

**CHAPTER 38. APPEALS PURSUANT TO SECTION 3206
OF THE ABORTION CONTROL ACT**

SUPERIOR COURT

- Rule
3801. Right to Appeal.
3802. Filing, Service and Content of Notice of Expedited Confidential Appeal Pursuant to the Abortion Control Act, 18 Pa.C.S. § 3206.
3803. Transmission of Notice of Appeal to Superior Court.
3804. Transcription of Notes of Testimony.
3805. Transmission of the Record.
3806. Appellant's Brief.
3807. Oral Argument.

SUPREME COURT

3811. Petition for Review.
3812. Transmission of the Record to the Supreme Court.
3813. Oral Argument.
3814. Reconsideration.

Source

The provisions of this Chapter 38 adopted March 18, 1994, effective March 18, 1994, 24 Pa.B. 1832, unless otherwise noted.

SUPERIOR COURT

Rule 3801. Right To Appeal.

An expedited confidential appeal to the Superior Court shall be available to any applicant under 18 Pa.C.S. § 3206 to whom a Court of Common Pleas has refused an order authorizing an abortion.

Rule 3802. Filing, Service and Content of Notice of Expedited Confidential Appeal Pursuant to the Abortion Control Act, 18 Pa.C.S. § 3206.

Notice of Appeal shall be filed with the Clerk of the Court of Common Pleas and immediately served on the trial judge and Court Reporter. The notice of appeal shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS

OF _____ COUNTY, _____ DIVISION
IN RE: Petition of _____ Trial Court
Docket No. _____

(Initials of applicant)

Date Petition filed
in Trial Court

[] a minor

[] an incapacitated person

_____, 19

NOTICE OF EXPEDITED CONFIDENTIAL APPEAL PURSUANT TO THE
ABORTION CONTROL ACT

Notice is hereby given that _____, appellant above-
designated, appeals to the Superior Court of Pennsylvania from:

[] The order entered in this matter on the _____ day of
_____, 19 ____ (i) which order has been entered on the docket
entry, or (ii) a copy of which is attached, or

[] The court's failure to grant the order requested by the petitioner within
three business days from the date of the application as specified in 18 Pa.C.S.
§ 3206(f).

The petitioner/appellant hereby

[] requests

[] does not request that oral argument be had before the panel of judges
which this appeal is assigned for decision.

The matters complained of on appeal are:

Written notice of this appeal has been given to

_____ and _____
(trial judge) (court reporter)

Petitioner or authorized representative.

s/ _____
(if signed by petitioner, initials only)

Name, address, and telephone number of person to whom confidential docu-
ments, information, and notices may be sent.

(Name)

(Address)

(Telephone Number)

Rule 3803. Transmission of Notice of Appeal to Superior Court.

The clerk of the Court of Common Pleas in which a notice of appeal under this Chapter is filed, shall, the same day, transmit the notice by facsimile to the appropriate office of the Prothonotary of the Superior Court.

Rule 3804. Transcription of Notes of Testimony.

Upon receipt of a notice of appeal to the Superior Court, the court reporter shall transcribe the notes of testimony and deliver the transcript to the Clerk of the Court of Common Pleas by 5:00 p.m. on the following business day. If the transcript is not prepared and delivered in a timely fashion, the appellate court may order the court reporter to transcribe the notes and deliver the notes to the appellate court and may impose sanctions for violation of such an order. It being presumed that a pregnant woman under Section 3206 of the Abortion Control Act is proceeding in forma pauperis, she shall not be charged for the cost of the transcript. Chapter 19 of the Rules of Appellate Procedure shall not otherwise apply to appeals under this Chapter.

Rule 3805. Transmission of the Record.

The clerk of the Court of Common Pleas in which an appeal has been filed, shall on or before the close of business on the second business day following the filing of the appeal, transmit by overnight delivery to the appropriate office of the prothonotary of the Superior Court, the sealed record including the lower court's written findings and conclusions, if not included in the transcript, and any other material made a part of the record in the lower court. The clerk of the Court of Common Pleas shall enclose a cover memorandum clearly identifying the record as a confidential record filed pursuant to Section 3206 of the Abortion Control Act.

Rule 3806. Appellant's Brief.

The appellant may file, in the office of the Superior Court Prothonotary, on or before the second business day after the notice of expedited confidential appeal has been filed, copies of a written memorandum containing a discussion of the matters complained of on appeal.

Rule 3807. Oral Argument.

The Superior Court will consider any request for oral argument and if granted, will notify all interested parties of the time, place and manner of argument.

SUPREME COURT**Rule 3811. Petition for Review.**

Within thirty (30) days of the entry of an order of the Superior Court denying an application for an abortion under 18 Pa.C.S. § 3206, an applicant may file a confidential petition for review consistent with Pa.R.A.P. 123 relating to applications for relief to the Pennsylvania Supreme Court. The petition for review need not be set forth in numbered paragraphs, and shall set forth the matters complained of and a short discussion of the issues. An original and eight (8) copies of the petition for review shall be filed with the Prothonotary of the Supreme Court. No supporting brief shall be filed unless invited by the Supreme Court. A petition for review shall be exempt from filing fees.

Rule 3812. Transmission of the Record to the Supreme Court.

Upon receipt of the petition for review, the Prothonotary of the Supreme Court shall immediately notify the Prothonotary of the Superior Court and request the original record. Within one (1) business day of the request for the original record, the Prothonotary of the Superior Court shall deliver to the Prothonotary of the Supreme Court the original record and the opinion of the Superior Court.

Rule 3813. Oral Argument.

There is no right to oral argument before an appellate court. The Supreme Court will consider any request for oral argument set forth in a petition for review and, if granted, will notify interested parties of the time, place and manner of oral argument.

Rule 3814. Reconsideration.

A petition for reconsideration of the Supreme Court's Order may be filed within seven (7) days of the date of the Court's Order. Petitioner shall file with the Prothonotary of the Supreme Court an original and eight (8) copies of a petition for reconsideration.

[Next page is 39-1.]