



Fighting for Children's Rights

KNOW YOUR RIGHTS

SEXUAL HEALTH CARE, PREGNANCY & PARENTING

(A RESOURCE FOR YOUTH IN STATE CARE)

If you have been removed from your parent(s) or guardian(s) and placed into state care, you have the right to:

1. Accurate, developmentally appropriate information about sexual health.
2. All medically necessary health care services, including gynecological care.
3. Medical treatment for sexually transmitted infections (without notice to or consent from a parent or guardian).
4. Obtain birth control if: you are married, a parent, pregnant, have the consent of your parent or guardian, or if your physician believes that you may “suffer probable health hazards” if such services are not provided.
5. Obtain information, advice, and counseling to enable you to decide how to handle your pregnancy.
6. Decide to place your baby for adoption.
7. Decide to terminate your pregnancy.
8. Have support for your decision to parent your child, including:
 - a. Supports and services that will enable you to successfully parent.
 - b. Placement in a living arrangement with your baby
 - c. Not have your baby declared dependent unless you meet the criteria for abuse, abandonment or neglect
9. Remain in public school while pregnant and parenting.
10. Obtain Independent Living benefits while pregnant and parenting.

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You Have a Right to Accurate, Developmentally Appropriate Information About Sexual Health.

The Law:

Both your caseworker and your licensed out-of-home caregivers (foster parents, group homes, etc.) are required to provide you with training and information, as appropriate to your age and maturity level, concerning:

- Drug and alcohol use and abuse
- Teen sexuality issues
- Runaway prevention
- Health services
- Community involvement
- Knowledge of available resources
- And in identifying legal issues, understanding your legal rights, and accessing specific legal advice pertinent to you.

These opportunities shall not be withheld as a form of discipline.

Fla. Admin. Code 65C-30.007(10)(e). (case manager responsibilities)
65C-13.029(1)(g)(5). (licensed out of home caregivers – slightly different language)

Resources:

- County Health Department
- Planned Parenthood
- Call 211 for other local resources



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You Have a Right to All Medically Necessary Health Care Services, Including Gynecological Care.

The Law:

The State is required to provide medical care to all children in out of home care. Most youth in state care have medical insurance through Medicaid. Immigrant youth may not be eligible for Medicaid, but are entitled to all medically necessary services.

Fla. Stat. §39.407.
Fla. Admin Code 65C-28.003.



Medicaid covers:

- Pelvic exam for all sexually active females and routine exams beginning at age 18.
(Child Health Check Up Coverage and Limitations Handbook pg. 2-9.)
- Pap smears, screening tests, and treatment for sexually transmitted infections.
(Child Health Check Up Coverage and Limitations Handbook pg. 2-13.)

HMOs:

You have the ability to choose any provider that accepts Medicaid. You are not limited in your choice if you are enrolled in a Managed Care plan or HMO for Medicaid. In addition, you do not need prior authorization for family planning services.

(See Florida Medicaid Provider General Handbook pg 1-3 and 3-14.)

(Federally Qualified Health Center Services Coverage and Limitations Handbook, pg. 2-15.)

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You Have a Right to Medical Treatment for Sexually Transmitted Infections (Without Notice or Consent to Your Parent or Guardian).

The Law:

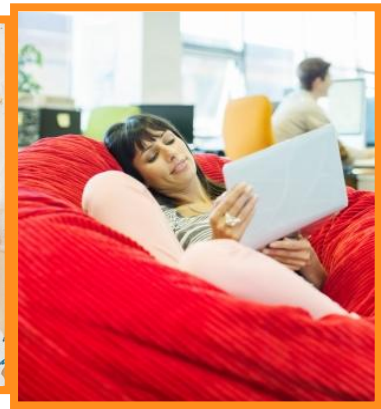
Health care providers are not required to notify a parent or guardian in order to examine or treat minors for sexually transmitted diseases.

Fla. Stat. §384.30.

Medicaid covers treatment for sexually transmitted diseases (now known as sexually transmitted infections). (See the Federally Qualified Health Center Services Coverage and Limitations Handbook, pg. 2-15.)

Resources:

- County Health Department
- Planned Parenthood
- Call 211 for other local resources



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You Have a Right To Obtain Birth Control If: You are Married, A Parent, Pregnant, Have the Consent of Your Parent or Guardian, Or If Your Physician Believes That You May “Suffer Probable Health Hazards” If Such Services Are Not Provided.

The Law:

As a minor, you have the right to obtain birth control without parental consent if you are married, a parent, pregnant, or if your physician believes that you may “suffer probable health hazards” if such services are not provided.

Fla. Stat. §381.0051

Medicaid covers:

- Family Planning Services. This includes:
 - Initial and annual visits
 - Family planning counseling visits
 - HIV counseling visits
 - Supply visits
- Family Planning Supplies include birth control pills, condoms, diaphragms, IUDs and cervical caps.
- Sterilization procedures are also covered in some circumstances. (Federally Qualified Health Center Services Coverage and Limitations Handbook, pg. 2-15 – 2-17.)

HMOs:

You have the have the ability to choose any provider that accepts Medicaid and are not limited in your choice if you are enrolled in a Managed Care plan or HMO for Medicaid. You do not need prior authorization for family planning services. (See Florida Medicaid Provider General Handbook pg 1-3, and 3-14.)

Resources:

Family Planning services are available in every county, either at the County Health Department or with clinics that the Health Department contracts with. Planned Parent also operates health clinics at 24 locations in the state.

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You Have the Right to obtain information, Advice and Counseling to Enable You to Decide How to Handle Your Pregnancy.

“When a minor child in foster care becomes pregnant, the Services Worker shall assist her in arriving at a suitable and realistic plan for her own future and for that of her baby and in making the choice whether to keep and care for her child or to relinquish the child for adoptive placement.” (See Rule 65C-28.010, F.A.C., regarding minor parents in the custody of the department.) Fla. Admin. Code 65C-30.016(5)(a).

The Law:

Your caseworker is required to help you decide what to do. You can and should ask your caseworker to help you get counseling and advice from a professional who specializes in counseling pregnant teens.

Resources:

- County Health Departments and Planned Parenthood offices provide pregnancy counseling that will review all of your options.
- The Florida Pregnancy Support Services Program will help you locate a pregnancy center in your community that can provide advice and counseling to help you plan for your pregnancy. They will not counsel on the option to terminate your pregnancy.
 - Contact: 1-866-673-4673 (HOPE),
(floridapregnancy@optionline.org)
 - Call 211 for more resources in your community

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You Have the Right to Decide to Place Your Baby for Adoption.

The Law:

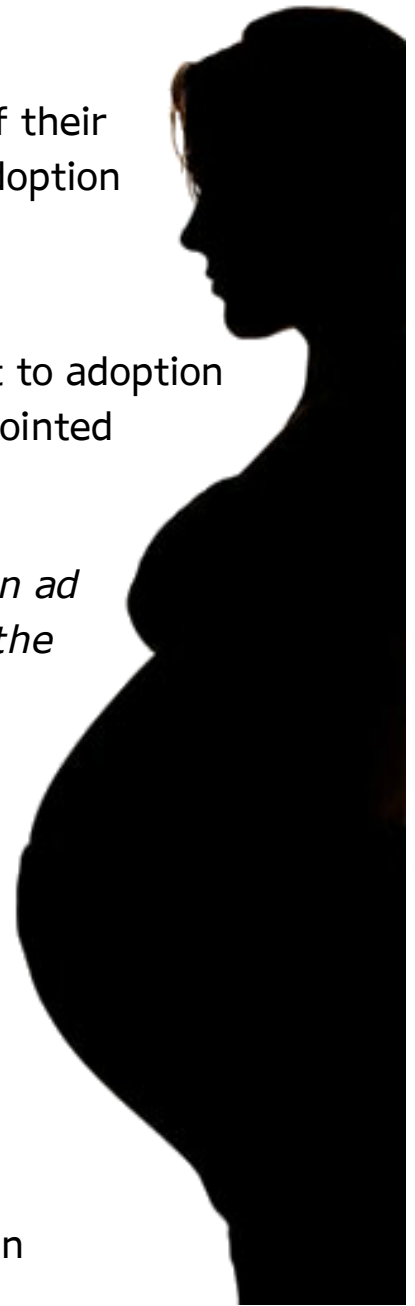
Florida law permits minors to consent to the adoption of their child and to give control or custody of the child to an adoption entity. Fla. Stat. 63.082(1)(b).

Parents who are 14 or younger must have their consent to adoption witnessed by their “parent, legal guardian, or court-appointed guardian ad litem.” Fla. Stat. 63.082(1)(c).

Note – in this statute the term court-appointed guardian ad litem does not mean the guardian ad litem assigned to the child in the dependency proceedings. Rather it is an individual specifically appointed by a judge to make legal decisions for the minor.

Resources:

You have the right to select an adoption agency that you are comfortable with. Most communities have many different adoption agencies. Each agency has its own philosophy and approach. So as you consider adoption, be sure to get counseling and advice on the options and services that can be provided by an adoption agency.



For more information on things to consider see Adoption Options for Pregnant Women at: <http://adoptflorida.com/pregnant-women.htm>.



You Have the Right to Decide to terminate your pregnancy.

The Law:

Consent:

You have the right to terminate your pregnancy. No parent or guardian is required to consent to the procedure.

Fla. Stat. 390.0111(3).

Notice:

The doctor performing the termination may be required to notify your parent or guardian at least 48 hours prior to the procedure. Notice is not required if there is a medical emergency, if you have been legally emancipated, if the person entitled to notice has waived it, or if you already have a child.

Fla. Stat. 390.01114 (1)(a).

Fla. Stat. 390.01114 (3)(b).

Judicial Waiver of Notice (Bypass):

If you do not meet an exception to the notice requirement, you may seek a court order that states that you are sufficiently mature to decide whether to terminate your pregnancy without requiring notice to your parent or guardian. You will be provided a lawyer if you don't already have one.

Fla. Stat. 390.0114(4)(a).

Resources:

- You can locate a provider near you and there are several organizations in Florida that provide funding for abortions. For more information go to: <http://www.fundabortionnow.org/explore/>

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You Have the Right to Have Support for Your Decision to Parent Your Child, Including:

- a. Supports and services that will enable you to successfully parent.
- b. Placement in a living arrangement with your baby
- c. Not have your baby declared dependent unless you meet the criteria for abuse, abandonment or neglect

The Law:

Parents are to be placed with their children unless placement of parent and child together poses a “substantial safety risk” or if no placement can be found.

A petition to declare the younger child to be dependent can only be filed if there are grounds for dependency separate and apart from the fact that the parent is him or herself a dependent child.

The additional costs associated with caring for the younger child are to be covered by increasing the maintenance payment for the parent.

Teen parents have full access to Independent Living services, including information on “appropriate services needed to ensure appropriate care for the care of the minor parent’s child.”

New Children in Families under Supervision also requires placement of mother and infant in the same foster home or residential program “in order to strengthen attachment and provide the mother to learn child-caring skills from the foster mother or residential program staff.

Fla. Admin. Code 65C-30.016(5)(b) 65C-28.010 Minor Parents in the Custody of the Department.



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You Have the Right to Remain in Public School While Pregnant and Parenting.

The Law:

You have the right to remain in your home school. The school system can recommend alternative classes or programs that are specifically designed for pregnant and parenting students, but they cannot compel you to attend. You may attend an alternative or adult education school so long as you can still earn a high school diploma.

Fla. Stat. §1003.21(1)(d).

Each school district must offer a Teen Parent Program to pregnant and parenting youth. These programs offer classes on health care and parenting. Many programs offer childcare for students that participate.

Fla. Stat. §1003.54.



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The Right to Participate in Independent Living Activities and Obtain Benefits While Pregnant and Parenting.

The Law:

Not only are you entitled to participate in all Independent Living programs and services, but your caseworker must provide you additional assistance to help you care for your child.

Extended Foster Care, Postsecondary Educational Support Services and After Care are Available.

Youth who are pregnant or who are parenting shall be provided with an equal opportunity to participate in the continuum of independent living and post-18 services. The service worker shall assist these youth with accessing needed services, such as prenatal care, daycare, other public benefits, and appropriate housing.

Fla. Admin. Code 65C-31.005 (11).

Notice:

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Florida's Children First is the premier independent nonprofit advocacy organization fighting to obtain meaningful and sustainable improvement in Florida's child serving systems. Help us fight for children's rights.

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1801 N. University Drive, Suite 3B, Coral Springs, FL 33071

P: (954) 796-0860 F: (954) 796-0862 E: fcf@floridaschildrenfirst.org