL, Judge, Dissenting.

Because there is competent substantial evidence supporting the trial court's findings of fact and conclusions of law, and because I do not agree there was an abuse of discretion, I must respectfully dissent.

The trial court in this matter had the opportunity to personally observe, inquire, and interact with the minor child to determine whether there was clear and convincing evidence that she met the statutory requirements of section 390.01114(6)(c)1 by showing sufficient maturity to terminate her pregnancy without notifying a parent. The trial court then fulfilled its statutory obligations under section 390.01114(6)(e)2 by including "factual findings and legal conclusions supporting its decision, including factual findings and legal conclusions relating to the maturity of the minor." The trial judge wrote a ten-page order consisting of twenty-six numbered paragraphs wherein he walked through each of the statutory factors and discussed evidence he found compelling or lacking as he analyzed the case.

The court then analyzed the facts of this case against the backdrop of two recent opinions of this court, *In re Doe*, 312 So. 3d 1082, 1084-85 (Fla. 2d DCA 2021), which the court referred to as "*Doe* 1," and *In re Doe*, 319 So. 3d 184, 185-86 (Fla. 2d DCA 2021), referred to as "*Doe* 2." It is within the context of this comparative analysis that the trial court reviewed certain factors that this court has previously identified, and for which the majority finds fault for setting forth factors "that the legislature did not." It is important to note that the statute does not limit a court to the seven factors set forth therein; rather it mandates them as "[f]actors the court shall consider." § 390.01114(6)(c)1.

The statutory standard that the trier of fact must find is clear and convincing evidence. § 390.01114(6)(c). "[T]he inclusion of this standard of review demonstrate[s] a legislative intent that express deference to the trial court's evidentiary evaluation is warranted, due, in large part, to the non-adversarial nature of the proceeding." *In re Doe 13-A*, 136 So. 3d 723, 725 (Fla. 1st DCA 2014) (Roberts, J., concurring in result). "The complexity in the review at the appellate level arises because much of the trial court's analysis is based upon subjective factors such as credibility." *Id.* While the

trial court is in the best position to evaluate these subjective factors, this highly deferential standard does not require this court to "rubber stamp" the trial court's decision. *Id.*

> The majority correctly asserts that this standard
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> > requires that the evidence must be found to be credible; the facts to which the witnesses testify must be distinctly remembered; the testimony must be precise and explicit and the witnesses must be lacking in confusion as to the facts in issue. The evidence must be of such weight that it produces **in the mind of the trier of fact a firm belief or conviction, without hesitancy**, as to the truth of the allegations sought to be established.

Inquiry Concerning Davey, 645 So. 2d 398, 404 (Fla. 1994) (emphasis added) (quoting *Slomowitz v. Walker*, 429 So. 2d 797, 800 (Fla. 4th DCA 1983)). On a number of the statutorily required factors, the trial court raised legitimate concerns. I believe the totality of the trial court's legitimate concerns kept it from reaching that "firm belief or conviction, without hesitancy" required to meet the clear and convincing evidence standard.

The majority discounts most of the trial court's concerns regarding Doe's credibility and demeanor as a witness, overall intelligence, emotional development and stability, and ability to accept responsibility. The trial court is in a unique position to

determine the credibility and demeanor of the witness. This court has long recognized that the trial court's findings, including those regarding the minor's demeanor, may support a determination that the minor did not prove that she was sufficiently mature to decide whether to terminate her pregnancy. *In re Doe*, 67 So. 3d 268, 269 (Fla. 2d DCA 2011). Here, the trial court took issue in paragraph eight of its order with the minor presenting as cavalier throughout the hearing, cutting the court short, and having rather curt responses to some serious questions.

The majority takes issue with numerous concerns expressed by the trial court. While the trial court's observations in each of these areas may not be conclusive in and of itself, the cumulative result certainly could impact the trial court's determination as to whether the minor met her burden to convince the court with a "firm belief or conviction, without hesitancy," as required by the clear and convincing evidence standard. Regarding her ability to accept responsibility, the majority takes issue with the trial court's assessment in paragraph ten of its order that she "has had little responsibility in her life to date" concerning her financial responsibilities and asserts that the trial court somehow

misunderstood that she did not take responsibility for her younger siblings (who do not exist according to the testimony). To the contrary, the trial court states that she "has never had responsibility to care for younger family members," not that she has not taken responsibility for them. As previously indicated, the trial court's order undertook a comparative analysis of *Doe* 1 and *Doe* 2, both of which highlighted such responsibilities as a positive factor weighing in favor of showing sufficient maturity for a judicial bypass. Making such an observation is not a fatal flaw in the trial court's analysis; rather it was a transparent means for the trial court to show it was undertaking a detailed analysis as required by section 390.01114(6)(e)2. In paragraph nine of its order the trial court notes that there are two misspellings and serious grammatical problems in the two sentences she wrote in her petition, and in paragraph six of the order the court notes the minor was unable to spell the seven-letter name of her former employer correctly. Of course, nerves could have been a factor for a young woman appearing in court. Again, while these are not conclusive, they certainly are factors the court may consider.

The issue of Doe's school grades and performance were highlighted in the trial court's order under both "Credibility and Demeanor as a Witness" (paragraph eight) and "Overall Intelligence" (paragraph six) because of the perceived inconsistencies. The trial court took issue with the inconsistencies, but the majority has observed "that a C average demonstrates average intelligence for a high school student" and that "a C average or the making of Bs demonstrates an appropriate level of intelligence." However, the majority does not cite any authority for these conclusions.[4] The majority then speculatively posits that Doe may be currently getting Bs, as she initially testified, which brought up her grade point average (GPA) to the 2.0 average to which she later testified, which would mean her prior GPA was even lower.

If the legislature intended this to be the standard, it certainly could have added a GPA or letter grade equivalent as the

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[4] A 2009 study by the U.S. Department of Education found that the national overall GPA had climbed from 2.68 to 3.0 between 1990 and 2009. National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education, *The Nation's Report Card* 1, 13 (2009), https://nces.ed.gov/nationsreportcard/pdf/studies/2011462.pdf Assuming these statistics have not changed significantly, this study would place a 2.0 GPA well below the national average.

standard—but it did not. When dealing with high school athletics and interscholastic extracurricular student activities, the legislature set a standard of a 2.0 GPA as the minimum GPA in order to participate. § 1006.15(3)(a), Fla. Stat. (2021). In the statute under consideration, the legislature simply states that "overall intelligence" is a factor and leaves that determination to the trier of fact, who can certainly include evidence beyond GPA or grades when appropriate. The trial court here clearly considered many factors in reaching its determination.

Finally, as the majority recognized, Doe testified she has not spoken with anyone at the clinic; they just sent her to get the bypass.[5] Rather, she testified that she obtained the information

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[5] The relevant portion of the hearing transcript reads as follows:

> Q. And have you ever talked to anybody at the clinic about your pregnancy?
> A. No. When I went up there they just sent me to go get a bypass.
> Q. Okay. What's the procedure once you get the bypass?
> A. To go to the clinic and just get everything figured out from there.
> Q. Okay. And what did they tell you or what do you understand the procedure to be?
> A. Well, obviously I want to go in there and get a check-up, and then they're going to do the sonogram and then

from "Google" and later said she checked the clinic's website. Doe said that she wants to be able to talk to the doctors at the clinic "to make sure [she] fully understand[s] anything—everything before [she] go[es] through with it." On its face, this testimony seems to conflict with section 390.01114(6)(c)1.g. The trial court expressed grave concerns about her ability to identify immediate health risks and obtain proper medical treatment because she does not have sufficient ability to understand the risks.

The minor was required to prove that she was sufficiently mature by clear and convincing evidence. I do not believe the trial court abused its discretion in weighing the evidence and by finding she did not meet this elevated burden. Since no other exceptions apply, I would affirm the lower court's decision and Doe could proceed in the statutorily required manner.

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the medication will be explained.

Q. Okay. Can you tell the Court what possible risks or complications of the procedure you're going to have?

A. Not – they're not full side -- I read them on Google, because you know the clinic wouldn't explain it to me until I had the bypass. But, it was like depression and surgery if it doesn't work out right, and just, you know--