

# Teens in Foster Care and Their Babies





If you are a pregnant or parenting teenager in foster care, you may have some questions or concerns. Being a teen parent can be stressful, and the added demands of the foster care system might leave you feeling confused or concerned for your baby's future. This brochure answers some common questions and explains what your rights are as a pregnant or parenting teen in foster care.

## **Family Planning**

Teens in foster care have the same right as other teens to obtain advice on birth control, family planning, and pregnancy tests without the consent of anyone else. To get these services, contact Family Planning (800) 942-1054 or Planned Parenthood (800) 576-5544.

## **HIV Testing**

If you are 12 or older, you can get tested for HIV/AIDS without anyone else's permission and without giving permission for others to be told. However, if you tell a DCFS social worker that you are HIV+ or have AIDS, the social worker must tell others.

## **What If I Become Pregnant While I'm a Court Dependent?**

The decision regarding how to handle your pregnancy is yours. You may choose to keep the baby, put the baby up for adoption or have an abortion. Nobody can take this choice away from you – not your parents, relatives, foster parents, your boyfriend and his family, the judge, or your social worker.

## **Who can I talk to If I Need Help Making A Decision About My Pregnancy?**

If you need information on your choices, your DCFS social worker must give you referrals for family planning counseling. If you are under 18 and your partner is older, you may have concerns about statutory rape laws. For more information, see the Public Counsel brochure about statutory rape.

## **Do I Have to tell anyone if I decide to have an abortion?**

**NO**, you do not have to tell anyone. If you ask for help getting services, your social worker must provide you with information and if necessary, help you make arrangements and get to appointments. Your social worker must keep this a secret if you ask her to. You do not have to pay for an abortion yourself. The “Medi-Cal Minor Consent Service Program” will cover it. You can apply for this program at many health clinics.

## **Will DCFS help me during my pregnancy?**

Yes. You should get prenatal care, infant care classes, birthing classes and a safe place to live during your pregnancy.

## **Can the social worker or the court take my baby away?**

Your baby does NOT automatically become a foster child just because you are in foster care. It depends on your ability to take care of your baby and keep your baby safe. If you abuse or neglect your baby, or fail to take care of your baby (this could include running away or leaving your baby with someone who is not responsible), then DCFS may take your baby out of your care. You and your lawyer can

fight to get your baby back. If DCFS has concerns about your ability to care for your baby, the social worker might ask you to sign a voluntary family maintenance contract. Before you sign any papers or agree to any voluntary services, you have a right to speak with your attorney.

## **Does DCFS provide special placements and services for teen parents?**

Yes. DCFS must try to find placements where teen parents and their babies can live together and get the support they need. DCFS provides an extra payment for foster parents caring for parenting teens and their babies. Foster youth who are teen parents may be placed with relatives or with foster parents in specialized group homes for pregnant and parenting teens or in transitional housing programs

New definitions under the Welfare & Institutions Code:

A Whole Family Foster Home (*WFFH*) is a special kind of foster home for: teen parents and their children with a foster parent or relative caregiver who has been trained to provide supportive family focused care and help teen parents develop parenting skills.

A *Shared Responsibility Plan (SRP)* is an agreement between the teen parent and the WFFH foster parents about how they will share the rights and responsibilities of parenting the teen parent's child. For example, it creates a schedule for who will care for the baby at what times and days of the week; states who is responsible for feeding, changing, bathing, buying items for the baby, etc.; states how the teen parent and the caregiver will resolve any disagreements about the baby's care, etc. The plan can be revised as the baby's and the teen parent's needs change.

## **If my baby becomes a foster child, what services do we get?**

If the court decides you DID abuse or neglect your baby, then the court will decide whether the baby will stay with you under DCFS supervision, or be placed in a separate foster home or relative's home. Either way, you will receive services to help resolve the problems that led to the abuse and neglect, and you will have to follow a case plan. The case plan may include counseling, parenting classes, help with drug and alcohol problems, and planning for your future after you leave foster care. You must prove to the court that you are able to take care of your child and provide a safe home. In most cases, you will only have six months to complete the case plan, so it is important to make sure you understand what you need to do, and attend all classes and appointments. Once your child is returned to your care, your baby's case will still remain open for 6 months or more, to make sure you are able to safely care for your baby.

## **What Happens to my baby if I do not successfully complete the case plan?**

If you do not complete your case plan, or you decide you are not ready to be a parent, your baby may be adopted by a relative or foster parent, or placed in a legal guardianship. You should talk to your attorney about these options.

## **What If I Want to become Emancipated?**

All teens, including teens in foster care, automatically become emancipated at age 18. There is a legal process for emancipation before age 18, but only teens who are truly able to live on their own and support themselves can qualify. See Public Counsel's Emancipation brochure for more detailed information.

For most teens – especially teen parents – it is better to stay within the foster care system and get help with housing, child care, completing high school, etc. Between age 16 and 18, you are eligible for the Independent Living Program (ILP), which is designed to help you learn skills for adult living, and provides funds for graduation expenses and other benefits. When you turn 18, you are legally an adult and can decide where to live. If you want to stay in the foster care system past age 18, you have that choice under a program called “Extended Foster Care” or “AB 12.”

DCFS has transitional housing programs, for teens who are ready to live on their own but need some support. Most of these programs are for 18-21 year old, but there are some for 16-18 year olds. Ask your social worker for more information.

## **MARRIAGE**

Teens in foster care have the same right to marry as other teens. If you are under 18, you will need the consent of your Dependency Court judge to marry. For more information, read Public Counsel’s brochure, *Legal Issues for Teen Families*.



## What Else do I need to Know?

	If your baby is not in Foster Care	If your baby is in Foster Care
Can my baby live with me?	<p>If your baby is not a foster child, DCFS must allow you and your baby to live together. If this does not happen, call your lawyer right away.</p> <p><b>Note:</b> Your foster parents will receive extra money (called an “infant supplement”) to pay for things your baby needs. And, if your foster parents take a special class and become a “Whole Family Foster Home,” DCFS must provide an extra \$200 in addition to the “infant supplement.”</p>	<p>If your baby becomes a foster child, DCFS will still try to keep you and your baby together, unless you are a danger to the baby.</p>
Who makes decisions about my child’s care?	<p>If your baby is not a foster child, you decide how to care for your baby (for example, how to feed and dress the baby, what to do when the baby cries, etc.). Talk with your foster parents to help them understand and support your decisions.</p> <p><b>Note:</b> If your foster home is a “Whole Family Foster Home,” you and your foster parent will work together to create a “Shared Responsibility Plan.” This plan allows you to think through how you want to parent your child and to avoid misunderstandings with your foster parent regarding the care of your baby.</p>	<p>If your baby becomes a foster child, the foster parent makes decisions about the baby’s care.</p>



## What Else do I need to Know?

	If your baby is not in Foster Care	If your baby is in Foster Care
What about my baby's other parent?	If your baby is not a foster child, DCFS is supposed to help you and the baby's other parent meet and agree on a plan for custody and visitation of the baby.	If your baby becomes a foster child and cannot be safely placed with you, DCFS will notify the baby's other parent, his/her family, and your family, to see if they can take care of the baby. DCFS must try to place the baby with relatives, if it is safe to do so. If there is no relative who can care for the baby, DCFS will place the baby in a foster home.

notes:

Public Counsel, the public interest law office of the Los Angeles County and Beverly Hills Bar Associations, is the largest pro bono law firm in the U.S., and also is the Southern California affiliate of the Lawyers' Committee for Civil Rights Under Law. Public Counsel coordinates the contributions of thousands of volunteer lawyers each year. Public Counsel serves those in need — such as children and the elderly, literacy projects and low income housing providers, refugees and the homeless — by providing legal representation and matching financially eligible clients with volunteer attorneys.

While this publication is designed to provide accurate and current information about the law, readers should contact an attorney or other expert for advice in particular cases, and should also consult the relevant statutes and court decisions when relying on cited materials.

The contents of this brochure may be reprinted. Any adaptation or translation of the contents of this brochure must be authorized by Public Counsel.

You may find this booklet and other Public Counsel booklets at [www.publiccounsel.org](http://www.publiccounsel.org) (First click on “Practice Area” Second click on “Children’s Right Project” Third click on “Publications.”)



## Public Counsel

610 South Ardmore Avenue  
Los Angeles, CA 90005

213.385.2977 ext. 500  
or  
800.870.8090 ext. 500

[www.publiccounsel.org](http://www.publiccounsel.org)