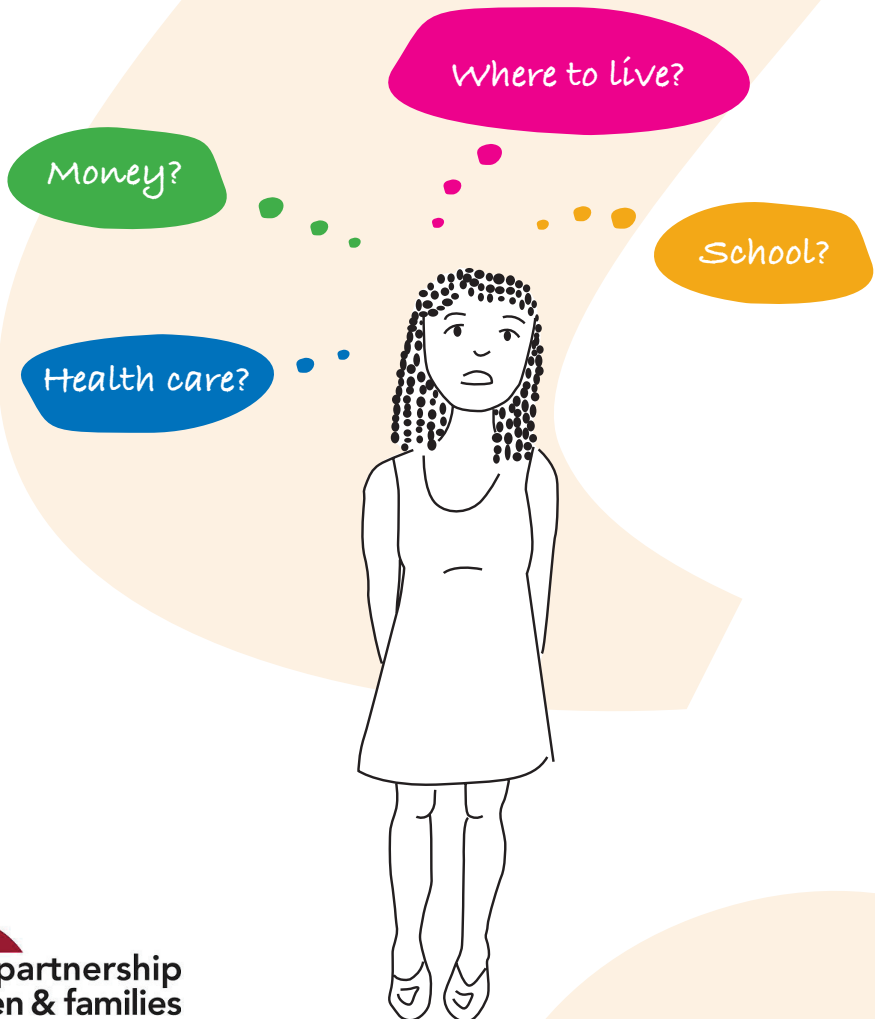




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California Pregnant and Parenting Youth Guide



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Anne Dellinger and Marya Torrez
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Who is this guide for?

This guide is for you if you are a...

- sexually active teen under 18, or
- young woman under 18 who is pregnant or parenting in California.

This guide will also be helpful to you if you are a...

- father under 18, or
- the parent of a mother or father who is under 18.

You probably have lots of questions, such as

- What should I do about my pregnancy?
- Can I get health care?
- Can I stay in school?
- What are the father's rights and duties?
- Can I get public benefits?

This guide will

- answer these questions, and more!
- help you understand the law in California,
- give you contact information for organizations and agencies that can help you, and
- explain how to find a lawyer and get other kinds of help, if you need it.

If you are an immigrant, or you are in foster care or juvenile detention, there are special parts of the guide just for you:

- *Pregnant Immigrants and Immigrants with Children* on page 121,
- *Pregnancy and Parenting in Foster Care* on page 128, and
- *Pregnancy and Parenting in Juvenile Detention Centers* on page 136.

How to use this guide

You can go straight to the pages that answer the questions you have now. Also, take the time to look at other parts of the guide. You may find answers to important questions you have not thought about yet. There is a list of what's covered in each section at the beginning of the section.

Talk with your parent or another trusted adult

It's a good idea to talk about the information in this guide with an adult you trust. If you want to talk to your parents, but are not sure how, some of the resources we list give you ideas about how to do this.

For example, look at:

www.kidshealth.org/teen/sexual_health/girls/tell_parents.html.

Legal information, not legal advice

This guide has legal information—not legal advice. If you need legal advice, talk to a lawyer. The law is complicated, and your situation may be different than what we talk about in this guide. If the guide recommends that you talk to a lawyer, please do so! There are many places in California where you can talk to a lawyer for free or for a very low cost. The lawyers there will help you no matter how old you are. For information on getting free legal help, visit

www.lawhelpcalifornia.org.

Resources

This guide tells you about lots of resources. We do not recommend or endorse those resources or the quality of information, services, or referrals they provide. The resources listed are options for you to explore. There may be other good resources that are not listed here. Do your best to explore all the choices available to you, and find what's best for you.

Feeling overwhelmed?

You may be feeling overwhelmed or depressed. This is common when you find out you are pregnant and right after you give birth. This guide has resources that can help. Or call the California Youth Crisis Hotline – any time. It's a free call. Call: **1-800-843-5200**.

This information is current as of June 30, 2012, but laws frequently change. For the most current information, please visit our website at www.pregnantyouth.info.

Adults and minors

Adults and minors have different rights and responsibilities.

An **adult** is a person who is 18 or older. Adults have more legal rights than minors. They can

- vote,
- marry,
- work at any job,
- leave home,
- join the military, and
- sign contracts without anyone's permission.

In a few instances, you will not be considered an adult until you are 21.

Adults also have more legal responsibilities than minors. They must

- support themselves, and
- fulfill the contracts they sign.

Adults who break the law may get harsher punishments than minors.

A **minor** is a person under 18. Minors have fewer legal rights and responsibilities than adults. If you are under 18 and have a baby, both you and your baby are minors. Being pregnant or having a baby does not make you an adult.

Special Cases

Immigrants

The rules about who is an adult or minor are sometimes different for immigrants. Immigration law uses the word "child" for an unmarried person under 21. If you are under 21 but married, you are not a "child" under immigration law. Sometimes, it is easier for minors to get legal immigration status. To learn more, see [Pregnant Immigrants and Immigrants with Children](#) on page 121.

Emancipation

Sometimes you can be treated as an adult even if you are under 18. This is called emancipation. If you are emancipated, you will have many of the same rights and responsibilities of an adult. To learn more, see [Emancipation](#) on page 104.

Sex

This part of the guide explains

- how to prevent pregnancy,
- what to do if you had unprotected sex (without a condom or other birth control),
- how to protect yourself from sexually transmitted infections and HIV,
- how to pay for birth control/family-planning services,
- how to leave school to get health care services, and
- what the law says about sex with minors.

What should I do before I have sex?

Never have sex unless you are sure you want to. If you are thinking about having sex, take steps to stay healthy, including

- talking to a doctor, nurse, or health counselor about how to prevent pregnancy and protect yourself from STDs or STIs (sexually transmitted diseases or infections),
- talking to a trusted adult about whether you are ready to have sex, and
- getting tested for STDs and STIs. If you do not have a regular health care provider you feel comfortable talking to, go to a clinic like Planned Parenthood or to a county or community clinic.

These websites can help you find a clinic near you that will give you free help without telling anyone else about your visit:

- www.cPCA.org/cPCA/index.cfm/find-a-clinic/,
- www.familypact.org/en/home.aspx,
- www.teenSource.org,
- www.bedsider.org, and
- www.ppactionca.org/about/find-health-center.html.

If someone is trying to make you have sex, or if you are not sure whether you are ready, you have the right to tell the person you are not ready.

It's OK to say **NO!** For more information on taking charge of your sexuality, see *How to Stay Safe* on page 75.

Birth control

How can I prevent pregnancy?

Get birth control from a health care provider before you have sex. There are many types of birth control to choose from.

Your health care provider will

- help you decide which birth control is best for you, and
- make sure you understand how to use it before you leave the doctor's office or clinic.

Do I need my parents' permission to get birth control?

No. You can get birth control without involving your parents. And it's usually free.

In California, you can get free or very low-cost birth control, abortion, and pregnancy health care. You do not have to be an adult to qualify. For information on how to pay for these services, read about Family PACT and Minor Consent Medi-Cal below.

What if I am worried I may be pregnant?

If you have unprotected sex, such as

- sex without a condom or other birth control,
- the condom breaks, or
- you are raped or forced to have sex without a condom,

Go to a family-planning clinic or community clinic as soon as you can.

If you do this **right away**, you can probably get emergency contraception (EC, also called the Morning After Pill) to prevent pregnancy.

There are several kinds of EC, but the most common type is Plan B®. Using it within 24 hours is best. But you can take it up to five days after the unprotected sex. The sooner you take it, the more likely you are to prevent pregnancy.

If you are worried that you were exposed to HIV, there are medications you can take within 72 hours that help prevent getting HIV. See [How to Protect Yourself from STDs](#) on page 7.

How can I get emergency contraception?

If you are 17 or older, you can...

- buy it over-the-counter at a pharmacy (ask the pharmacist), or
- get it from a family-planning clinic or a county health clinic.

If you are 16 or younger, you can...

- get it from a family planning clinic or a county health clinic, or
- get a prescription from a doctor or a private or county health clinic.

Sometimes you can get a prescription from a pharmacist, and he will give you EC. To see if there's a pharmacy near you where you can get EC without a doctor's prescription

- call **1-800-521-5211**

To learn more about EC and where to get it

- call **1-888-Not-2-Late**,
- visit www.not-2-late.com, or
- visit www.bedsider.org

Is EC like an abortion?

No! EC is not an abortion pill. If you are already pregnant, taking EC will not change anything.

Important! EC does not protect you from STDs or STIs. If you had unprotected sex and you do not know whether your partner has STDs or STIs, get tested as soon as possible.

What if I do not take EC?

If you do not take EC within five days of having unprotected sex, get a pregnancy test from a drugstore or clinic.

Do I need my parents' permission for an abortion if I am already pregnant?

No. You do not need your parents' permission to get an abortion if you are under 18. You also can decide whether to tell them about it.

How can I get birth-control services?

Family PACT is a great option. It's a free public program available to anyone, including minors with limited income including undocumented immigrants.

Family PACT offers

- free birth control,
- free STD/STI testing,
- free STD/STI treatment, and
- free pregnancy tests.

Can Family PACT help me with prenatal care, abortion, or other services?

No, but they can give you counseling and make referrals to the services you need. If you think you are pregnant, you can apply to MCP (Medi-Cal's Minor Consent Program). You can use Family PACT to get birth control after your pregnancy. To learn more, see [Pregnancy](#) on page 11.

What are Family PACT's income requirements?

Your own annual income must be less than 200 percent of the Federal Poverty Level. It does not matter how much money your parents make. You can find the current Federal Poverty Level at <http://aspe.hhs.gov/poverty/>.

How do I sign up for Family PACT?

Sign up for Family PACT at your clinic or health care provider's office. If you do not have one, to find a Family PACT provider near you

- visit www.familypact.org, or
- call **1-800-942-1054**.

Once you sign up, you can use Family PACT for one year. You have to apply again every year. Family PACT providers will give you services for free.

Note: Family PACT will help you no matter what your immigration status is.

How to protect yourself from STDs, STIs and HIV

Why should I protect myself from STIs?

STIs can make you very sick. They can damage your health permanently. If you have an STI, you may give it to your sexual partner(s), and to your baby if you give birth. Having an STI while you are pregnant can cause serious problems for the baby. If you think you have been exposed to an STI, you should get tested right away, especially if you may be pregnant.

Caution! You can get STDs and STIs from vaginal, oral, and anal sex.

How do I protect myself from STIs?

Use condoms

Only condoms can protect you from HIV and other STIs. Use a condom or a dental dam every time you have sex, even oral sex. But remember, no type of STI protection (even condoms) works all the time!

Get tested for STIs if you are sexually active. You may have an STI and not have any symptoms.

Get tested

Before you have sexual contact with a new partner, both you **and** your partner should get tested (and treated, if needed) for STIs. You can do this at

- a doctor's office,
- a family-planning clinic like Planned Parenthood, or
- another clinic in your community.

If you are 12 or older, you can be tested and treated for STIs, HIV, and other communicable diseases without your parents' knowledge or permission.

Talk to your partner

If you don't feel comfortable talking to your partner about STIs, you may want to think about whether you are ready to have sex with him/her.

Get vaccinated

One type of STI is called HPV. It has no symptoms and can cause cancer when you get older. Young women and men can get the HPV vaccine without their parents' permission. Ask your health care provider about the HPV vaccine.



Anna, age 14, thinks she has a sexually transmitted infection (STI). Friends tell her to get tested but she doesn't want her mom to know. Can Anna still get tested?

Yes. Anna can be tested—and treated—for STIs without telling her mom.

Will anyone find out I have an STI?

Generally, that information must be kept confidential. But some STIs are "reportable diseases." That means the state health system wants to keep track of them and control their spread.

Your health care provider **must** report certain STIs to the state. If this happens to you, a state official may contact you and ask you to tell your sexual partners about your STI.

If you want, the official will help you tell your partner(s). Sometimes, officials might try to find your sexual partners and tell them to get tested, but they will not give out your name.

Even if your STI must be reported, no one besides your health care provider and the state official has to know about it.

Is HIV different from other STIs?

HIV is an STI. Unlike most STIs, it does not have a cure. It usually causes a person to get AIDS. You can die from AIDS. Although HIV/AIDS does not currently have a cure, it can be treated.

New drugs can help prevent HIV if you have unprotected sex or are forced to have sex against your will. These drugs must be taken within 72 hours, so call your health care provider or clinic right away. You don't need your parents' permission to get these drugs, and your health care provider won't tell your parents unless you want her to.

Do I have to get tested for HIV?

No. In most cases, you decide whether to be tested for HIV. If you decide not to be tested, it is against the law for a health care provider to test you.

If you are pregnant, you will be tested for HIV unless you say you do not want to be tested. Before you are tested, a counselor will talk with you privately about any questions or worries you may have. You will also be able to talk to the counselor after you get the results. The counselor will never tell anyone about your conversations.

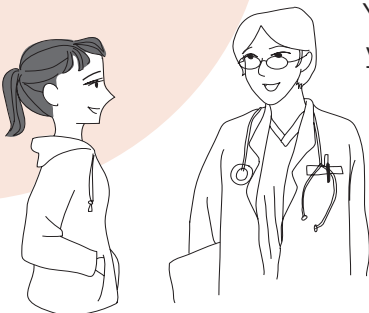
Will my school let me leave during the school day to see a health care provider?

Yes. Your school should let you leave to get health care for yourself or your child. Your school must allow you to go to certain kinds of health appointments without telling your parents, including appointments for

- pregnancy,
- birth control, and
- abortion.

Marti is 15 and wants to talk to a doctor about birth control but not tell her mother. Can Marti do this?

Yes. Marti can get birth control under a law that lets doctors help minors prevent pregnancy.



Can I keep the reason for this appointment confidential from the school and/or my parents?

Yes. You do not have to tell the school what your appointment is for. You can say it is for "confidential care." Your school should not count your appointment as an absence. **(Important!** You *will* have to make up any work you miss.)

Warning! The law says your school must excuse you and not tell your parents about your appointment. But not all schools follow this law. Before making an appointment, ask a trusted adult about your school's policies. Find out what you need to do, and make sure what you tell them will be kept private.

Laws about sex

Can my partner or I get in trouble for having sex?

Maybe. Even if you and your partner both agree to have sex, sex with a minor is illegal under California law.

Statutory rape is sex that both people agree to, but is still illegal because

- one or both partners are under 18, and
- they are not married to each other.

Statutory rape is rarely prosecuted when the minors are of similar ages.

Your health care provider **must** keep it private and **cannot** report it to the police. Other people, like teachers, can report it to the police if they want to, and you or your partner could be charged with a crime.

Exception: If the sex also qualifies as child abuse because one person is much older than the other or someone is hurting you or forcing you to have sex, your health care provider may report it to the welfare department or police.

For more information about child abuse, see [How to Stay Safe](#) on page 75.

Pregnancy

This part of the guide explains

- your choices if you are pregnant,
- what to do if you are or may be pregnant,
- where to go for help and advice, and
- how to get health insurance if you are pregnant.

What are my choices if I am pregnant?

You can

- have an abortion to end the pregnancy, or
- continue the pregnancy and give birth.

If you choose to have the baby, you can

- raise the baby or,
- place the baby for adoption, and someone else will raise the child.

This guide has more information on these options. Check out these sections:

- *Safe and Legal Abortion* on page 17,
- *Adoption* on page 20, and
- *Raising a Child* on page 52.

There are many resources that can help you make this important decision. This website gives answers to many common questions:

www.pregnancyoptions.info/pregnant.htm.

How can I find out whether I am pregnant?

There are several places to get pregnancy testing. You can

- buy a home pregnancy test at a drugstore,
- go to your regular health care provider,
- get free pregnancy testing through Medi-Cal's Minor Consent or Family PACT programs,
- get free pregnancy testing at a county public health clinic, or
- get free pregnancy testing at your school clinic, if it is offered.

Who should I talk to if I think I may be pregnant?

Thinking about being pregnant may be very stressful. Try to find someone who can support you and help you decide what to do.

Talk to an adult you trust	Talk to a health care provider right away if
<p>If you can, tell your parents about your situation so they can help you. If you want to talk to your parents, but are not sure how, this web site has some good ideas: www.kidshealth.org/teen/sexual_health/girls/tell_parents.html.</p> <p>If you cannot talk to your parents, talk to another adult you trust. A family member, a teacher, or a school guidance counselor might be able to help you look at your choices, and connect you with the resources you need.</p>	<ul style="list-style-type: none">• you had sex and you miss your period,• you take a home pregnancy test and it is positive, or• for another reason, you think you may be pregnant. <p>If you do not have a health care provider, see <i>Health Care for Baby and You</i> on page 57.</p>



The beginning of pregnancy – especially the first 3 months – is a very important time. The sooner you find out, the more choices you will have. Your health care provider can answer any questions you may have, including questions about drug or alcohol use.

If you decide to give birth...

The sooner you are checked for possible health problems, the better the chance that you will stay healthy during your pregnancy and have a healthy baby. You need to take care of yourself and get prenatal care.

If you decide to get an abortion...

The sooner you see a doctor, the better. It is much easier to get an abortion during the first 12 weeks of pregnancy. A doctor can do a simple test to find out how many weeks pregnant you are.

You may want to take someone with you to see a health care provider. But it may be more comfortable for you to talk to the health care provider alone on your first visit. That way, you can explain your situation, find out about your options, ask questions, and say what you want to do about your pregnancy. You can also tell the provider whether or not you want the person you came with or anyone else to know about your health care.

Remember: You can ask the health care provider any questions you have about pregnancy, sex, and giving birth.

Will my medical visit be private?

Health care providers **must** keep information about your prenatal care private. They are not allowed to share your information with anyone else unless you ask them to share it or they suspect there has been child abuse. For more information on suspected child abuse, see pages 76-77.

Warning! If you use your parents' insurance to pay for your visit, your parents may find out about it. (This is because most insurance companies send out summaries of fees of health care visits.)

Even if you don't want to or are not ready to talk to your parents about your pregnancy, see a doctor. To learn about other ways you can pay for health care, see below.

What if I don't know what I want to do?

You have choices. You can

Talk to a pregnancy counselor

A pregnancy counselor will explain your options. They include giving birth, making an adoption plan, or having an abortion.

A pregnancy counselor will give you information and answer questions. But only you can decide what is best for you. A professional counselor will not push you either to have an abortion or give birth.

A counselor will talk to you. And she will give you names and numbers of other counselors. To find a pregnancy counselor, call

- ACCESS Women's Health **1-800-376-4636**, or
- Backline **1-888-493-0092**.

You can also find a clinic with a pregnancy counselor at these websites:

- www.familypact.org,
- www.teensource.org/pages/3004/Find_a_clinic.htm,
- www.ppactionca.org/about-us/find-health-center.html,
- www.womenshealthspecialists.org/about-us/contactus,
- www.choicemedicalgroup.com/about-our-clinics, and
- www.cPCA.org/cPCA/index.cfm/find-a-clinic/.



Crisis Pregnancy Centers (sometimes called Pregnancy Resource Centers, CPCs, or other similar names) are **anti-abortion**.

If you are not pregnant, they will **not** help you get birth control. If you are pregnant, they will try to stop you from getting an abortion. They may

- give you wrong information about abortion and birth control, and
- pressure you into giving birth and placing your baby for adoption.

There are about 230 Crisis Pregnancy Centers in California. You can learn more at: www.prochoice.org/about_abortion/facts/cpc.html.

Warning! A Crisis Pregnancy Center may promise to help you with your pregnancy and with your baby. But the help they give is often very limited. If you need help while you are pregnant, please go to the organizations and programs talked about in this guide. They will help you and not pressure you.

If I am pregnant, will I have to pay for health care services?

You can use

- your parent's health insurance if you are a covered dependent and you don't care if they know about your pregnancy,
- Medi-Cal, or
- Medi-Cal's Minor Consent Program.

For more information, see [Health Care for Baby and You](#) on page 57.

If you are making an adoption plan for your baby, the adopting parents may help pay for your care. For more information, see [Adoption](#) on page 20.

You can also go to a clinic (like Planned Parenthood) for free services like pregnancy tests. If the clinic that you go to does not provide the services that you want, like abortions, prenatal care, and infant health care, they will help you get them somewhere else.

What is the Medi-Cal Minor Consent Program?

MCP is short for *Minor Consent Program*. It is a Medi-Cal program that lets you get certain medical services without your parents' permission or knowledge. MCP is *free* or at a very low cost, and if you qualify, you can get

Family planning services if you are (or plan to become) sexually active

- birth control, and/or
- counseling about sex or sexuality.

Testing and supplies to prevent and treat sexually transmitted infections (STDs and STIs)

Pregnancy services if you are (or think you may be) pregnant:

- pregnancy testing,
- prenatal care, and/or
- abortion services.

If you have been **sexually assaulted**, you can get

- counseling,
- testing and treatment for STDs and STIs, and/or
- emergency birth control to prevent pregnancy.

Mental health, drug and alcohol treatment services

How do I apply?

Go to

- your county's Department of Social Services or Medi-Cal office (to find the nearest office, visit: www.dhcs.ca.gov/services/medi-cal/pages/countyoffices.aspx), or
- a health clinic or other community health center—say you want to find out whether you are eligible for Medi-Cal's Minor Consent Program. To find a clinic you can visit www.teensource.org or the California Primary Care Association at www.cPCA.org/cPCA/index.cfm/find-a-clinic/.

If you qualify for MCP, you will get a Medi-Cal card. You must reapply for MCP every month. If you only need birth control or STI testing, it may be easier for you to get the services you need from Family PACT.

Safe and Legal Abortion

This part of the guide explains

- your legal right to an abortion,
- how to get an abortion, and
- how to pay for an abortion.

Can I have an abortion if I am under 18?

Yes. California law gives you the same right to abortion as an adult woman. You can

- decide on your own to have an abortion or not, and
- make an appointment for an abortion on your own without your parents knowing or agreeing.

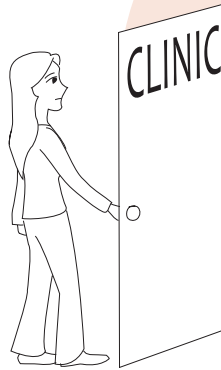
If I want an abortion, when should I do it?

It's better to do the abortion early in the pregnancy. Almost all abortions are done in the first 12 weeks. Early abortions are safer and cheaper, and it is easier to find a doctor or clinic to do it. You may also be able to take medication to end your pregnancy if you go to a doctor early.

After 12 weeks, you can still get an abortion, but it will be more expensive and you may have a harder time finding a doctor or clinic because fewer doctors do abortions after 12 weeks.

If you wait until too late in your pregnancy, you may not be able to get an abortion. There may not be a doctor willing to do a late abortion near where you live.

You have the right to an abortion at any time. But you can only get a very late abortion if continuing the pregnancy would put your life or health at risk.



No one knows
Ashlee is
pregnant and
plans to have
an abortion.
Can she do this?

Yes. Ashlee has
the legal right to
decide, no matter
her age.

How do I get an abortion?

You can make an appointment at Planned Parenthood or another clinic that offers abortion. Also, your health care provider may do abortions for patients or can send you to another provider.

Resources:

- **ACCESS Women’s Health hotline** helps girls and women in California who want to talk about pregnancy options. ACCESS may also help you get free childcare, transportation, or housing if you need to travel to another part of the state for the abortion. Call ACCESS at **1-800-376-4636**.
- The **National Abortion Federation’s hotline** also has counselors who can help you for free. Call **1-800-772-9100**.

Anything you tell the counselors on these hotlines will be **private**.

What if I don’t have money to pay for the abortion?

Your parent’s health-insurance might pay for abortion services, but you would have to talk to your parents. Otherwise, most minors qualify for Minor Consent Medi-Cal which pays for abortion. Read about the Minor Consent Program in [Pregnancy](#) on page 11.

What if I want an abortion but am in a juvenile detention center?

You still have the right to an abortion. You also have the right to other reproductive health services.

Your detention facility must

- help you get the services you want,
- allow you to contact a clinic or other outside agency, and
- help arrange for your services, provide transportation, and help you pay for the abortion.

If you have problems getting pregnancy or abortion services while you are in detention, talk to your lawyer, court-appointed guardian, or another adult. Learn more about your options in detention in [Pregnancy and Parenting in Juvenile Detention Centers](#) on page 136.

Carmen's boyfriend and mother are telling her to have an abortion. Does she have to?

No! Carmen decides whether to give birth. If she needs help, she should tell her doctor or another trusted adult.



Can I be forced to get an abortion or to stay pregnant?

No! No one, including your parents or your partner, can make this decision for you. It is completely up to you to decide whether you want to give birth or get an abortion. If someone is pressuring you to get (or not get) an abortion, tell your health care provider. If your health care provider pressures you, think about seeing a different provider. The resources in this guide will show you how.

Remember: If you wait too long to ask for an abortion, it may be hard to find a doctor who will do the abortion. If that happens, you may have to continue the pregnancy and give birth.

Adoption

This part of the guide explains

- the steps in an adoption,
- how to make an adoption plan,
- how to find adoptive parents for the baby,
- the father's rights,
- your rights if you change your mind, and
- whether you can contact your child after adoption.

Deciding on adoption

Is adoption right for me?

If you do not want an abortion, but cannot or do not want to raise a child, adoption may be a good choice for you. In an adoption, a person or couple—the adoptive parent(s)—becomes the legal parent(s) of your child. They will raise your child. Your rights and responsibilities end. In some adoptions, you give up the right to contact the child again. In other adoptions—open adoptions—you may be able to continue to have contact with the child and the adoptive parents.

Deciding what to do about your pregnancy is a big decision. Think about it carefully. You may also want to read other parts of this guide that explain the kinds of help and support available to young parents in California.

What are the steps in an adoption?

1. You pick an adoption agency, a lawyer, and/or the adoptive parents.
2. After you give birth, you—and the birth father, if he is involved—sign the legal papers (called relinquishment papers), and file them with the California Department of Social Services (CDSS). This means you give up your parental rights to the baby.
3. The baby is placed with the adoptive parents.
4. A court finalizes the adoption. This usually happens about six months after placement.

Can I be forced to place the baby for adoption?

No! No one, not even your parents or the baby's other parent, can force you to place the baby for adoption. You have the right to keep your baby.

Do I have to wait until after the baby is born to decide on adoption?

You have to wait to make the final decision. But you can talk to an adoption professional (such as an adoption agency or a lawyer who specializes in adoption) at any time. You can also talk to interested adoptive parents, and ask anyone helping you with your pregnancy—like your doctor or nurse—for advice on finding adoptive parents. You do not have to wait until the baby is born to choose the adoptive parents. But you cannot sign the relinquishment papers (make a final decision about the adoption) until the baby is born.

Your adoption plan

If I decide to place the baby for adoption, what do I do?

To make an adoption plan for your baby, you can

- work with an adoption agency to find adoptive parents (agency adoption), or
- work with an adoption lawyer (independent adoption).

Agency Adoption	Independent Adoption
Who designs the adoption plan?	
You, people at the adoption agency, and the adoptive parents.	You and the adoptive parents, with the help of an adoption lawyer.
How do I choose who will adopt my baby?	
Choose from the agency's list of pre-approved families. Lots of agencies have descriptions of the families on their websites.	Mothers who choose independent adoption usually have someone in mind already, like a friend or relative. If not, your adoption lawyer will have a list of available families or can suggest resources to help you find a family.

Can I change my mind about adoption?

Yes. Talking to an adoption agency or interested adoptive parents does not mean you must place your baby.

After you sign the relinquishment papers, you have until the agency files them with CDSS to change your mind. This usually takes about two weeks. You may ask the adoption agency to wait up to 30 days before filing them. During that time, the baby will be living with the adoptive parents.

If you change your mind before the agency files your relinquishment papers, tell them immediately. They must return your baby to you.

After the relinquishment papers are filed, you can only change your mind if

- the adoption agency agrees it is in the best interest of the baby, **and**
- you tell the agency before the adoption is finalized.

Yes. Talking to an adoption lawyer or interested adoptive parents does not mean you must place your baby.

After you sign the relinquishment papers, you have **90 days** to change your mind. If you change your mind, you must give CDSS a written statement saying you are "revoking your consent to the adoption," and you want your baby back. If you do this, the adoptive family must give your baby back to you immediately.

If you wait more than 90 days, the baby is not yours anymore.

Important! After the baby is born, you may be asked to sign a *Waiver of Right to Revoke Consent*. Signing this form means you cannot change your mind about the adoption. It is usually not a good idea to sign this form. Talk to your lawyer first.

How do I get started?

- Choose an adoption agency. (See below.)
- Contact the agency. They will help you design your adoption plan and connect you with adoptive parents.

- Choose adoptive parents or find an adoption lawyer.
- The lawyer will work with you to design an adoption plan.

How do I find an adoption agency?

Several resources can help you.

- For a list of adoption agencies near you and information about adoption, visit the California Adoption Agencies Association website at: www.california-adoption.org.
- For a list of California's licensed adoption agencies, visit www.childsworld.ca.gov/res/pdf/Docaa.pdf.
- The Independent Adoption Center is a nonprofit adoption agency with many California offices. Visit www.iheartadoption.org or call **1-800-877-6736**.
- The California Department of Social Services helps people with adoptions in its seven California offices. Visit www.childsworld.ca.gov/PG1304.htm or call **1-916-651-8848**. Or look in the phone book for the CDSS Adoption District Office near you.

Find an agency that shares your values. Some agencies will not place babies with same-sex couples, single people, or people of certain religions.

All agencies will ask you about your decision and tell you about services that could help you raise the baby yourself. Then, if you still want the baby to be adopted, you will sign a form giving up your parental rights.

Should I get my own lawyer?

It is up to you. An adoption agency must help you find a lawyer if you want one. In some cases, the interested adoptive parents may pay some or all of your lawyer's fees.

A lawyer can help you with

- any questions you have about the adoption,
- giving up your parental rights, and
- the adoption paperwork.

Note: If you do not have your own lawyer, the adoptive parents' lawyer can also represent you. The lawyer must get written permission from all of you. The adoptive parents' lawyer must also tell you that you have the right to your own lawyer.

How do I find an adoption lawyer?

To find an adoption lawyer, contact the Academy of California Adoption Lawyers. You can visit their website at www.acal.org, or call **1-818-501-8355**. The lawyers there will help you no matter how old you are.

The father

Do I have to give the name of my baby's father when I fill out the adoption paperwork?

Yes, in most cases. The court needs to let the father know about the adoption and give him a chance to take action. The baby cannot be adopted until the father gives up his parental rights, unless

- the father no longer has rights to the baby,
- he signs a form saying that he does not need to be notified,
- he signs a form saying he is not the father, or
- the baby is a result of rape or statutory rape, and the father was convicted of it.

What if I don't know where the father is?

If you cannot find the father, and the court decides that your adoption agency or lawyer tried hard to find him, the adoption can take place without him. You will need to sign a statement saying that you alone have custody of the baby.

Do not lie about the father's name or location. If you do, the court may decide later that the adoption is not valid. If you are worried about your safety if you get the father involved, see [How to Stay Safe](#) on page 75.

What rights does the father have?

That depends on whether a California judge decides he is a *natural father* or a *presumed father*.

A **presumed father** has the same rights as the mother. His baby cannot be adopted unless he agrees, or unless he has lost his parental rights. He is probably a presumed father if at least one of these is true

- he signed a *Declaration of Paternity* (a form saying he is the father) after the baby was born,
- you are married to him now, or you two were married before the baby was born,
- you believed you were legally married before the baby was born,
- you married or tried to marry him after the baby was born, **and** he is the father listed on the baby's birth certificate and has to pay child support,
- he has raised the baby for a period of time and says he is the father,
- he cared for you while you were pregnant and tried hard to be in the baby's life and to raise the baby himself, or
- you are still pregnant and he is supporting you.

Important! Even if the father fits one or more of these descriptions, if he has not been involved in the baby's life for a year or more, the adoption may be able to take place without his permission.

A **natural father** (also called an **alleged** father) does not have as many rights as a presumed father. He is probably a natural father if

- you were not married to or living with him within a year of the time you got pregnant or when you gave birth, and
- he has not helped you support the baby or said he was the father.

If this is the case, you must still try to notify him about the adoption plan. If you cannot locate him, your adoption professional will try to find him. They will ask for his permission for the adoption or will ask the court to end his parental rights.

If he does not agree with the adoption plan and his parental rights have not been ended, he has the right to try and prove that

- he is a presumed father, and
- it would be better for the baby to be with him than with the adoptive parents.

Choosing Adoption

Do both parents have to agree to the adoption plan for the child?

That depends on the father's relationship with the mother and baby—see the chart above. Also see *The Father* on page 39. Either way, if possible the father still must be notified of the adoption plan so he has the chance to give up his rights.

What if the presumed father does not agree to adoption?

If you are in the middle of an adoption...

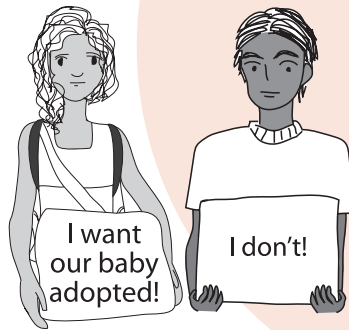
The **presumed** father can ask the court to stop the adoption if he wants custody. If this happens, you can still ask for custody. You may be able to raise the

child yourself, or to share custody with the father.

The presumed father has the right to have the baby taken from the adoptive family, unless the court decides that he

- cannot care for the baby, or
- would hurt the baby.

Your adoption agency or lawyer can tell you more about the birth father's rights.



Emilia wants her baby adopted, but Jorge—the father—and his family do not. Jorge tells people he is the father and the baby lived with him for a while.

What can Emilia do?

Only Emilia and Jorge have a say, not their families. If Jorge is a presumed father because he has been part of the baby's life, and he doesn't agree to adoption, it probably cannot take place.

What if the baby's father or I am Native American?

If either of a child's birth parents is Native American, the parent's tribe must be told that the child is up for adoption. Based on the degree of heritage or if a family member is registered with the tribe, the tribe can

- decide the child can join the tribe, and
- have the child placed in a Native American home.

Most of this depends on how that tribe handles adoptions. Talk to your adoption professional if you or the father is Native American.

The adoptive parents

Who can adopt the baby?

Adoptive parent(s) must be 21 or older and at least 10 years older than the child.*

They may be

- someone you know,
- a relative, or
- a stranger.

***Exception:** The court may allow a relative who is fewer than 10 years older than the child to adopt him/her.

How do I know that the people who adopt the baby will be good parents?

Anyone who wants to adopt in California must go through a "home study" with a licensed adoption agency. The home study includes

- interviews with a social worker,
- background checks,
- child-abuse clearance,
- home inspection,
- letters of reference,
- medical exams, and
- income and employment status.

It is impossible to know how adoptive parent(s) will parent your child. But if the agency does not think that they are likely to be fit parents, they will not be allowed to adopt.

How much will I know about the adoptive parent(s)?

You have the right to know all of these things about the adoptive parent(s):

- names,
- ages,
- home address,
- religion,
- race or ethnicity,
- criminal record,
- how long they have been married,
- how many times they have been married,
- jobs,
- whether they have children living with them already,
- whether they have children who do not live with them, and if and how they support those children,
- whether their health is good enough to take part in normal daily activities and live a normal life, and
- whether they have had a child removed from their care due to child abuse or neglect.

What if I do not want to choose who will adopt the baby?

You can choose to give up custody of the baby through your county's Social Service Agency (SSA) or CDSS. They will try to find a home for the baby. Find your county SSA at www.cwda.org/links/chsa.php.

To learn more about CDSS and to find your local CDSS office

- visit www.childsworld.ca.gov/PG1304.htm,
- call **1-916-651-8848**, or
- look in the phone book for your local CDSS Adoption District Office.

If CDSS handled the adoption, will I be able to find out who adopted the baby?

Probably not. You can ask your county SSA or CDSS whether the adoption is finalized, and if not, whether the child is up for adoption again. But they will not tell you where the child is or who adopted him/her.

Can I receive money or anything else of value for the baby?

It is illegal to take money or anything of value in exchange for a baby. But the interested adoptive parents can agree to help pay some of your expenses, including

- lawyer's fees,
- medical costs,
- counseling, and/or
- living expenses while you're pregnant.

This agreement must be in writing. Keep receipts for these costs, and give them to the adoptive parent(s). Your adoption professional should help you with this.

Paying for these things is not the same as paying for your baby! You can still change your mind and not let your baby be adopted. You will not have to pay this money back to the interested adoptive parents.

Important! Signing an agreement means you have picked these people intending to let them adopt your baby. It is against the law for you to take money from the adoptive parents if you really have no intention of letting them adopt the baby. To learn how to get help with pregnancy costs, see [Having a Baby](#) on page 30 and [Health Care for Baby and You](#) on page 57.

After adoption

If the baby is adopted, will I be able to contact or hear about him/her?

Maybe. You and the adoptive parents can make a written agreement about contact and sharing information about the child (called an *Open Adoption Agreement*). This agreement must be signed before the adoption is finalized.

It may include

- a plan for contact (for example, visits, letters, or phone calls),
- a plan for sharing information (like photos), and
- anything else you want to include.

When the adoption is finalized, the court can include your agreement as part of its order.

What if the adoptive parents do not follow the agreement?

Generally, the agency or judge will try to make the adoptive parents do what they said they would do. But even if the parents refuse to obey your contact agreement, *the judge will not undo the adoption.*

In addition, the court may refuse to try to make the adoptive parents obey the agreement if

- it is not in the child's best interest,
- things have changed since the agreement was made, and
- you and the adoptive parents cannot resolve your fight over the agreement.

Can the child and I contact each other when s/he's an adult?

It depends. There is a program that lets birth parents and children contact each other after the child turns 18. It is called the Mutual Consent Program. If you decide you **want** to have contact with him/her, you can file a form (Consent for Contact) with CDSS or the adoption agency. When she turns 18, she can also file a consent form, and then CDSS/the adoption agency will tell both of you how to contact each other. If the child is over 18, you can do this no matter what agreements you and the adoptive parents made earlier. But both you **and** your child must want contact.

You can also decide whether or not you want your birth child to be able to contact you after she turns 21. If you do, you can give the agency (or CDSS, if you did not work with an adoption agency) permission to give your child your contact information, *if s/he asks for it* after s/he turns 21. Make sure the adoption agency/CDSS has your current contact information! You can file this form at any time after the adoption.

Can I change my mind about this?

Yes. If you later decide you do or do not want the child to contact you, just tell the agency. They will only give the child your contact information if you agree.

Having a Baby

This part of the guide explains

- how to quit smoking, drinking, or doing drugs,
- how to get confidential health care during pregnancy,
- how to pay for your health care, and
- what to do if you do not want to keep your baby.

It's important to take care of yourself while you are pregnant. You will need this information even if you are making an adoption plan.

What kind of health care do I need if I am pregnant?

You need health care to help you

- stay healthy during pregnancy, and
- have a healthy baby.

Your health care providers will check you regularly. They will keep track of how the pregnancy is going and check for health conditions that could cause problems during your pregnancy.

Is it OK to smoke, use alcohol, or take drugs while pregnant?

No. Smoking, drinking, or taking drugs can be bad for you during pregnancy. Try to stop. If it is hard for you to stop, contact a treatment center.

These agencies and websites can help you find a treatment center near you:

- Resource Center at the California Department of Alcohol and Drug Program
1-800-879-2772
1-800-662-4357 (24 hours)
- List of county treatment centers:
www.adp.cahwnet.gov/help/county_admin.shtml.
- Programs for youth in Los Angeles, Sacramento, Butte, Shasta, and Tehama counties: www.californiacares4youth.com/youth.php.
- Government programs for women and children:
www.adp.cahwnet.gov/pdf/per_dir.pdf.
- Search for treatment options by city, county, and provider:
<http://txworks.adp.ca.gov/>.

If you are 12 or older, you do not need your parent's permission for treatment. The services will be free or at a low cost—and private.

Should I get tested for STIs if I am pregnant?

Yes. And if you have an STI, you can get treatment. This can keep you and your pregnancy safe. HIV/AIDS or another STI can cause serious health problems for your baby, but health professionals can take steps to prevent this. If you are 12 or older, you can get these services without your parent's permission.

Lori is really happy about the baby. But she is still doing drugs and drinking alcohol. Can she get help?

Yes. Any teen can get treatment. It's free (or low cost) and private. If Lori is 12 or older, she can get treatment without her parent's knowledge or consent.



Should I ask my health care provider about birth control while I am pregnant?

Yes. Asking about birth control now will give you time to decide what you will do after you have your baby.

Even if you are not planning to have sex after your baby is born, it's a good idea to learn about your options. If providers do not talk to you about this, you should ask.

How can I pay for my prenatal care?

You have several choices, including

- your parents' health insurance up to age 26, if you are a covered dependent and their policy covers maternity care,
- Medi-Cal's Minor Consent Program,
- another Medi-Cal program, or
- the adoptive parents, if the baby will be adopted.

Even if your parents' health insurance covers you, it probably won't cover your baby. For more information, see [Health Care for Baby and You](#) on page 57 and [Adoption](#) on page 20.

What if I do not want to tell my parents or use their insurance?

You can get prenatal care without telling your parents or using their insurance. If you do not want to tell your parents, you can apply for Medi-Cal's Minor Consent Program.

Medi-Cal's Minor Consent Program should cover you during pregnancy and birth and for two months after. Minor's Consent Medi-Cal only lasts for 30 days at a time, so you will have to re-apply every month during your pregnancy.

It does not matter

- how old you are,
- how much money your parents have, or
- whether you are an undocumented immigrant.

What if I go into labor but do not have any insurance yet?

You can still go to any hospital to have your baby. The law says a hospital must care for you during labor and birth. It does not matter

- how old you are,
- how much money you have, or
- whether you are an undocumented immigrant.

But they can transfer you to another hospital, if a doctor feels it is safe for you and the baby.

What if the hospital sends me a bill?

Apply for Medi-Cal right away after your baby is born. You will probably be eligible, and Medi-Cal can pay for the delivery. They may also pay for some of your health care from the last three months.

What if I cannot deal with the baby after she's born?

If you cannot or do not want to keep the baby, you can

- drop the baby off at a safe place, called *Safe Surrender Site* (you must do this within **three days of the child's birth**), or
- arrange for the baby to be adopted. For more information, see [Adoption](#) on page 20.

If you drop the baby off at a *Safe Surrender Site*

- no one will ask you questions,
- you do not have to give your name or any other information,
- everything you say will be kept a secret, and
- the baby will be safe and cared for.

The person you give the baby to will put a bracelet on the baby's ankle and explain how you can get the baby back if you change your mind in the next **14 days**.

Most *Safe Surrender Sites* are at fire stations and hospitals. Look for this sign:



Or find a list of *Safe Surrender Sites* at: www.babysafe.ca.gov.

Can I get the baby back if I change my mind?

Yes, if

- you did not hurt the baby before dropping the baby off, and
- you ask for the baby back within **14 days**.

To get your baby back, go to

- the California Department of Social Services (CDSS) office, or
- the *Safe Surrender Site* where you left the baby.

They can tell you how to find the baby.

You will need the information from the ankle bracelet that you got when you left the baby. If you do not have it, they may not be able to find your baby.

Child Protective Services will ask you about your situation and your ability to take care of your baby. They can also explain how to find the help you need to care for your baby.

What if I miss the 14-day deadline?

If you miss the deadline, it will be very difficult to get the baby back. The baby will probably be placed for adoption.

Naming the Baby

This part of the guide explains

- what you can name your baby,
- when you need to name the baby, and
- how to change the baby's name.

What can I name the baby?

You can name the baby anything you want. If possible, though, both parents should agree on the name.

Does the baby have to have the father's last name?

No. California law lets you give the baby any last name you want. The baby can have

- your last name,
- the father's last name, or
- a different last name.

If the baby does not have the father's last name, that does not affect the father's legal rights to the baby. It also does not change whether he has to pay child support.

Do I have to say who the father is?

A birth certificate can be issued for the baby without a father's name on it. You can change the birth certificate later, if

- a court decides who the legal father is, or
- the father signs a *Voluntary Declaration of Paternity*.

Is there a deadline for choosing a name?

Yes. You have 10 days after the baby is born to

- choose a name,
- fill out a birth certificate, and
- file the certificate with your local birth registrar. (If you fill out the certificate at the hospital, the hospital will file it for you.)

The hospital may ask you to fill out the birth certificate before you leave. But if you need more time, you do not have to decide at the hospital.

What if I need more than 10 days?

If you do not choose a name within 10 days, the state will make a birth certificate for “baby boy” or “baby girl” with the mother’s last name.

Later, you will have to file legal forms to change it to the name you want.

What if we want to change the name to the father’s last name later?

If the baby has your last name now, but you and the legal father later decide to change it to his last name, it will be easy to do.

What if we cannot agree on a name?

If the parents cannot agree on the baby’s last name and end up fighting in court, a judge will decide what name is best for the baby. A judge will usually give the baby both last names. Some of the other things the judge will think about are

- how long the baby has used the current name,
- the baby’s relationship with each parent,
- how the name affects the baby’s relationship with each parent, and
- what others living in the same household call the baby.

Sometimes courts decide on the baby’s last name as part of a custody or other family-law case.

What if I want to change the baby’s first or last name?

Unless the court changes the baby’s name as part of a family-law case, you must follow these steps:

1. Fill out court forms and file them at court. (The clerk will give you a date for a hearing.)
2. Give the father legal notice of the hearing.
3. Publish a notice in the newspaper four weeks in a row, one day per week.
4. Go to the hearing.

Do I have to pay to file my court forms?

The clerk will ask you to pay filing fees. If you cannot afford to pay, ask for a fee waiver form. You will have to pay for publishing the notice in the newspaper and you cannot get a fee waiver for that cost.

Will the court agree to the name change?

The court usually agrees if the name change is best for the child, *and*

- both parents ask for the name change,
- one parent asks, and the other parent is told about the name change and does not object, or
- one parent asks and the other parent has abandoned the child.

Where can I get the court forms?

You can fill out the court forms online at

www.courtinfo.ca.gov/selfhelp/other/namechange.htm.

Or get them from your local court clerk's office.

What if I have questions?

Visit California Courts Self-Help Center at

www.courtinfo.ca.gov/selfhelp/other/namechangechild.htm.

How can I change the baby's birth certificate to add, remove, or change the father's name?

If the birth certificate does not list a father, but you both agree that he is the father, you must both sign these forms:

- *Voluntary Declaration of Paternity/Paternity Opportunity Program Declaration (POP)*, and
- *Acknowledgment of Paternity/Parentage*.

For more information on signing the POP form, see *The Father* on page 39.

You can get the *Acknowledgment of Paternity/Parentage* form and learn more at www.cdph.ca.gov/certlic/birthdeathmar/Documents/CHS-AcknowledgementofPaternityParentage-2009-06-Merged.pdf.

You must file a court case if

- the birth certificate lists a father, but you want to list a different father, or
- you want to add the father's name but he will not sign the *Acknowledgment*.

Learn more about this at www.cdph.ca.gov/certlic/birthdeathmar/Documents/CHS-AdjudicationPamphlet-2009-06-Merged.pdf.

What All Moms and Dads Must and Can Do

This part of the guide explains the legal rights and duties for both parents, including

- what all parents *must* do, and
- what all parents *can* do if they want.

Parents' duties—what all parents must do

Do both parents have to care for their child?

Yes. Parents have certain legal duties. They must care for their child physically, emotionally, and financially.

If you are the mom, your legal duties start when the baby is born. For the dad, these duties start when the law sees him as the legal father.

Even if a parent does not want to be involved, s/he is still responsible for financially supporting the child.

What kind of support can I expect from the other parent?

Some parents can provide

- financial support,
- health insurance for the child, and/or
- part of their Social Security, workers' compensation, life insurance, or other benefits.

The kind and amount of support you can get depends on many things, including income, job benefits, and assets.

If the child lives with me—not the other parent—does the other parent still have to support the child?

Yes. Both parents must support the child financially no matter where the child lives.

What if the other parent does not want to help support the child?

You can ask the court to make orders for your child, including

- child support,
- custody, and
- visitation.

For more information, see *The Father* on page 39.

Parents' rights—what all parents can do

What rights do parents have?

Once the law recognizes parents, they have the right to

- be with and care for their child, and
- make decisions about their child's life, such as education, health care, religion, and where to live.

What if the other parent and I do not agree about important decisions in our child's life?

Parents who do not agree on important decisions in the child's life can talk to a counselor who may help you make an agreement. Some community or religious organizations offer free or low-cost counseling. If that doesn't work, you can ask the court to decide. For more information, see [Custody, Visitation, and Travel](#) on page 45.

Can someone be a legal parent even if s/he is not the biological parent?

Usually only biological or adoptive parents have rights and responsibilities to their children. But sometimes courts recognize other people as "presumed" or "psychological" parents.

You or your spouse/partner (of either gender) may have parental rights and duties if

- you have raised or helped raise a child in your home, and
- you have publicly told people you are the child's parent.

This can happen if the mom was not married to the dad, and the dad has not participated in the child's life.

Does my child have the right to inherit from the legal father?

Yes. When the legal father dies, his children have the right to inherit his money or property.

The Father

This part of the guide explains

- how the law decides who the legal father is, and
- where to get legal help if you need it.

What is a legal father?

A legal father is the man recognized by the state as the child's father. Sometimes legal recognition of the father is called *paternity*.

Does it matter who the legal father is?

Yes! A legal father has certain duties, including providing support for the child. Your child is also more likely to have a relationship with the dad and his family if he is recognized as the legal father.

What if the dad does not want to or cannot help support the child now?

You can ask the court to order the dad to pay child support. Even if the father cannot pay child support now, he may be able to in the future. But the court cannot make child-support orders unless it knows who the legal father is. For more information, see [Supporting Your Child](#) on page 63.

What if we are married?

If you are married to the baby's father and you live together, he is automatically the baby's legal father. Neither of you needs to do anything else.

If you are married but another man could also be a presumed father (explained below), either man has two years after the baby is born to request a DNA test to prove that he is or is not the baby's biological father. If neither man requests a test within two years, your husband is the child's legal father for life.

What if we are not married?

If you are not married, the father is not legally recognized unless you ask a court to declare him the father or he takes steps to claim and care for the child. The two options are:

- you and the dad can sign a *Voluntary Declaration of Paternity/Paternity Opportunity Program Declaration (POP)*, or
- you can ask the court to "establish paternity."

Can the father just say he is the legal father?

Yes, but to be legal, he must say it in writing, using a special form called a *Paternity Opportunity Program Declaration (POP)* or *Voluntary Declaration of Paternity*. The mother must sign the form, too.

Signing the form means you both agree that you are the legal parents of the child. If the father signs at the prenatal clinic or the hospital, his name will be listed as the legal father on the birth certificate. If that happens, you do not have to go to court to “establish paternity.” (See below.)

Can we sign a *Voluntary Declaration of Paternity* after leaving the hospital?

Yes. You can get a *Voluntary Declaration of Paternity* form from your local

- child-support agency,
- registrar of births,
- courthouse, or
- Social Services department.

To be valid, the form must be signed in front of a state-approved witness or notary. Many of the locations listed above have state-approved witnesses. If you do not want to sign it at one of these agencies, you must sign it in front of a notary. Then mail it to your local Department of Child Support Services.

Important! Keep a copy of the signed *Declaration*.

What is a notary?

A notary is someone who witnesses official documents.

Where can I find a notary?

Most photocopy shops have a notary. Some banks have them, too. Before you sign, the notary will ask you for identification. The notary will also ask you to state that the information on the form is true.

Most notaries charge about \$20. If you sign the *Voluntary Declaration of Paternity* at the hospital or one of the agencies listed above, you do not have to pay anything.

What if the man who signs the *Voluntary Declaration of Paternity* is not really the father?

If he is not the biological father, and the court has not made any custody, visitation, or child-support orders yet, he or the mother has 60 days to cancel his Declaration.

If he is not 18 when he signs the form, he can cancel (rescind) it anytime before he and the mother are both 18 years old plus 60 days.

Important: A man and woman should only sign this form if they are sure he is the biological father, or is willing to be a parent to the child for life.

What if more than 60 days have passed since the man signed the *Voluntary Declaration of Paternity*?

If the man says he is not the real father, but he missed the 60-day deadline to cancel (rescind) it, he has two years after the baby is born to ask a court to release him from being the legal parent.

The court will probably release the man from his parental obligations if the court

- receives DNA tests showing he is not the real father, and
- believes that removing the man as the child’s legal father is best for the child.

Important! After the baby is 2 years old, the man cannot legally challenge his paternity.

What if the dad does not want to sign a *Voluntary Declaration of Paternity*?

If the father does not want to sign the form, you will have to go to court to “establish paternity.” Your local child support agency (LCSA, for short) will help you for free.

Your LCSA can also help you get a child-support order so that the father will have to support the baby. See *Supporting Your Child* on page 63.

Where can I find my LCSA?

To find an LCSA near you

- call **1-866-901-3212**, or
- visit www.childsup.ca.gov.

How will LCSA help establish paternity?

If the man says he is not the father, LCSA will file a court case against the man whom the mother says is the father (the alleged father). If the alleged father says he is not the father, LCSA can schedule DNA tests.

The DNA tests may show that

- he is **not** the father, which means he has no rights or duties regarding the child, or
- he is **probably** the father, which means a court can order him to pay child support—but he can still try to prove to the court that he is not the father.

Can the man refuse to take the DNA tests?

Yes, but a court can still say he is the *presumed* father and order him to pay child support.

Can I establish paternity without help from the LCSA?

Yes. You can file on your own or with a lawyer's help. To learn more, see www.courtinfo.ca.gov/selfhelp/family/parentage/gotocourt.htm. You can also ask the court clerk's office if they have Family Law Facilitators to help you.

If you are a man and want to prove that you are the baby's father, you may have to first prove that you are the presumed father. Then, if you can get DNA results that show you are the father, you will have the same rights and duties as the mother.

For free help and answers to your questions, contact POP (Paternity Opportunity Program):

- call **1-866-249-0773**, or
- visit www.childsup.ca.gov.

As noted above, if both parents agree who the father is, you don't need to go to court.

When should I ask the court to establish paternity?

It is a good idea to do this right away. When parents are young and unmarried, it's easy for them to lose touch with each other. One may move away for a job or school. That may make establishing paternity harder.

What is a *presumed father*?

A presumed father is someone that the courts treat as the legal father.

A man is a presumed father if he and the mother were not married (or were married, but not living together) and one of the following is true:

- he and the mother signed a *POP/Voluntary Declaration of Paternity* form,
- he married the mother soon before the baby was born,
- he and the mother believed they were legally married before the baby was born,
- he married the mother (or tried to) after the baby was born, and his name is on the baby's birth certificate,
- he married the mother (or tried to) after the baby was born, and has been ordered to pay child support, or
- he has lived with the child, and has said he is the father.

What rights does a presumed father have?

A presumed father can

- ask for a blood test to prove he is the father if, for example, the mother is married to someone else, and
- keep his child from being adopted. (See [Adoption](#) on page 20.)

Exception: A presumed father does not have these rights if the child resulted from rape (or in some cases statutory rape), and he was convicted of that crime.

Is it always a good idea to establish paternity?

No. Sometimes establishing paternity may not be best for the child. Examples include the following:

- the man is not willing to parent the child,
- the man has abused you, the child, or his other children,
- the man is involved in illegal or dangerous activities, or
- the baby is the result of rape.

If paternity is not established, you alone will be responsible for taking care of and supporting the child. And you alone can decide when and whether the dad can see the child. But the father can file in court to establish paternity and ask for custody and visitation.

Custody, Visitation, and Travel

This part of the guide explains who can make important decisions for the child, including

- who the child lives with,
- who decides about the child's school, religion, and health care,
- when the other parent can be with the child, and
- who can travel with the child.



Even if you are under 18, you have the same right to care for your child as an adult.

Custody

What does "custody" mean?

Custody means caring for and being responsible for another person.

There are two kinds of child custody:

- **Physical custody:** Who the child lives with. When the child spends significant time at both parents' homes, they have joint physical custody. If the child lives with one parent, that parent has sole physical custody.
- **Legal custody:** Who makes decisions about a child's health, education, and welfare. For example, who chooses the child's school, doctors, or religion. When both parents have the right to make these decisions, they have joint legal custody. When just one parent does, that parent has sole legal custody.

Which parent usually gets custody?

In California, parents have equal rights to custody. Courts (and mental health professionals) believe it is usually best for children to spend time with both parents to develop a relationship with each parent.

What if my child would not be safe with the other parent?

Above all, the court wants children to be safe. If you can show that your child may not be safe with the other parent, the court will probably not give custody to that parent. For example, the court will probably not give custody to a parent who

- has been violent,
- has a criminal record,
- abuses drugs or alcohol,
- has abused the child or other children,
- has abused the other parent within the last five years, or
- does not come to court when ordered.

Will the other parent be able to see the child if s/he does not have custody?

Yes. The other parent can spend time with the child. This is called visitation.

In most cases, the parents work together or with a mediator to make a visitation schedule.

What if the other parent does not want custody?

If the other parent agrees to it, the court will give you sole custody.

Do I need a lawyer to help me with custody?

No. But you can hire a lawyer, if you want to. It will not be easy to get a lawyer to help you for free, but some legal-aid offices may help you.

A lawyer can give you advice about custody and different kinds of parenting plans. You can also learn how to get a custody order at www.courtinfo.ca.gov/selfhelp/family/custody/orders.htm.

Can my parents (or another adult) get custody of my child?

Usually not. As long as you care for your child, only you and the other parent have the right to custody of your child, even if you are under 18 and still living with your parents. It is up to you how you raise your child. Your parents do not have the right to make those decisions for you.

For more information on your parents' rights, see [Grandparents](#) on page 138.

Who decides about child custody?

The court wants you and the other parent to agree about custody and make a parenting plan on your own. A parenting plan is a good idea even if your relationship is going well. If your plan is reasonable, the court will probably approve it.

What if we cannot agree on a parenting plan?

If you cannot agree, ask the court to order a parenting plan that is best for your child. The court will send you to a mediator. A mediator is an independent professional who helps parents make a plan that is good for their children.

You may feel nervous about going to court. To learn about how to get ready, see [Going to Court](#) on page 117.

What if we cannot agree, even with a mediator's help?

If you do not agree on a parenting plan, the court will decide for you.

Some things the judge will consider are

- the mediator's recommendation, if s/he makes one,
- who has cared for the child so far,
- how much time the child spends with each of you and how that time is spent, and
- the child's safety.

The orders will be what the court thinks is best for the child.

Can I be deported if I go to court to ask for custody or paternity orders?

In the U.S., anyone, including undocumented immigrants, can ask the court for orders. The courts are not allowed to consider the parents' immigration status when they make custody, paternity, and other family-law orders.

Exception: The court will consider your immigration status if one of you is asking to take the child out of the country or is being deported.

Visitation

Visitation is the time the child spends with the other parent when only one parent has physical custody.

Visitation depends on the situation:

- if you have a court order, you must follow the rules about visitation,
- if you do not want to follow the court order because you are afraid for your child's safety, ask the court for new orders—you can ask for supervised visitation or no visitation, and
- if you do not have a court order, you can set the rules for when, where, and how often you let the other parent be with the child.

Is it a good idea to get a visitation order?

Yes. It's a good idea to get a visitation order, even if the other parent is not in your life now. Things can change, and the other parent may be in the child's life later. An order can help make things clear for both parents and the child. It can also help prevent conflicts and confusion.

What if the other parent and I do not have a visitation order?

If you do not have a visitation order and you have sole custody, you decide on visitation. That means you can say when, where, and how visitation happens. It's best to try to agree on a visitation schedule with the other parent. If the other parent doesn't like your rules, s/he would have to go to court to ask for a visitation order.

What if I am worried about the child being with the other parent?

You can even say, "no visitation," for the time being, and ask the court to make orders that would keep the child safe such as supervised visitation.

What is supervised visitation?

Supervised visitation is when another adult stays with the child and parent when they visit to make sure the child is safe. If you are worried about the child's safety, you can ask the court for supervised visitation.

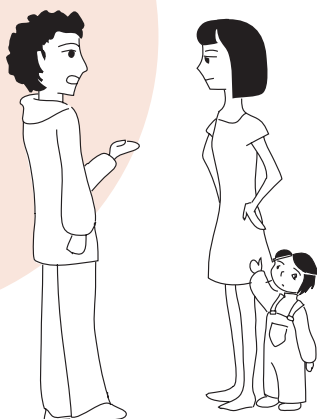
In some cases, a court may order supervised visitation if the other parent

- is abusive, dangerous, or violent,
- is abusing alcohol or drugs,
- has not had much contact with the child, or
- for other reasons that the judge thinks the child might not be safe with the other parent.

If the other parent becomes a better parent, the court will probably allow visitation without supervision.

John hasn't paid child support in months. Can Esther keep him from seeing their child?

No, not for that reason. Child support and visitation rights are separate matters.



Do I have to allow visitation if the other parent has not paid support?

Yes. Even if the other parent has not paid court-ordered child support, you must follow the visitation order. If you do not, **you** can get in trouble with the court and could even be sent to jail. For more information, see [Supporting Your Child](#) on page 63.

What if the other parent hides my child from me?

Call the police. It may be a crime to hide a child from the other parent, especially if you have a current custody or visitation order.

Should I cooperate with the other parent?

Yes, if you can. Conflict between parents is very hard on children. And courts usually do not like it if a parent prevents the other parent from having a relationship with the child.

Most mental health workers say it's best for the baby if you can develop a polite relationship with the other parent. But if the other parent is not willing to work with you or makes you feel unsafe, the court can make orders to protect you and your child.

Can I let the other parent have more than the visitation we agreed on?

Yes. If the child lives with you, you can offer more visitation in a way that makes you and the baby feel safe. One example might be inviting the other parent to visit your home with your mom there to supervise.

If the child lives with the other parent, you can offer to help watch the child when the other parent needs it.

What if I do not have a custody or visitation order, and the other parent will not return my child?

The law says both legal parents have equal rights to custody of their child. If you do not have a court order, you cannot make the other parent give the child back, unless the child is not safe.

The police may

- go to the other parent’s house to check on the parent and the child, and
- work with you and the other parent to make an agreement about sharing the child—but if the child seems safe and there is no domestic violence in the other parent’s home, the police cannot make the other parent give back the child.

You would have to

- work it out with the other parent, or
- ask the court for a custody order to get the child back.

If you have problems with the other parent, you may have to show your legal papers to the police or the court, including

- custody and visitation orders,
- the baby’s birth certificate, or
- restraining orders.

Keep copies of all legal papers about your child in a safe place in your house.

What if my child is in danger now with the other parent?

If your child is in danger with the other parent or the other parent took the child in a violent way—even if you do not have a visitation order—you can ask the police to give you a temporary order that tells the other parent to stay away from the child for five to seven days. After that, you must ask the court for an order that lasts longer.

Travel with your child

Can I travel anywhere in the U.S. with my child?

You must follow these travel rules.

If you have a custody order:

If your order has travel rules, you must follow them. The order will say where you can travel with your child, and whether you need the other parent’s permission.

If you do not have a custody order and have not asked the court for one:


You may travel anywhere in the United States, but you should let the other parent know so s/he does not accuse you of kidnapping.

If you asked the court for a custody order but do not have it yet:

You may **not** travel outside of California without the other parent's written permission or a court order.

Important! If you want to travel without following these rules, you must get

- written permission from the other parent, or
- a court order that allows your travel plans.



You must follow the court's travel orders. If you do not, you could be charged with kidnapping.

Can I leave the U.S. with my child?

You and your child each need a U.S. passport to travel outside the country. When you apply for your child's passport, both parents must sign the application. If the other parent cannot sign the application in person, s/he can provide a notarized statement allowing you to get the passport. The other parent also must provide written permission for the child to leave the country.

What if the other parent does not want me to travel outside the U.S. with my child?

Ask the court for an order that lets you travel with your child outside the U.S. The court may

- give you the travel order,
- give you a travel order with restrictions, or
- not give you the order, especially if the other parent is afraid you may not come back.

Raising a Child

This part of the guide explains

- what all parents must do for their children,
- parenting resources,
- finding childcare, and
- what to do when you feel stressed.

Am I old enough to be a parent?

There is no minimum age to become a parent. But you should ask yourself whether you are ready to be a parent.

Being a parent means you and the other parent must care for the child and make important decisions in the child's life. It is a big responsibility.

Important! It is **not** your parents' responsibility to care for your child, even if you are under 18.

Do I have to do certain things as a parent?

Yes. The law says all parents must do certain things for their children, including

- provide food, clothing, shelter, education, and needed health care,
- watch over your child so s/he is safe, and
- give your child a safe place to live.

Both you and the other parent must support the child.

How long do I have to care for my child?

The law says you must take care of your child and keep him/her safe, until the child

- turns 18 (or 19 if still in high school),
- gets married, or
- is emancipated.

And your parents must do the same for you, even if you are pregnant or have a child.

If I am pregnant or have a child, do I still have to follow my parents' rules?

Sally's pregnant and moving in with her boyfriend. Can her dad stop her?

Yes. Parents have the right and duty to supervise children until they are 18 unless they are married or emancipated.



Yes, if you are under 18 and not emancipated. For example:

- if you have a job, your parents can choose to keep the money you earn, and
- you cannot live on your own without your parents' permission.

Your child will have to follow your rules the same way you have to follow your parents' rules.

Can someone help me with parenting?

Yes. Learning about parenting helps all parents. And there are resources in your community for teens who are pregnant or have a child.

Look for

- a parenting program at your school, if there is one,
- parenting information at the library or on the Internet,
- a parenting class through
 - California Department of Social Services (CDSS), or
 - Adolescent Family Life Program (AFLP), **1-866-241-0395**.

Tips...

- Try to remember what you liked and disliked as a child.
- Treat your child the way you wanted to be treated.
- Ask for advice from relatives, childcare workers, and other parents you admire.

How can I find someone to take care of my child?

If you need childcare for a little while, ask someone you know and trust to take care of your baby.

If you need to hire someone, get to know the person or agency. You may want to stay the first time to see how the person cares for your child, and whether they get along.

What if I cannot pay for childcare?

These programs and agencies may be able to help:

- Early Head Start,
- California Childcare Resource and Referral agencies (called R&R, for short), and
- Cal-WORKs. See *Supporting Your Child* on page 63.

Note: These programs often do not have enough money to help all people. Some of them have waiting lists and they all only help you with childcare for work or school. You are more likely to get services if you get on the waiting list right away, and make sure they have your current address and phone number.

How can Head Start help me?

Head Start helps pregnant women and children up to age 5 who are low-income or homeless.

It offers these services:

- education and special education,
- health care,
- family and parenting support, and
- getting parents involved in their child's education.

In California, Head Start also provides childcare, jobs, food, and help with housing.

How can I sign up for Head Start?

Look for a Head Start program near you at www.eclkc.ohs.acf.hhs.gov/hslc/HeadStartOffices.

What if I do not qualify for Head Start?

Resource & Referral agencies will help you find childcare that meets your needs. They have offices in every county in California and can

- help you by phone, in person, or online,
- tell you how to find a childcare provider that is right for your family, and
- tell you how to get help to pay for childcare.

Look for an R&R office near you at

www.rnetwork.org/resources-and-links/california-map.html.

Or call **1-800-543-7793**.

What if I feel I cannot take care of my child right now?

Being a parent is stressful, especially if your parents or the baby's other parent do not support you.

If you need help, ask for it. The parenting resources listed above can help you learn how to

- take care of your child to keep him/her safe, or
- find someone who can help you until you can care for him/her.

Who can help me care for my child?

There may be a Crisis Nursery near you. A Crisis Nursery is a place where you can leave your child (under 7 years old) for up to 30 days for free.

To see whether there is a Crisis Nursery near you

- visit www.cclid.ca.gov/docs/cclid_search/cclid_search.aspx, or
- call **1-877-KIDSPLACE** (for Northern California).

If you think it may be too hard to raise your child on your own, think about adoption. For more information, see Adoption on page 20.

What if I hurt my child?

You are responsible for caring for your child and keeping him/her safe. If you hurt or neglect your child, or let someone else do so, you could

- lose your child for some time, or for good, and/or
- be charged with a crime for abuse or neglect.

If you are charged with a crime, you have the right to a lawyer. You can get a lawyer for free if you cannot afford one.

What if I use drugs or alcohol?

You can be charged with child abuse if

- you use drugs or alcohol while pregnant and your baby is born with drug, alcohol, or other problems, or
- you use drugs or alcohol a lot around your young child.

Note: Just using drugs or alcohol while you are pregnant is not abuse in California. But it will be considered in deciding whether your child has been abused.

Will my baby be a U.S. citizen?

If your child is born in the U.S., s/he is a U.S. citizen and will qualify for all public benefits.

If my child is a U.S. citizen, can I become a legal immigrant?

When your child turns 21, s/he may be able to help you become a legal immigrant. Also, if your child has special needs, this may help you stay in the U.S. if you are being deported. But it does not automatically make you eligible or stop Immigration from deporting you.

To learn more, see *Pregnant Immigrants and Immigrants with Children* on page 121.

Health Care for Baby and You

This section tells you about health care for you and your baby, including

- how to get birth control, prenatal care, and other health care without involving your parents,
- how to get health care for your baby,
- how to pay for health care, and
- how to get health insurance like Medi-Cal.

Can I get health care without telling my parents?

In general, if you are under 18, you need a parent's permission to get health care services. But you can get some services related to sex and pregnancy without your parent's permission, including

- birth control,
- pregnancy testing,
- prenatal care,
- labor and delivery,
- abortion services, and
- care if you have been sexually assaulted.

If you are 12 or older, you can also get

- STI testing and treatment,
- HIV testing,
- preventive care like the HPV vaccine and HIV prevention,
- drug or alcohol treatment,
- some mental health care, like seeing a counselor or staying in a crisis or runaway shelter, and
- care if you have been raped.

These services are confidential and the doctor or clinic cannot tell your parents without your permission.

Exception: If you have been raped or sexually assaulted or are seeking mental health care, a health care provider may share some information with your parents, but you don't need your parents' permission to get these services.

Do I need my parents' permission to get other kinds of health care?

Not always. You can get many health and dental care services without your parents' involvement if you

- are 15 or older,
- do not live with your parents (with or without their permission), and
- pay your own bills and have your own bank account (even if your money comes from your parents or the state).

You do not need to be emancipated to get these services. (See *Emancipation* on page 104.) But the doctor may tell your parents what services you get if you give the health care provider your parents' contact information, and they may bill your parents or their insurance if you do not have your own insurance.

What if the doctor wants me to talk to my parents?

Your doctor may suggest that you talk to your parents, but you do not have to. But be sure you understand what your doctor says about your health and treatment.

You may want to take another person with you when you see the doctor. That person can help you remember to ask questions or understand what the doctor is saying.

Be aware that doctors and other health care professionals must tell Child Protective Services (CPS) if they believe you are being abused. For more information, see *How to Stay Safe* on page 75.

What if the health care I need requires my parent's permission?

If the care you need requires a parent's permission and you are not living with a parent or legal guardian, you may be able to ask another adult you are living with to give permission.

If you cannot get health care by yourself, another adult who lives with you can help if

- your parent or guardian writes a letter saying the adult can care for you, or
- the adult fills out a *Caregiver Affidavit*.

If the adult is not a relative, s/he can only help you get health care for school, like vaccinations.

To get the *Caregiver Affidavit* form, visit

www.courtinfo.ca.gov/selfhelp/family/guardianship/documents/caregiver.pdf.

How do I pay for health care?

If you are covered by your parents' health insurance, you can use it. But your parents will probably find out that you got health care. And they will know what kind of care you got. (Insurance companies usually send a letter to the insured person for all services received under that policy.)

What if my parents do not have insurance or I do not want to use their insurance?

You have these options:

- Some clinics, like Planned Parenthood, will only charge you what they think you can pay. They do not count your parents' income.
- You can apply for family planning and pregnancy coverage from
 - Family PACT,
 - Medi-Cal, and
 - other state health insurance.

You do not need your parents' permission. And someone at your clinic may be able to help you apply.

To learn more about Family PACT coverage, see [Sex](#) on page 4.

To learn more about Minor Consent Medi-Cal, see [Pregnancy](#) on page 11.

- If you are a Native American, California Indian Health Service has 43 clinics in the state. You can get some health care at these clinics, but not abortion. To find a clinic near you, visit www.ihs.gov/FacilitiesServices/AreaOffices/California/universal/PageMain.cfm?p=20.

Can I get health care for my child?

Yes. In fact, the law says you *must* take care of your baby, including getting health care.

Make sure you understand what your doctor tells you about your baby's health and treatments. Ask if you have questions.

Important! Even if you are covered by your parents' insurance, your baby probably will not be. If you cannot pay, there are programs that will help you get the health care that your baby needs.

What does Medi-Cal cover?

Medi-Cal has many different programs. Depending on which program you qualify for, it may cover

- you—for all of your health care,

- your baby—for all of her health care, and
- people in your family.

Some Medi-Cal programs only cover pregnancy, labor and delivery, and care after your baby is born. It is important to find out which program you qualify for. Medi-Cal also covers emergencies.

How does someone qualify for Medi-Cal?

Whether you qualify and what services you can get depends on

- your age and whether you have minor children,
- your income,
- your parents' income,
- how many people are in your family,
- your resources (how much money you have and how much property you own),
- whether both parents work full-time, and
- your immigration status.

If you get Cal-WORKs, you automatically qualify.

How much income can my family have and still qualify for Medi-Cal?

Medi-Cal uses different dollar limits for its different programs. The limits are based on Federal Poverty Level Guidelines. The income limits change every year. For updated information, go to <http://aspe.hhs.gov/poverty/>.

How do I apply for Medi-Cal?

Go to your local Medi-Cal office. To find the nearest office, visit www.dhcs.ca.gov/services/medi-cal/pages/countyoffices.aspx.

If you have them, take these items with you when you go to the office:

- your and your children's birth certificates,
- paycheck stub from your job,
- photo ID,
- utility bills in your name,
- your and your children's Social Security cards, and
- green card if you are not a citizen (and you can still get Medi-Cal just for pregnancy even if you are undocumented).

At most offices, you can sign up for cash aid and/or food stamps at the same time.

When can I start getting Medi-Cal?

If you are pregnant, you can get temporary services right away. They will assume you are eligible and let you get most prenatal care while they check your eligibility. This temporary coverage does not cover labor and delivery. And it only lasts until they decide if you are eligible.

Important! Apply for regular Medi-Cal right away, so you will be covered when the temporary Medi-Cal runs out.

How long does the regular Medi-Cal application take?

They are required to approve or deny an application within 45 days.

What if I am not eligible for Medi-Cal?

You and your baby may qualify for another program. Look at some of the different options below.

Program name	What's Covered?	Who's Eligible?	Other Info
AIM (Access for Infants and Mothers)	Health care, including prenatal care	Pregnant women who apply up to the 30th week of pregnancy whose incomes are between 200% and 300% of the Federal Poverty Level. Children born to women in AIM are automatically eligible for the Healthy Families program for the first two years.	AIM is low-cost, but not free, coverage. You must pay a small amount.
Healthy Families	All health care	Children under 19 whose families do not earn more than 250% of the Federal Poverty Level.	Healthy Families charges very low premiums and co-pays.

To learn more about health coverage, go to the Health Consumer Alliance website at <http://healthconsumer.org/publications.htm#brochures>.

Also, in most cases, you will qualify for Minor Consent Medi-Cal to cover your pregnancy and some other health services. See *Pregnancy* on page 11.

Can my baby get health care if I am not eligible for Medi-Cal?

Yes. If you do not qualify for some Medi-Cal programs, your baby may still qualify.

- If you have full-scope Medi-Cal when you give birth, your baby is covered for a year. It does not matter if you lose coverage later. Many hospitals will help you apply for Medi-Cal when your baby is born.
- After the baby is born, Medi-Cal will not count your parents' income, even if you live with them, so long as you apply just for the baby.
- The Child Health and Disability Prevention program (CHDP) has free regular check-ups for children. Your child is eligible for CHDP if s/he is under 21 and has Medi-Cal, or under 19 with a family income below the limit.
- To find a CHDP doctor or clinic, visit www.dhcs.ca.gov/services/chdp/Pages/Countyoffices.aspx.
- If you or your baby's other parent is Native American, you may be able to get other health care. For more information, visit www.ihs.gov/FacilitiesServices/areaOffices/California/Universal/PageMain.cfm?p=10.

Supporting Your Child

This part of the guide is about supporting your child, including

- how to get child support (money from the child's other parent),
- how much child support to expect,
- child support for undocumented immigrants,
- programs that give you cash aid (money from the government), and
- other kinds of help.

What is child support?

Child support is the money that one parent pays the other parent to support their child.

How much child support can I get?

The amount of child support depends mostly on

- each parent's income,
- whether either parent is paying for child care or health insurance, and
- how much time the child spends with each parent.

In California, courts usually follow a formula (called a guideline) to decide how much child support will be paid. You can use this online Child Support Calculator to see what the support may be in your case:

www.childsup.ca.gov/Resources.aspx.

What if the other parent does not have a job or money?

If the other parent is not working, but *could* work, the amount of support will be based on minimum wage or the wage of his/her previous job. If the other parent could work, the court may order the other parent to look for work. If that happens, s/he will have to go back to court or the child-support office to report on his/her work search.

If the other parent is not working, and *cannot* work now (because s/he is in high school or jail, or has a disability), the court may decide not to order support at this time.

If the other parent is a minor, will s/he still have to pay child support?

Most courts wait for parents under 18 to finish high school before ordering them to pay child support. But if the other parent has a job or other income, the court can probably order support.

Do I have to wait for the other parent to turn 18 before asking for child support?

No. It is a good idea to start your case now. That way, when the other parent turns 18, the court can order him/her to look for a job and start paying child support right after high school graduation.

Does the other parent have to pay child support even if the child does not live with him/her?

Yes. Parents must support their children, even if they do not live with or spend time with them.



When his baby is born, will Freddy have to quit school and get a job to pay child support?

Probably not. But a judge could order it. Later when Freddy can, he must help support the child.

How long does a parent have to support a child?

Support ends when the child

- turns 18 (or 19 if still in high school),
- gets married, or
- is emancipated.

If the child has a disability, the support may last longer.

If the parents want to, they can make an agreement to support a child longer.

How do I get child support from the other parent?

You can

- make an agreement with the other parent, or
- ask for a court order.

It's usually better to ask for a court order. That way, the court can help you if you have problems collecting support.

When does the other parent have to start paying support?

In most cases, support starts on the day the court papers were filed or served. (It does not start on the child's birthday or the day the other parent promised to start paying.)

What if the other parent does not pay court-ordered child support?

You or the local child support office (LCSA, for short) can take the other parent to court to make him/her pay. The court may order child support to be taken from the other parent's paycheck or bank account. There may be penalties if the parent does not pay.

Can the court make other orders that help support the child?

Yes. A court can also order each parent to pay 50 percent of

- necessary childcare so you can go to work or school, and/or
- health care costs for the child that are not covered by insurance.

The court may also order a parent to provide health insurance for the child if s/he can get health insurance through his/her job or at a reasonable cost.

Do I have to tell the other parent how I spend the child-support money?

No.

How can I start getting support?

You must start a child-support case. You can do this on your own or with your local child support agency (LCSA).

Your LCSA can

- try to find your child's other parent,
- determine the child's father with DNA testing,
- ask the court to order him/her to pay monthly child support,
- collect the child-support money, and
- help make sure the child-support order is obeyed.

It takes LCSA several months to start a case. To learn about starting your case on your own, see

www.courtinfo.ca.gov/selfhelp/family/support/first.htm.

How will the court know whether the man I name is the father?

There are different ways to prove a man is your child's legal father:

- he and you were married when the baby was born,
- he signed a *Voluntary Declaration of Paternity*, and/or
- a DNA test.

For more information, see *The Father* on page 39.

Why does LCSA have to involve the other parent if I get Cal-WORKs?

LCSA usually files a child-support case against the other parent of any child getting Cal-WORKs or other state aid. They do this—even if you do not want the other parent involved—so they can get paid back.

Exception: If you do not want a child-support order because the other parent abused or threatened you, or you are afraid that contacting him about child support may put you or the child at risk of physical or emotional harm, then fill out a Good Cause form. You can write the reasons you are afraid, or you can give copies of proof, such as police reports. If LCSA does not approve your request, you can ask for a hearing.

Important! Please tell LCSA if you are worried about your or your child's safety if LCSA contacts the other parent.

Could I be deported if I go to court to ask for child support?

The courts make child support, paternity, and other family-law orders without considering the parents' immigration status. If you are undocumented, you probably do not have to worry about getting in trouble when you go to court.

If the other parent is undocumented, though, it may be difficult to get an order and collect child support.

Where can I get more information on child support?

You can read or download the Child Support Handbook from www.childsup.ca.gov/Resources/Publications.aspx.

Programs that give you money

Are there programs that will help support me and my child?

Yes. If you qualify for **Cal-WORKs** (also called welfare or cash aid), you can get

- cash payments every month, and
- help paying for your childcare.

While on Cal-WORKs, you and your baby can also get

- Medi-Cal,
- counseling,
- drug treatment, if you need it, and
- other services.

How long will Cal-WORKs help pay for childcare?

Cal-WORKs will help pay for your childcare (for school or work) while you are on Cal-WORKs and possibly for two more years after your Cal-WORKs ends.

Do I qualify for Cal-WORKs?

You may qualify for Cal-WORKs if you

- have children under 18 (or 19 if still in high school),
- do not live with your child's other parent, or one or both of you is not working full-time,
- are low-income,
- do not own significant assets, and
- are a U.S. citizen or qualified immigrant.

Important! Cal-WORKs may require you to stay in school or work to keep getting benefits.

To decide if **you** will get benefits, Cal-WORKs looks at

- your income and property,
- the number of people in your household,
- the part of the state you live in,
- the income of your family or the father of your child, if you live with either of them, and
- your immigration status.

To decide whether your **baby** will get benefits, Cal-WORKs looks at

- your income and property,
- the other parent's income and property, and
- the baby's immigration status.

Remember: If your baby was born in the United States, she is a citizen, even if you or the father is undocumented.

Note: Cal-WORKs eligibility rules are complicated and change frequently. The information in this guide is a guideline. Apply for benefits if you need them. Ask your benefits worker to tell you whether you are eligible.

If you were denied benefits, but you think you have the right to get benefits, you can

- ask for a hearing, and
- contact a Legal Aid office in your county for help.

Can I apply to Cal-WORKs on my own?

In most cases, Cal-WORKs says you must

- live with your parent, guardian, or other responsible adult, and
- have that adult apply for you.

Cal-WORKs usually pays the adult.

Who could I live with and still qualify for Cal-WORKs?

To qualify, you could live

- with a parent or legal guardian,
- with an adult relative (sister, uncle, grandmother, half-brother, etc.), or
- in a state-licensed group home or maternity home.

What if I do not live in one of these situations?

You may still qualify for Cal-WORKs if

- your parent or guardian is dead or missing,
- your parent or guardian will not let you and your child live with them,
- you are emancipated,
- you are or were married,
- Child Protective Services says living with your parent(s) would put you or your child at risk,
- you did not live with your parent(s) for at least one year before the baby was born or before you applied for aid, or
- your welfare worker says you do not need to live with your family or guardian.

If you are not emancipated or married and not living with a parent, guardian, or adult relative, or in a state-licensed group home, your Cal-WORKs worker may make a report to Child Protective Services about you being on your own, and they may investigate to see if you are being neglected.

What if my parents are in different situations?

You may still qualify for Cal-WORKs if each of your parents fits a different exception. For example, you can qualify if

- you have not lived with your dad in over a year, and your mom kicks you out, or
- your mom is dead and you do not know where your dad is.

A Cal-WORKs worker can help you figure out if you qualify for aid.

Will Cal-WORKs pay me directly?

Cal-WORKs may agree to pay you directly, if

- your parent or guardian asks them to, or
- you apply under one of the allowed exceptions listed above.

Otherwise, Cal-WORKs usually gives the money to your parent or the responsible adult you live with.

Where do I apply?

Go to your local Cal-WORKs office. To find it

- look for the address at: www.cwda.org/links/chsa.php,
- look for Cal-WORKs in the blue section of the phone book, or
- visit your county's website.

What will happen when I go to the Cal-WORKs office?

First, they will make sure you are eligible. They will ask you about

- where you live,
- how much money you make,
- your immigration status,
- whether you are going to school, and
- whether you are pregnant.

If you are eligible, they will help you apply for

- Cal-WORKs,
- Medi-Cal, and
- food stamps (Cal-Fresh).

What should I take to the Cal-WORKs office?

Take these things to show you are eligible:

- a document with your name and address, such as a license, bill, or ID,
- a school ID or report card,
- a paycheck stub, if you are working,
- copies of your immigration papers, if you have any,
- your and your child's birth certificates,
- your and your child's Social Security cards,
- your child's immunization record,
- your recent bank statement, and
- a note from a clinic or doctor about your pregnancy.

If you do not have the information they ask for, they will ask you for a note that explains why you do not have that information, and whether you will allow Cal-WORKs to help you get it. They are required to help you get these things or accept substitutes if you do not have the specific documents.

Should I keep originals of the papers I give to Cal-WORKs?

Yes. Whenever you give Cal-WORKs a document, ask them to keep a copy and then give you a receipt and your originals. Keep the originals in a safe place—you may need them later.

Should I take someone with me to the Cal-WORKs office?

It may be easier if you go to Cal-WORKs with an adult who can help you with the paperwork. Some of it is hard to understand. Also, rules change and you want to make sure you have the most updated information.

For example, you can ask a

- parent or other relative,
- nurse,
- school employee, or
- social worker.

If Cal-WORKs gives me money, do I have to pay it back later?

No. You and the child do **not** have to pay back the money.

Exception: If you lied about your situation to get more money from Cal-WORKs or did not give full information, you will have to pay back the extra money.

Does the other parent have to pay back the money I get from Cal-WORKs?

It depends.

S/he **will not** have to pay it back if s/he lives with you and the child, and you told the Cal-WORKs worker that.

S/he **may not** have to pay it back if s/he

- is in high school,
- is in jail,
- has a disability, or
- makes no money.

S/he will **probably have to** pay some of it back if s/he does not live with you and his or her information was not included on your Cal-WORKs application. The law says parents have to support their children.

S/he may only have to pay **some** of the money if s/he makes very little money.

Note: The other parent does not have to pay back childcare help or other support services from Cal-WORKs.

What if I am afraid that my child's other parent may hurt me or the child if he is told to pay child support?

Cal-WORKs will **not** ask the other parent for child support if

- you think it would put you or your baby in danger, or
- the baby was a result of rape.

If this applies to you, ask your Cal-WORKs worker for a "Good Cause" exception. If your worker does not agree to make the exception for you, you can request a hearing.

Luisa can't get Cal-WORKs because she's not a U.S. citizen or qualified immigrant. What about her baby?

The baby may be eligible. Luisa should ask about that and other kinds of help.



If I do not qualify for Cal-WORKs, can my child still get aid?

Yes. Your child may be able to get **child-only aid**.

Your child can get this money even if you do not qualify because

- you are an undocumented immigrant, or
- you are receiving other benefits like Social Security Income.

Important! If a grandmother, aunt, or other relative is caring for you or your child, they can also ask for child-only aid.

Where can I learn more about other aid programs?

TeenNOW has information about lots of programs for pregnant or parenting teens in California:

- visit www.cacsap.org, or
- call **1-619-741-9650**.

There are also programs that help you stay in school. To learn more, see *Staying in School* on page 87 in this guide.

Here's information about other programs, too:

Women, Infants and Children (WIC)

WIC gives special checks once a month so you can buy healthy foods.

Some WIC foods are

- peanut butter
- milk
- baby formula
- dried beans
- eggs
- juice
- healthy breads and cereals
- fruits and vegetables

WIC also has information and classes to help you and your child get the nutrition you need.

You qualify for WIC if you are low-income, and

- you are pregnant (or just gave birth),
- you are breast feeding, or
- you have children younger than 5.

If you are on Cal-WORKs, Medi-Cal, or food stamps now, you automatically qualify for WIC.

Important! Your immigration status does not matter.

To get started...

1. Ask your doctor or clinic to refer you to WIC.
2. Call WIC (**1-888-WIC-WORKs**) to find the nearest WIC office and make an appointment.
3. When you go to your WIC appointment, take
 - your baby,
 - the referral from your doctor, and
 - proof of income.
4. If you qualify, you will get your first WIC checks at this first appointment.

You can also find your closest WIC office by calling 1-888-WIC-WORKS (1-888-942-9675).

CalFresh

This program is also called *Supplemental Nutrition Assistance Program* or *Food Stamps (SNAP)*. It gives out coupons or electronic debit cards to buy food.

You qualify if you or your family are low-income, and

- you do not own much property, such as a house or land, and
- you are a U.S. citizen or qualified immigrant.

Important! Even if you are not a qualified immigrant, you can apply for SNAP for your children who were born in the U.S. If everyone in your household is already receiving Cal-WORKs/cash aid, you automatically qualify for SNAP. But you cannot get SNAP if you get Supplemental Security Income.

For questions or to apply, call the SNAP hotline:

1-877-847-3663 (*English and Spanish*)

Adolescent Family Life Program (AFLP)

You qualify for AFLP if

- you are pregnant or a mother who is 18 or younger,
- you are a father who is 20 or younger, and
- you live in California (except Monterey County).

AFLP helps you find and sign up for programs and services, including

- food aid (WIC and food stamps),
- Medi-Cal for you and your child,
- family-planning services,
- housing aid, and
- employment aid.

AFLP can also help you get

- childcare,
- parenting classes, and
- referrals to other programs.

To find your local AFLP:

- visit www.cdph.ca.gov/programs/aflp/Pages/AFLPCoordinatorDirectory.aspx, or
- call **1-866-241-0395**.

Most AFLP offices are in hospitals, schools, public health departments, or community organizations.

How to Stay Safe

This part of the guide tells how you and your baby can stay safe. It explains

- care that all parents must give their children,
- laws that protect you and your baby, and
- what to do if someone hurts you or your baby.

What kind of care does my parent or guardian have to give me?

Your parent *must*

- give you food, clothing, shelter, and needed health care,
- supervise you, and
- give you a safe place to live,

If your parents do not do these things, they may be guilty of child abuse or neglect.

Your parent *must not*

- abandon you,
- kick you out of their home unless they find another safe place for you to live,
- hurt you, try to hurt you, or make you afraid of being hurt,
- make or let someone else hurt you, nor
- sexually assault you or let someone else assault you.

Note: Spanking is not always considered child abuse.

Does my parent or guardian have to help me with my baby?

No. Your parent does not have to

- give your baby a place to live, or
- let your baby live with him/her.

That is your job. For more information, see *Raising a Child* on the page 52 in this guide.

Until you are 18 or emancipated, the law says your parents *must* take care of you and keep you safe. **You must do the same for your baby!**

What is child abuse?

No one has the right to hurt you or your baby. It does not matter whether that person is related to you, lives with you, or has a relationship with you.

No matter who is doing it, the law protects you and your baby from

- physical, sexual, and emotional abuse,
- harassment,
- domestic violence, and
- stalking.

These things are child abuse when they happen to a minor. The law also says that some people, like teachers, doctors, and social workers, must report suspected child abuse.

Someone who is required by law to report child abuse is called a **mandated reporter**. Most adults who work in schools, hospitals, and social-services agencies are mandated reporters. If a mandated reporter learns that you or someone you know is abusing a minor or being abused, they must tell the police or Child Protective Services (CPS).

The following groups are usually mandated reporters:

- teachers and some other school employees,
- case managers at programs for pregnant and parenting minors,
- some workers at camps, youth centers, and other youth organizations,
- social workers,
- probation officers,
- police officers and firefighters,
- doctors, nurses, dentists, psychologists, and other health care workers, and
- religious leaders.

Usually, they keep your conversations private. But mandated reporters must report any suspected child abuse to protect minors.

When is sex considered child abuse?

Mandated reporters must tell the police or CPS if they “reasonably suspect” child abuse. Child abuse can mean physical abuse, neglect, sexual abuse, and sometimes even sex that you agreed to have.

Mandated reporters should only tell the police or CPS about your sexual relationships if they learn that

- you are 15 or younger and you say that you had sexual intercourse with someone 21 or older,
- you are 15 or younger and you say that you had any kind of sexual activity (including touching) with someone at least 10 years older than you,
- you are 13 or younger and you say you had any kind of sexual activity (including touching) with someone 14 or older, or
- you are 14 or older and you have had any kind of sexual activity (including touching) with someone younger than 14.

They are also required to report

- any sexual contact with a minor that the minor may not have agreed to, even if the partners are the same age, and
- sex if one minor partner is being hurt or taken advantage of.

Note: If you are pregnant, trying to get birth control, or if you have an STI, that alone does not mean that a child abuse report needs to be made.

Child abuse is different than *statutory rape*. Mandated reporters of child abuse do **not** have to report statutory rape, but they **must** report child abuse. For more information on statutory rape, see [Sex](#) on page 10 in this guide.

What should I do if I suspect that what happened to my child or me is child abuse?

Talk to a counselor, doctor, or school official. They will report it to the police or to CPS.

Or you can report it to CPS. Each county has its own child-abuse hotline. Look for yours at www.childsworld.ca.gov/res/pdf/CPSEmergNumbers.pdf.

A social worker will probably come to your home or your school and investigate the abuse.

Can I talk to someone about the abuse privately?

Yes. But the law says that some people, such as teachers, social workers, and doctors, **MUST** report any suspected child abuse even if you do not want them to.

What is domestic violence?

Domestic violence means to harm you (for example, hit, kick, hurt, scare, throw things, pull hair, push, follow, harass, sexually assault, etc.) or threaten to harm you.

Domestic violence includes physical, sexual, or emotional abuse committed by someone you have a close relationship with, such as

- your parent, brother, sister, or other close relative,
- your spouse or ex-spouse,
- someone you are dating or used to date,
- someone you live with or used to live with,
- someone you were engaged to, or
- the parent of your child (even if the child does not live with you).

Is domestic violence ever OK?

No, it is never OK. **No one**—not even those closest to you—has the right to hurt you, try to hurt you, or threaten to hurt you.

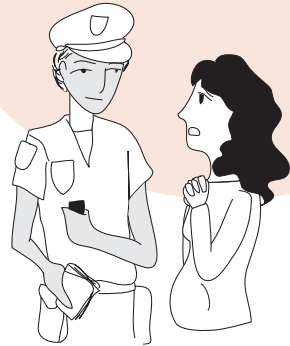
What is dating violence?

Dating violence is a form of domestic violence when the person you are dating hurts or threatens you. It includes physical, sexual, and emotional abuse, such as not letting you

- see your friends or family,
- check your cell phone,
- go out by yourself, or
- control your own life.

*Elsa's dad
beat her because
she got pregnant.
Is that his right?*

No. When she's in a safe place, Elsa should ask for help from an adult she trusts, the police, or the Department of Social Services, or she should call 911.



What is sexual assault?

Sexual assault is someone forcing or pressuring you into sexual activity, including

- vaginal, oral, or anal sex, and
- touching breasts or genitals with hands, mouth, or any other part of the body.

It is against the law for someone to make you engage in or pressure you into sexual activity.

What is rape?

Rape is one kind of sexual assault. Rape means forcing someone to have sexual intercourse. It is rape if someone has sex with you when

- you do not want to,
- you are asleep, drunk, drugged, or in some other way not able to agree to have sex,
- the person threatens to hurt you, your child, or family if you do not have sex, or
- you are tricked into having sex.

Important! You have the right to say **“No”** to sex of any kind. *Always. No matter what.*

Is it rape if I know the person who forced me to have sex?

Yes. In fact, most victims know their rapists. It may be someone you

- had sex with in the past,
- are married to, or
- agreed to have sex with, but then changed your mind.

Even if you know the person, it is still a crime if someone forces you to have sex when you do not want to.

What should I do if I am raped?

Get help as soon as you can:

- call **911**,
- go to the nearest hospital,
- call the National Sexual Assault Hotline: **1-800-656-4673**, or
- go to this website to get help: www.rainn.org.

Why should I get help right away?

You will need medical care, including

- STI/STD and HIV testing and treatment,
- medical treatment, if necessary, and
- emergency contraception (EC) to prevent pregnancy.

Important! If you could have been exposed to HIV, getting treated right away can keep you from getting HIV. If you wait more than a few days, you may not be able to get this treatment.

What if I have questions and want someone to help me?

Your county may have a Rape Crisis Center. If you call, a counselor will answer all of your questions and tell you about your rights. Or you can call the National Sexual Assault Hotline at **1-800-656-4673**.

What if I am raped and worried about getting pregnant?

All hospitals must offer you emergency contraception (EC) to prevent pregnancy. The most common type of EC is Plan B[®]. It is also called the Morning After Pill.

It can be taken for up to 4 days after sex, but it works best if you take it as soon as possible. You should take it right away, even if you were using birth control. For more information on EC, see [Sex](#) on page 4.

What if someone makes me feel afraid?

Other laws can protect you. For example, it is against the law for someone to

- harass you,
- stalk you, or
- make obscene, threatening, or annoying telephone calls, text messages, or emails—it does not matter if you answer them or not.

If you are afraid, talk to someone you trust, such as a teacher or counselor. You can also talk to a police officer or go to court. Ask the court to make orders to protect you.

What can I do if my child is or I am in danger?

- **Call 911** if you need help now or think you may need help soon.
- When the officer comes, you can ask for an Emergency Protective Order. This order tells the person you are afraid of to stay away from you (and your child) for five to seven days. It also gives you temporary custody of your child.
- The police may also arrest the person who hurt you.
- The police must write a report about what they see. That report can help you later.

What can I do if I am worried about being hurt?

First, make sure you are safe. You can go to a

- friend's or relative's home,
- shelter, or
- public place where you can call the National Domestic Violence Hotline at **1-800-799-7233**—it's free and private, and they can help you in any language.

If you have time and it's safe, take your keys, money, and important papers with you.

How can I find a shelter?

You can

- call **911**, if you need help now, or
- call the National Domestic Violence Hotline: **1-800-799-7233**
TDD: 1-800-787-3224.

For more information, visit one of these sites:

- www.ndvh.org
- www.cpedv.org

Are the police supposed to help me if I call to report a crime or ask for help?

Yes. The police must help anyone who calls to report a crime and anyone who needs help. It does not matter how young you are or whether you are an undocumented immigrant. The police should not turn you over to Immigration for reporting a crime, and you should not have to answer questions about your immigration status.

What if the police ask me questions?

You do not *have* to answer their questions. But you can if you want to.

If you decide to answer the officer's questions, **tell the truth!** Make sure any information you give them (names, addresses, things you saw, etc.) is correct.

Important! It can be a crime to lie to the police or to give them a false ID or false name. If you are undocumented and you are arrested, you can end up in deportation proceedings. Stay calm with the police. Do not run. Do not lie. Tell them you want a lawyer or someone with you, or ask if you can come by the station later to answer questions.

The police need help from people in the community to find and arrest criminals. You may have important information that can help them.

Restraining Orders

This part of the guide tells about court orders you can ask for if you are afraid of being hurt. It explains

- what to do if someone has hurt you or tried to hurt you,
- what to do if someone is stalking you or harassing you,
- how to get a court order to keep that person away,
- how a court order can help you, and
- who can help you with the order.

Can I get an order from a court to protect my child and me?

Yes. If someone has hurt you or your child (or has tried or threatened to do so) you can ask the court for a special order that will protect you. It's called a *restraining order*.

The *restraining order* will tell the other person to do or not do certain things. For example, the order can tell the other person to stay away from you, your work, your car, your home, or your child.

What if I need an order now?

If you are in danger *now*, call the police and ask for help, including an Emergency Protective Order (EPO). You do not need to go to court to get an EPO. An EPO orders the person to stay away from you for five to seven days.

To get other orders, which last longer, you (or someone helping you) must fill out court forms and file them at court. A judge will decide whether to make the order. The judge will decide the same day or the next business day.

How can a domestic-violence restraining order help me?

A restraining order can tell someone to

- stop hurting you physically or sexually,
- stop stalking, threatening, harassing, emailing, texting, or calling you,
- not contact or go near you, your children, your relatives, or others who live with you,
- move out of the home you share (then, if you had to leave, you could go back),
- stay a certain distance away from you and your child,
- pay you back for medical care, missed work, etc., caused by the abuse,
- not have any guns, and/or
- return your property.

When you fill out your form, tell the court what kind of orders you need. For example, if you want the person to stay away from you and your home, but be able to visit the child you share, you can ask the court to make an order that allows for visitation.

Can I ask for other orders when I get a restraining order?

Yes. There are many different kinds of orders you can ask for. If you have a child with the person, you can ask the court to make orders about

- custody,
- support,
- visitation, and
- travel restrictions.

If you are or were married to the person who abused you, you can ask the court for orders for spousal support and ones regarding any property you share.

Can I ask for an order even if I am under 18?

Yes. If you are 12 or older, you can ask for a domestic-violence restraining order. You do not have to ask an adult to do it for you, though it may be helpful.

Marny got a restraining order against her boyfriend, but he still calls. What can she do?

If the order says he can't call, she can call the police who may arrest him.



What happens if the restrained person does not obey the order?

If the restrained person disobeys the order, he or she can be arrested and charged with a crime.

How do I get a domestic-violence restraining order?

You must

- fill out and file court forms that tell the court about your situation, and
- go to court.

Where do I get the court forms?

You can get the court forms at

- your local court clerk's office, or
- online at www.courtinfo.ca.gov/selfhelp/protection/dv. (This website lets you download them or fill them out online. The website also explains the process and can answer many of your questions.)

Can someone help me fill out the court forms?

Yes. You can get help from your local

- domestic-violence shelter,
- court's self-help center (if they have one),
- court's Victim Witness Program,
- Child Protective Services, or
- other advocates.

Or contact the National Domestic Violence Hotline. They will connect you with someone who can help you.

1-800-799-7233

TDD: 1-800-787-3224

www.ndvh.org

Will the court give me a free lawyer?

Maybe. If you ask the court for a free lawyer, you may get one. But you do not have to use a lawyer. You can speak for yourself, if you want to. Still, it's a good idea to get help from the court's Self-Help Center or Victim Witness Advocate.

What if I do not speak English well?

When you file your papers at court, ask the clerk to send an interpreter for your hearing.



When will I know whether the court will make the orders I ask for?

The court is supposed to decide about the order on the same day or next business day after you file. If the court thinks you or your child is in danger now, the judge will make a temporary restraining order (TRO, for short).

You may feel nervous about going to court. To learn about how to get ready, see [Going to Court](#) on page 117.

Do I have to go back to court after I get my TRO?

The TRO only lasts until your hearing (usually two or three weeks). If you want your order to last longer, you must go to your hearing and ask the court to make the order last longer. The judge can make orders that last for up to five years.

Staying in School

This part of the guide explains

- your right to stay in your same school if you are pregnant or have a child,
- how to choose another school, if you want, and
- Cal-SAFE, a government program to help you keep going to school.

Can I stay in school if I am pregnant or have a child?

Yes. The law says you have the right to stay in your same school, if you want to. You also have the right to

- change schools, and
- take part in all school activities, including sports, after-school activities, clubs, proms, and graduation.

If your school tells you that you cannot stay in school or take part in school activities because you are pregnant or have a baby, you may be able to get free legal help from the California Women's Law Center:

- call **1-323-951-1041**, or
- visit www.cwlc.org.

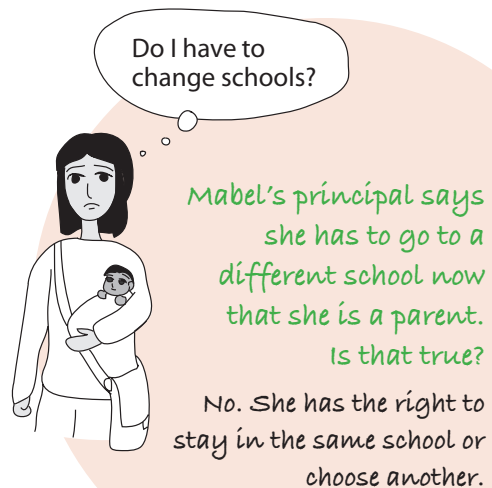
Can the school treat me differently because I am pregnant or have a child?

No. It is illegal for the school to treat you unfairly or harass you because you are pregnant or have a child. It is also against the law for you to be treated unfairly because of your

- race,
- gender,
- sexual identity, or
- sexual orientation.

Talk to your school counselor or another adult if you are being treated unfairly for any reason.

If the problem does not go away, call a lawyer. The lawyer will help you no matter how old you are. You can get free legal help at www.lawhelpcalifornia.org/CA/index.cfm/index.cfm.



Do I have to be living with my parents to enroll in school?

No. Any adult that you live with can enroll you in school. But

- your parent or guardian must write a letter saying that the other person can care for you, or
- the person you live with must fill out a Caregiver Affidavit form. This will allow you to sign up for school and get school health care if you need it. You can get the form at www.courts.ca.gov/documents/caregiver.pdf.

If you are not living with an adult, it will be difficult to enroll in school.

What if I am homeless?

Even if you are homeless, you have the right to go to school (the one you've been in or a new one). You may be living with friends, at a shelter, or outside the school district.

The school must let you stay even if you do not have some of the information it usually requires, such as

- a home address,
- school or health records, and
- a regular place to live.

The school must also put you in touch with a person called a *Homeless Liaison*, who works at your school.

How can a Homeless Liaison help me?

Your *Homeless Liaison* can help you get

- enrolled in school or get your child enrolled,
- rides to and from school, and
- referrals to a doctor, dentist, or counselor.

To get a list of Homeless Liaisons, go to www.cde.ca.gov/sp/hs/cy/.

Nancy is homeless in a new city. Can she go to school?

Yes. She must go to school until she graduates, gets a certificate of proficiency, or turns 18. There are several ways to do this.

To see a list of options, go to page 90.



Can I stop going to school because I am pregnant or raising a child?

No. The law says you must go to school until you

- graduate,
- get a certificate of proficiency, or
- turn 18.

Can I miss school to get reproductive health care or because I am pregnant?

You can miss school for health care reasons.

Excused absences include

- getting health care services, including abortion (and you have the right to leave school without telling your parents),
- having problems with your pregnancy that make it impossible for you to go to school, and
- giving birth and recovering after birth.

If you miss school because of your pregnancy or a sick child, you do not need a note from your doctor.

Your school must let you leave for confidential services like reproductive health or pregnancy care without your parents' permission. For more information on confidential services see [Birth Control](#) on page 5.

Exception: If your school requires all students who miss school for health care reasons to give proof, then you must, too.

Who do I tell if I have to miss school because my child is sick?

Your school office can give you more information about this.

Can I miss school if my child is sick?

You can get an excused absence if you need to miss school because of your child's health care needs. This includes

- taking your child to regular doctor's appointments or other health care services,
- staying home to take care of your sick child, and
- taking your sick child to the doctor.

Warning! Some of these rules may be different if you attend a Charter School. Talk with your school counselor about your Charter School's rules.

Can I make up schoolwork I miss?

Yes. Your school must

- let you make up work you missed,
- let you do a “reasonable equivalent” of the missed classwork, if you cannot do the same work,
- count your missed day(s) as an excused absence, and
- arrange for help, such as a tutor or someone to deliver and pick up assignments if you are out of school for a while.

Important! You must ask your school for help. They may not help you make up your missed work unless you ask them.

Can I breastfeed my child in School?

Yes. The law says you can breastfeed your child anywhere you and your child have a legal right to be. If you are allowed to bring your child to school, you can breastfeed there. You cannot be forced to breastfeed in the bathroom or anywhere you don’t want to be.

Can I choose my school?

Yes. The law says you can choose your school. You can go to any of the following, depending on what’s available in your community:

- your current school,
- a continuation school,
- a GED program,
- independent study,
- adult education classes (the schedule may be better for teen parents),
- community college or Regional Occupation Program (ROP) classes (these give you high school credit, and the classes are free or low-cost for high school students), or
- a school for pregnant and parenting teens (they will have special services to help you during your pregnancy and as a parent).

The choice is yours. No one can make you go to any of these schools instead of your home school, if you do not want to.

How can I decide what school is right for me?

Try to find out as much as you can about the different schools and their programs. Ask these questions:

- Does the school have special programs for pregnant teens and teen parents?
- Can I have a flexible schedule?
- What classes are available?
- What degrees are offered?
- Does the school have the classes I need to get into college later?
- Can I participate in sports or other after-school activities?
- Can I change schools if one does not work out?

It's a good idea to talk to or email other people about your options, including

- your school counselor,
- teachers,
- recent graduates of the schools or programs, and
- other teens at the schools.

You can also search the Internet to find out what people say about each school. Try to visit the schools you like most to see whether they are right for you. If you want to go to college, it is important to find out if the school offers the courses you need to get into the college you choose.

Note: Remember that if you stay at your school, they must support you. Or, if you choose another school, you can still take courses at your old school if you need to.

Are there any special school programs to help me?

Yes. California has programs that help pregnant and parenting students stay in school and do well. They are

- Cal-SAFE, and
- Cal-WORKs Welfare to Work Teen Parent Program. For more about Cal-WORKs, see *Programs that Give You Money* on page 67.

What is Cal-SAFE?

Cal-SAFE stands for *California School Aged Families Education*. It is a statewide program for middle and high school students under 18 who are pregnant or have a child.

Cal-SAFE lets you stay in school and take care of your child in a supportive environment. About 75 percent of the counties in California have Cal-SAFE programs.

To find out whether there is a Cal-SAFE program near you

- ask at your school,
- call **1-916-319-0541**, or
- visit www.cde.ca.gov/ls/cg/pp/calsafedirectory.asp.

What services can I get from Cal-SAFE?

Services depend on your needs and how much money the program has. Besides regular high school classes, Cal-SAFE may give you

- parenting and life-skills classes,
- nutrition supplements while you are pregnant or breastfeeding,
- childcare for your child at your school or nearby, and
- information about services in your community.

You might also get

- help getting ready to have your baby,
- education and counseling about
 - nutrition,
 - health, including family planning,
 - school safety,
 - alcohol and drug-abuse prevention, and
 - child-abuse and dating-violence prevention
- extra meals and snacks,
- transportation,
- tutors, mentors, and internships,
- job counseling and training,
- alcohol and drug-abuse treatment,
- mental health services, and
- other services.

Note: If you get certain services from another aid program (like AFLP), you will not get them from Cal-SAFE.

Is the Cal-SAFE program right for me?

Maybe. Think about what you need. Cal-SAFE may make it easier to finish school while you are pregnant or raising your child, but you should make sure that the Cal-SAFE school is right for you before changing schools.

What is the Cal-WORKs Welfare to Work Teen Parent Program?

If you get Cal-WORKs, you must participate in Welfare to Work. If you are under 20, are pregnant in your third trimester or have a child, and have not finished high school, you can get Cal-WORKs while going to school.

You may be able to stay in Cal-WORKs after you graduate while you look for work, get more job training or while you are working if you are very low income.

What can I get from Cal-WORKs Welfare to Work?

Cal-WORKs, sometimes called “welfare,” provides cash grants and services to very low-income families to help support them while they work or go to school. You may also get services to help you in school such as childcare, transportation to school, money for school expenses like books or school fees, and counseling or therapy if you need it.

Cal-WORKs also gives you bonuses if you do well in school!

- If you earn at least a 2.0 GPA, you can get a \$100 bonus up to four times a year. If you are on your parents’ Cal-WORKs, your parents will get the bonus.
- You can also get a \$500 bonus if you graduate or earn your GED.

Important! Save your report cards! You will have to show them to your Welfare to Work worker in order to get your bonuses.

Be careful: You can also lose your Cal-WORKs cash grant and services if you don’t go to school regularly without a good excuse or don’t make progress in your classes.

How do I get Cal-WORKs?

You can enroll in Cal-WORKs with your family or sometimes on your own if you don't live with your parents, have a child or are pregnant in your third trimester. You must apply at your local welfare office. You can find out more about applying for Cal-WORKs at your local Legal Aid office.

To find a local county welfare office:

- visit www.cwda.org/links/chsa.php
- or call **1-916-443-1749**

To find a Legal Aid office near you:

- visit www.lsc.gov/local-programs/program-profiles

Getting Married

This part of the guide is about getting married if you are under 18, including

- who can get married,
- who you can marry, and
- how to get married.

If I am under 18, can I get married?

Yes. But you will need

- permission from a judge, and
- permission from a parent or legal guardian, if you have one.

How do I get a judge's permission?

You must file a paper, called a *Petition*, at the Superior Court in the county where you live.

Your county's Superior Court may have other requirements, such as premarital counseling.

If I am emancipated, do I still need my parent's permission to marry?

Yes. You still need the same permissions if you are under 18.

Can I marry someone of the same sex?

At this time in California, you cannot marry someone of the same sex, but courts are currently considering this question.

Once you are both 18 or older, you can register as "domestic partners." Under California law, domestic partners have most of the same California rights and responsibilities as married couples.

If I got married in another state or country, am I married in California?

Yes. If your marriage is legal in that state or country, California law says you are married unless you are both of the same sex.

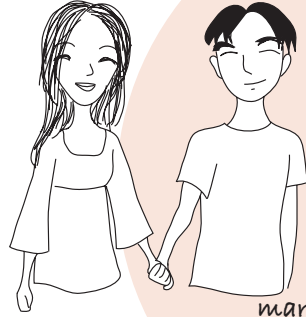
If I am a legal immigrant, can I get married?

Yes.

If I am an undocumented immigrant, can I get married?

Yes. And if you marry a U.S. citizen or a lawful permanent resident, you may apply for a green card. To learn more, see [Pregnant Immigrants and Immigrants with Children](#) on page 121.

Note: Getting married makes you an adult for immigration. If you have applied for papers through one of your parents or are in the process of getting immigration papers, you should talk to your immigration lawyer BEFORE getting married.



Eric and Naoko were married in another country. They are too young to marry in California. Are they still married now that they live here?

Yes. California honors marriages from other places even if they would not have been legal in California.

A Place to Live

This part of the guide explains

- living with your parents,
- living on your own,
- where you can live while you are pregnant,
- where you can live after you have a baby, and
- how to get help to pay for housing.

When you are pregnant or have a child, finding a safe, happy place to live may be tough.

Remember that there are people and programs that can help you.

Can my parents make me leave home because I am pregnant or have a child?

Yes, but the law says they must find a safe place for you to live. It does not matter that you are pregnant or have a child. Your parents must provide you with a safe place to live if you are

- under 18,
- not married, and
- not legally emancipated.

Important! Your parents do not have to find *your child* a safe place to live. That is **your** responsibility. If you stay with your parents, talk to them about how you will care for your child.

Where could my parents make me live?

Your parents may decide that you should live away from home. This could be at

- a friend or relative's home,
- a home for pregnant girls,
- a boarding school, or
- a treatment center or group home.

What if my parents kick me out of the house when I tell them I am pregnant?

If you suddenly need a place to stay, you can go to an emergency shelter for minors. Shelter workers are trained to help minors who are in trouble. They will

- give you a short-term place to stay,
- tell you about services, and
- offer emergency counseling to you and your parents or guardian.

Can I stay at an emergency shelter if I have a child?

Probably not. Most shelters cannot take minors with children. But you may be able to stay if you are pregnant.

How do I find a shelter?

To find a shelter

- call the California Coalition for Youth crisis hotline at **1-800-843-5200**,
- visit www.youthcrisisline.org, or
- look for a **Safe Place** sign.



Here are Safe Places in California:

Fresno

EOC Sanctuary Youth Shelter
1-559-498-8543
www.fresnoeoc.org

Glendale

The Salvation Army Glendale
1-818-246-5586
www.glendalesafeplace.org

Los Angeles

Angel's Flight
1-213-413-2311

Martinez

Northern California Family Center
1-925-370-1990
www.ncfc.us

Oceanside

YMCA OZ North Coast
1-760-721-8930

Palm Desert

Operation Safe House
1-760-343-3211

Adela's mom tells her to get out.

What can Adela do?



If her mom doesn't find her a safe place to stay, Adela can contact the California Coalition for Youth crisis hotline or visit its website about emergency shelters. She can also call the police for help.

Riverside

SafeHouse

1-951-351-4418

www.operationsafehouse.org

Sacramento

Diogenes Youth Services

1-916-369-5447

www.diogenesyouthservices.org

San Diego

San Diego Youth and Community
Services—The Storefront

1-619-325-3527

1-866-Place 2 Stay

Santa Clara

Bill Wilson Center

1-408-850-8466

www.billwilsoncenter.org

South Lake Tahoe

Tahoe Youth & Family Services

1-530-541-2445

www.tahoeyouth.org

Where can I live while I am pregnant?

If you cannot stay at home, a **maternity home** could be an option for you if you have decided to have the baby. Maternity homes are places where women can live while they are pregnant. You may also be able to stay there for a short time after you have your baby.

Note: Some maternity homes are just for women who plan to place their babies for adoption. Make sure you find out what any home you are considering offers and expects of you.

How do I choose a maternity home (home for pregnant girls)?

Before choosing, it is a good idea to

- visit the home,
- ask about their rules,
- talk to your doctor, nurse, or social worker,
- talk to friends and family, and
- talk to someone who lives there, if the home lets you.

You can also check with the state to see whether anyone has complained about the home. Look for the agency that licenses the home at

www.cld.ca.gov/res/pdf/childres_rolist.pdf.

After my baby is born, where can we live?

If your parents or guardian do not or cannot care for you and guide you, you will probably need to live with another responsible adult until you are 18, married, or emancipated. The adult can be a relative or friend. Ask a court to make the adult your legal guardian so s/he can supervise and guide you.

Can I live on my own?

Maybe. You may qualify for a **transitional living program** if you are under 18 and

- in foster care,
- in juvenile detention,
- homeless, or
- badly need a place to live.

These programs are also called “independent living programs.” They offer young people housing so they can learn how to live on their own. The program helps you have your own place and look after it.

Where can I find a transitional living program?

The **Adolescent Family Life Program** can help you look for housing in your community. Call them at **1-866-241-0395**.

Here are some other places that may be able to help you:

- **Knotts Family House**—San Bernardino
Pregnant or parenting girls, 12-17
www.knottsfamilyagency.org
1-909-880-0600
- **DCFS Transitional Housing Program**—Los Angeles
Pregnant or parenting minors
1-213-351-0190
- **Jackson Street House, Bill Wilson Center**—Santa Clara
Four one-bedroom transitional units, a six-person group home, and support services for teen mothers and their children
1-408-243-0222
www.billwilsoncenter.org

- **New Creation Home for Teen Parents**—East Palo Alto
Shared living space in two houses for moms under 22 and their children
1-650-329-3109
www.newcreationhome.org
- **YMCA Turning Point**—San Diego
1-619-640-9774
www.ymca.org
- **Children in Need of Hugs**—Suisun City
Housing for homeless moms under 18
1-707-428-3912 or **1-866-4-Teen-Moms**
www.cinoh.org/index.html

Can I stay in a homeless shelter or domestic-violence shelter?

Probably not. Many shelters require that you be with a parent or legal guardian.

Amy wants an apartment for herself and the baby. Can she rent one?

Not likely. Until she's 18 or legally emancipated, she can't sign a lease or apply for public housing.

**For
Rent**

Can I rent a place to live on my own?

Probably not. You cannot sign a rental contract unless you are

- 18,
- married, or
- legally emancipated (see *Emancipation* on page 104).

Even if you are emancipated, most landlords do not like to rent to people under 18 because they usually do not have a credit or rental history.

Note: You may be able to live with someone you know without signing a contract.

Can a responsible adult rent a place for me to live?

Yes. The adult can sign the lease (which means s/he is the “tenant”), although you and your child will live in the place. But this is a big risk for the adult because

- if you do not pay the rent, the landlord could sue the adult, and
- if the landlord did not agree to let you and your child live there, the landlord could try to evict you and your child.

Can a landlord refuse to rent to me because I have a child?

No. That is illegal (unless the housing is just for senior citizens). If this happens, call one of these numbers and tell them what happened:

- California Department of Fair Employment & Housing: **1-800-233-3212**, or
- United States Housing & Urban Development Office: **1-800-669-9777**.

Can I get help to pay for housing?

Maybe. If you need help to pay for housing, these government programs may be able to help you:

- **Section 8:** the government pays (“subsidizes”) part of your rent, and
- **Low-income housing:** low-rent apartment buildings.

How do I learn more about low-income housing programs?

Your county’s HUD (Housing and Urban Development) office can tell you more. Find your local office at:

www.hud.gov/offices/pih/pha/contacts/states/ca.cfm.

Or, search the Internet and city websites for subsidized or low-income housing projects.

When can I apply for these programs?

To apply, you must be

- at least 18,
- married, or
- legally emancipated.

Is it hard to get into these programs?

Yes. Many people have trouble paying their rent, so the programs get lots of applications. It is a good idea to get on the waiting list as soon as you can.

Can I apply to more than one program?

Yes. Apply to as many programs as you can.

If I live on my own, can I still get government aid like Cal-WORKs?

Not always. Many aid programs encourage young mothers to stay in their parents' home.

Usually, federal and state programs like Cal-WORKs only give aid to minors who live

- with a parent or legal guardian,
- with an adult relative (sister, aunt, grandmother, half-sister, etc.), or
- in a state-licensed group home or maternity home.

Important! The baby's father and/or his relatives (like his mother) do not count as your adult relatives.

See *Supporting Your Child* on page 63 to learn more about Cal-WORKs and exceptions to this rule.

Emancipation

This section is about how you can gain some adult rights and responsibilities if you are under 18.

This part of the guide explains

- what changes if you are emancipated,
- what does not change if you are emancipated,
- how to decide whether emancipation is right for you, and
- how to get emancipated.

What is emancipation?

Emancipation is a way for those under 18 to gain some of the rights and responsibilities of adults.

Can any child ask to be emancipated?

You must be at least 14 years old.

Is it easy to get emancipated?

No. You must follow certain steps, including asking the court for a *Declaration of Emancipation*.

What doesn't change if I am emancipated?

Even if you are emancipated, you still have to follow many laws for children under 18.

Until you reach the legal age, you

- cannot drink alcohol,
- cannot smoke or buy cigarettes,
- cannot drop out of school,
- cannot vote,
- cannot drive, and
- cannot work more hours than allowed for your age.*

*To find out how many hours you are allowed to work, see [Working](#) on page 111 in this guide.

What if I get in trouble with the law?

If you commit a crime, you may still be charged as a juvenile (under 18).

Important! Even if you are emancipated, it is still a crime for anyone to have sex with you unless you are married to that person.

What would change if I get emancipated?

If you are emancipated, you gain many adult rights. That means you can do some things on your own without your parent's permission, such as

- get health care,
- apply for a work permit and public benefits,
- get a driver's license or ID showing you are emancipated,
- sign up for school or college,
- sign contracts (such as for renting an apartment or buying a car),
- live where you want to, and
- make more decisions about your life, including how to handle your own money (you do not have to give any money to your parents, if you do not want to).

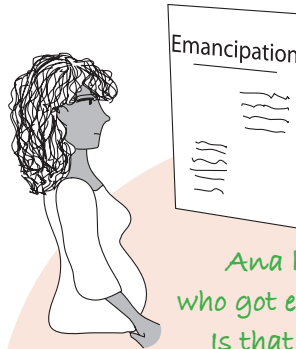
It also means your parents

- do not have custody or control over you, and
- do not have to support you or give you a place to live anymore.

Will I lose anything if I get emancipated?

Yes. It's important to think about these things:

- Once you are a legal adult, Child Protective Services (CPS) may be less willing to step in if you are being abused.
- Supporting yourself may be harder than you think, and your parents no longer have to help you.



Ana knows a girl who got emancipated. Is that a good idea?

Maybe. If she wants more control over her life and can support herself on her own, it can be good. But she will also be fully responsible for her bills, car accidents, and other parts of adult life.

- The law will treat you like an adult. This includes making you responsible for your rent payments, bills, car accidents, and all other parts of your life.
- If you make mistakes, you must fix them. If you do not pay money you owe, you can be taken to court and your credit rating will go down. If that happens, it will be very hard for you to rent another apartment or buy things on credit.

Make sure that emancipation will solve the problem you have. Many teens find it harder than they expected.

Do I have to get emancipated to get public assistance?

No. You can still do many things on your own, even if you are not a legal adult, including

- apply for aid, such as WIC, food stamps, and other benefits, and
- get many health care services.

To learn more about which health care services you can get, see [*Health Care for Baby and You*](#) on page 57.

If I am already on my own, is emancipation right for me?

Emancipation may be a good choice if you are already

- supporting yourself,
- living on your own, and
- working at a stable job.

Am I automatically emancipated if I have a child?

No. If you are under 18, the law says you are still a child.

How do I get emancipated?

There are 3 ways to get emancipated.

1. **Get married.** You need permission from your parents and the court.
2. **Join the military and serve on active duty.** You need permission from your parents, and you must be accepted by the military.
3. **Have a court declare you emancipated.** To do that, you must prove **ALL** of these things:
 - you are at least 14 years old,
 - you do not live with your parents,
 - your parents are letting you live somewhere else,
 - you handle your own money,
 - you have a legal way to make money (or are receiving aid to support yourself and the child), and
 - emancipation would be good for you.

If I ask the court to declare me emancipated, will my parents find out?

Yes. The court will

- tell them you have asked to be emancipated, and
- give them a chance to give their opinion.

Important! Even if your parents do not agree to your emancipation, if they agreed to let you live apart from them, the court can allow emancipation if it would be best for you.

How do I ask a court to emancipate me?

You must fill out court forms, including

- a petition,
- an income declaration,
- a hearing notice, and
- a *Declaration of Emancipation*.

Can someone else ask the court to emancipate me?

No. Only you can ask the court for emancipation.

Where do I get the court forms?

You can get the forms at

- your local courthouse, or
- online at www.courtinfo.ca.gov/selfhelp/family/emancip/ (you can print the forms, or fill them out online at this website).

Will I need help to fill out the court forms?

Maybe. The forms are fairly easy. But you can ask for help if you want to.

Where can I get help?

For free help, call one of these organizations. They can answer your questions and help you fill out the forms. If they cannot help you, they will tell you who can.

- Legal Services for Children: **1-415-863-3762** (San Francisco)
- Public Counsel: **1-213-385-2977, ext. 100** (Los Angeles)
- Santa Barbara Teen Legal Clinic: **1-805-962-3344** (Santa Barbara)
- Legal Advocates for Children & Youth: **1-408-280-2416** (Santa Clara County)

This website has lists of organizations that help teens for free:
www.lawhelpcalifornia.org/CA/index.cfm.

To learn more about emancipation and get emancipation forms, go to
www.courtinfo.ca.gov/selfhelp/family/emancip/.

What do I do with the completed forms?

Call the court clerk's office in your county. Ask them where to turn in your forms, and whether you have to fill out any extra forms for that county.

Let them know if you are in foster care or involved in a juvenile criminal case.

Find the phone number, address, and website of your county's court at
www.courtinfo.ca.gov/courts/find.htm.

What happens after I file my court papers?

The court should notify the following people and agencies about your request:

- the district attorney,
- the child-support agency, and
- your parents or guardian.

If your parents agree to your emancipation, they will also get a court form to fill out.

How will the court decide?

In some counties, the court orders an investigation before deciding. If your county does that, someone will contact you. The investigator may talk to other people, too, including your parents. The investigator will write a report about your situation and give it to the court.

How long does the court take to decide?

The court has 30 days after your papers are filed to

- decide your case, or
- schedule a hearing where you and others in your life would come to court to talk to the judge.

Note: If your parents agree to your emancipation, the judge may approve your emancipation without a hearing.

You may feel nervous about going to court.
To learn about how to get ready, see *Going to Court* on page 117.

How long would I wait for a hearing?

The court must give you a hearing within 60 days after your papers are filed.

Can anyone change the court's decision?

If the judge does not approve your emancipation, you can fight that decision in another court. (This is called an appeal.) Appeals are not easy, and there are very strict deadlines. You should ask one of the legal agencies listed above for help.

If the judge approves your emancipation, your parents can also fight (appeal) that decision in another court.

Do I have to pay to be emancipated?

Some counties ask you to pay a filing fee. Some do not. Most filing fees are between \$300 and \$350.

If your county charges a fee and you cannot afford to pay, you can ask the court for permission not to pay. (This is called a Fee Waiver.)

If I am emancipated, can I undo it later?

Probably not. You can ask the court to reverse (undo) its decision, but emancipation is usually permanent.

The court might take away your emancipation if

- you lied to the judge or gave evidence about your case that was not true, or
- the district attorney asks the court to undo the emancipation because you can no longer support yourself.

You should assume that emancipation is permanent and think about it fully before you decide to try for it.

If I get divorced, am I still emancipated?

Yes, if you were emancipated by getting married.

Working

This part of the guide explains

- working if you are under 18,
- getting a work permit,
- how to look for a job,
- working if you are pregnant or have a child, and
- working if you are an immigrant.

Can I get a job if I am under 18?

Yes. But there are special rules.

For example:

- some jobs are so dangerous that only adults are allowed to do them,
- you will need a work permit unless you have finished school,
- you must stay in school until you are 18, graduate, or get a certificate of proficiency, and
- your work hours are limited during the school year.

How much can I work during the school year?

It depends on your age. Anyone can do informal jobs in private homes like babysitting, yard work, or working for your parents.

Under 12: You cannot get a regular job.

12 or 13: You cannot work during the school year, but can work during school holidays and vacations.

14 or 15: You can work up to three hours a day on school days, and up to 18 hours a week during the school year. You can work full-time during school vacation.

16 or 17: You can work up to four hours a day on school days. You can work full-time on weekends, holidays, and during school vacations.

Any age: You can work in the entertainment industry, but you must have a special work permit.

For more information about working while you are in school, see [Staying in School](#) on page 87.

Do I really need a work permit?

Yes. You **must** have a work permit if you are under 18 and have not finished high school.

If you are emancipated, you still need a work permit, but your parents do not have to agree.

How do I get a work permit?

Follow these steps:

1. Get a job offer.
2. You and the person who wants to hire you must fill out a form. You can get the form at your school or from www.dir.ca.gov/dlse/dlseformB1-1.pdf.
3. Your parent or guardian also signs the form, unless you are emancipated.
4. Take the signed form to your school. They will give you the work permit.
5. If you have more than one job, you need a different permit for each job.
6. Renew your work permit at the start of each school year.

Important! Your school can take away your work permit if they think the job is hurting your schoolwork or health.

If you are not a U.S. citizen or lawful permanent resident, learn more about work-permit rules in

- *Can I get a job if I am not a U.S. citizen or a lawful permanent resident?* on page 115 and
- *Pregnant Immigrants and Immigrants with Children* on page 121.

How do I look for a job?

There are many ways you can look for a job. Try looking online. If you do not have a computer, you can use one for free at your school library, public library, or at the local Employment Development Department.

These websites have information about how to find a job:

- www.worksmart.ca.gov,
- www.cacareerzone.com, and
- www.caljobs.ca.gov.

If you are 14 or older, ask whether your school is part of the California Work Experience Education Program (WEE).

WEE can help you

- find a job,
- get job training and classes,
- work more hours during the school year, and
- get high school credit for working, if your school lets you.

Can I get a job if I am pregnant?

Yes. There are many jobs you can do when you are pregnant.

It is against the law for someone to not hire (or to fire) you because you are pregnant. Your boss must make reasonable changes if you need them to do your job while you are pregnant.

What if I am fired because I am pregnant?

It is against the law for an employer to fire you because you are pregnant. If you think your employer treated you unfairly because you are pregnant or just had a baby, there are resources that can help.

The Equal Rights Advocate hotline will give you advice, and help you get a lawyer if you need one. Call **1-800-839-4372**.

Learn about your rights at these websites:

- www.equalrights.org
- www.edd.ca.gov/Disability/

Do I have the right to take time off when I'm pregnant and when my baby is born?

In most cases, you can take 10-12 weeks off of work to give birth, recover, and bond with your baby. This is often called "maternity leave." Your boss does not have to pay you, but you may be able to get money from the state (called SDI or state disability insurance). See below for more information.

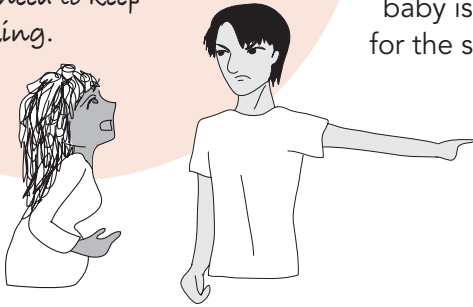
If you have health problems from your pregnancy and cannot work, you have the right to take up to four months off to recover during pregnancy and/or after your baby is born.

Can I definitely get my old job back after the baby is born?

Yes. Your boss must give you your same (or a similar) job when you come back if you don't take more time off than the law allows. If you get paid sick leave or other paid leave at your job, you have the right to use it when your baby is born. Ask your boss about this before you have your baby.

Can my boss fire me when he finds out I am pregnant?

No! It's against the law to fire you or give you a worse job because you are pregnant. In fact, your boss must make any reasonable changes you need to keep working.



Can I miss work if my baby or I get sick?

Your boss **must** let you take any leave you are entitled to (paid sick time) if you or your baby is sick. In addition, if you have worked for the same employer for at least one year, and you or your baby is *extremely* sick, your boss is probably required to let you take time off to care for yourself or your baby.

If your job does not come with sick leave and you or your baby is not *extremely* sick, you probably do not

have a right to time off. Each employer has his/her own sick-leave policies. Ask your employer what the policy is.

If you cannot work and you have no leave or you used it, you can probably get disability payments for up to six weeks.

How do I sign up for disability payments?

Ask the state Employment Development Department about *Paid Family Leave Law* and *Pregnancy Disability Leave* benefits.

Call: **1-877-238-4373**.

You can also get help and more information through these organizations:

- Legal Aid Society—Employment Law Center
www.las-elc.org
- Equal Rights Advocates
www.equalrights.org

In San Francisco, employers must give you paid time off whenever you are out sick or need to care for your sick child.

How can I work and take care of my baby?

It can be hard to have a job, go to school, *and* take care of a baby. It's hard for adults, too.

But you can get help. Look for resources in these sections of the guide:

- *Raising a Child* on page 52,
- *Supporting Your Child* on page 63, and
- *Staying in School* on page 87.

Can I breastfeed my baby at work?

Yes. You have the right to breastfeed or pump milk for your baby at work.

If you ask, your employer must give you a place where you can do this

- in private, and
- at a good time for you and your baby.

Can I miss work for my child's activities?

In most cases, your employer must let you take time off to go to your child's school activities. You can use paid vacation or personal time, if you have it.

Can I get a job if I am not a U.S. citizen or a lawful permanent resident?

That depends. To get a regular job, you will need

- a work permit from your school, **and**
- an immigration work permit (called an Employment Authorization Document) from the Department of Homeland Security (DHS) for some jobs.

But you do **not** need a permit for informal, temporary jobs like babysitting, errands, or yard work.

Will my employer check my immigration status?

Yes. To make sure you can legally work, your employer must look at your ID and immigration documents when you start a job. You will have to fill out a form saying you are a citizen, permanent resident, or have a DHS work permit.

Can I ask for a DHS work permit?

You can only ask for a DHS work permit if you qualify to apply to become a permanent resident, or if you qualify to apply for some other immigration status. These rules can be hard to understand. Ask an adult to help you. Don't rely on someone who promises to legalize your status. Only rely on a lawyer or community organization with a good reputation.



Warning! Do not apply for a DHS work permit if you are not eligible. You could be deported.

For more information, see *Pregnant Immigrants and Immigrants with Children* on page 121. You can also learn more at www.uscis.gov.

What happens if I lie or use fake papers?

It is a crime to claim you are a U.S. citizen if you are not.

You could be **deported** if you

- lie about your immigration status,
- use fake papers, or
- use someone else's ID—driver's license, Social Security card, birth certificate, green card, or work permit.

If you lie or use fake papers, it could be very hard for you ever to become a lawful permanent resident or citizen.

Going to Court

This part of the guide talks about times you may want to or need to go to court. It explains

- how to get ready for court,
- what happens in the courtroom, and
- how to act in the courtroom.

Why would I go to court?

You may have to go to court if you want

- child support or custody orders for your baby,
- permission to get married,
- permission to be considered an adult for some purposes (emancipation), or
- a restraining order to keep you safe.

You may also have to go to court if you are accused of a crime, you are a witness, or the court wants information about your family.

How do I contact the court?

The first thing you should do is contact the court clerk. The court you call should be the Superior Court for the county you live in. You can locate the phone number in the blue pages of your local phone book or on this webpage: www.courtinfo.ca.gov/courts/find.htm. You can find out more about your county's court by visiting its webpage.

When you call, the clerk or phone system may ask for the area of law you are dealing with. Most issues in this guide deal with **family law**.

The clerk of the court may suggest you call or visit the office of the Family Law Facilitator. This office can help you with court forms. Every county court has one of these offices. A directory of offices is located at www.courts.ca.gov/selfhelp-facilitators.htm.

What if I miss a court hearing?

Depending on the type of hearing, the court may

- make decisions without you,
- close your case,
- issue a warrant for your arrest, and/or
- hold you in contempt of court (which can mean jail time).

What if I have an emergency and cannot go on my court date?

Call the court clerk and your lawyer *before* your court date. If you are a witness in a criminal case, call the District Attorney. Explain why you cannot be there. The court may give you a new court date.

When you go to court, make plans and get to court early.

You may have to

- get a babysitter,
- arrange for transportation,
- tell your school or boss about your court date (the school *must* allow you to go and excuse your absence), and/or
- make back-up plans for a sitter and transportation in case the first plan does not work out.

Call your lawyer or the court the day before to make sure the time and date of the hearing have not changed. Give your lawyer your phone number, so s/he can call you about any changes.

How can I get ready for court?

You should

- talk to your lawyer or an adult you trust—ask what will happen in court,
- if the judge is going to ask you questions, practice answering them with your lawyer or another adult—this will make you feel less nervous,
- make sure your lawyer has your phone number so s/he can call you if your court date changes, and
- get to court early!

There may be traffic or parking may be difficult. And it can take a long time to go through security and find your courtroom. You can ask the security guard to direct you.

What happens if I am late to court?

If you are going to be late, call your lawyer and the court clerk **right away** and say why.

What should I wear in court?

Dress neatly and wear simple clothes that cover most of your body. This shows respect for the court and helps make a good impression.

Do **not** wear clothes that attract a lot of attention. Also avoid

- flip-flops or slippers,
- t-shirts with pictures or slogans,
- lots of jewelry or make-up,
- gang-related clothing, and
- hats.

How do I act in court?

Show respect to everyone in the courtroom.

That means

- turn your cell phone **off** and keep it out of sight,
- sit or stand up straight,
- look at the person talking to you, and
- when you speak to the judge, say "sir" or "ma'am" or "your honor."

Do not

- chew gum,
- whisper or talk when it is not your turn, and
- use bad language, or try to be funny or sarcastic.

If you get upset, ask for a break to cool down.

What if the judge or lawyer asks me questions?

Do your best to answer them. You should

- always tell the truth,
- listen carefully,
- look at the person talking to you,
- take your time to answer,
- if you do not understand, say, "I did not understand the question,"
- if you do not know an answer, say "I do not know,"
- always answer questions out loud—say "yes" or "no" instead of nodding or shaking your head, and
- speak clearly, slowly, and loudly enough to be understood.

The judge knows you will be nervous. Everyone gets nervous when they go to court. Try to relax.

Should I bring someone to court?

If there is an adult you trust who would make you feel more comfortable, ask your lawyer if it would be OK.

It may not be a good idea to take a friend because

- the court may ask your friend to wait in the hallway while you are in court,
- your friend may talk to other people about what happens at court, and
- your friend may not know how to behave in court.

If you want a friend to take you to the courthouse, you can ask him or her to wait in the hallway until your case is finished.

In most cases, you should not bring your children to court.

Pregnant Immigrants and Immigrants with Children

What is the difference between a citizen, an immigrant, and a permanent resident?

- A **U.S. citizen** is someone who was born in the U.S. or to U.S. citizen parents, or someone who applies to become a citizen and gets naturalized.
- An **immigrant** is anyone living in the U.S. who is not a U.S. citizen. Some immigrants have documents like green cards, or work visas, or other kinds of visas. Other immigrants are undocumented. That means they do not have a green card or other valid legal visa.
- A **lawful permanent resident** (someone with a “green card”) is an immigrant with legal permission to live in the U.S. for as long as s/he wants to. Permanent residents get special cards that they must carry. (Cards issued since 2010 are green. Older “green cards” may be yellow or gold.)

Does it matter whether I am a U.S. citizen or an immigrant?

In the U.S., some public benefits are only for U.S. citizens and lawful permanent residents. But anyone, including undocumented immigrants, can get the following benefits:

- police and other emergency services,
- court services,
- Family PACT—birth control, STI testing, and other reproductive health services,
- Medi-Cal for pregnancy or abortion,
- hospital services for labor and delivery of your baby,
- WIC—food, parenting classes, and health care referrals for families with young children, and
- Grants and loans for colleges in California.



Will my baby be a U.S. citizen?

Yes, if she is born here. She will be eligible for all public benefits. You can apply for benefits for her, even if you are not eligible.

Can I become a U.S. citizen?

Maybe. To become a U.S. citizen you must first become a permanent resident. Then you must wait five years (or three years if you are married to and living with a U.S. citizen) before you can apply for U.S. citizenship. It is not easy for an undocumented immigrant to become a permanent resident.

How can I become a permanent resident if I am an undocumented immigrant?

That question is too complicated to answer in this guide. But the table below gives you some information. If you have questions or think any of these laws apply to you, talk to an immigration lawyer or a community organization that helps immigrants.

Special Immigrant Juvenile Status (SIJS)

If you are unmarried, under 21, and were abused, neglected, or abandoned by your parents in the U.S. or your home country, you may qualify for SIJS and permanent residency. Many applicants for SIJS

- are or were in foster care,
- have or had a court-appointed guardian, or
- are in delinquency court.

Important! If you get married or turn 21, you will not be able to qualify for SIJS.

U Visas

If you (or your child or parent) have been a victim of certain kinds of crimes, and you help or agree to help the police, you may qualify for a U Visa and permanent residence.

These crimes include

- domestic violence (abuse by someone you live with, are related to, have a child with, and/or are or were in a relationship with),
- sexual assault,
- rape,
- assault, and
- certain other serious crimes.

If you have been the victim of a crime, you should talk to a lawyer about the U Visa law.

<p>Violence Against Women Act (VAWA)</p>	<p>If your parent, stepparent, adoptive parent, or legal spouse (who is a U.S. citizen or permanent resident) abuses you, this law allows you to apply for permanent resident status. This law protects girls and women. It also protects boys and men.</p>
<p>Permanent Residency through a Relative</p>	<p>If you have a qualified relative, you might be able to apply for permanent residence.</p> <p>A qualified relative includes your</p> <ul style="list-style-type: none"> • parent, stepparent, or adoptive parent who is a U.S. citizen or permanent resident, • husband or wife who is a U.S. citizen or permanent resident, and • child, sister, or brother who is a U.S. citizen and at least 21. <p>Becoming a permanent resident through a relative is very complicated and can take many years. There are many rules that make it difficult for applicants.</p>
<p>Asylum</p>	<p>You can qualify for asylum if you or someone in your family had to leave your country (or cannot return to your country) because of danger or serious harm related to political, religious, or racial problems.</p>
<p>Cancellation of Removal (Order to Stop Deportation)</p>	<p>Cancellation of removal is very difficult to get. But you may qualify to apply if</p> <ul style="list-style-type: none"> • you have lived in the U.S. for more than 10 years, • you have a child who is a U.S. citizen, and • immigration is trying to deport you now.
<p>Other</p>	<p>There are other ways to legalize your status that are not listed here. You should check in regularly with an immigration lawyer or a community organization that helps immigrants. The laws change almost every year. And, sometimes the courts interpret old laws differently. Even if you cannot legalize your status now, the laws may change.</p>

If I have documents from my home country, can I legalize my U.S. immigration status?

Many immigrants have documents from their home countries. You may need them later if you apply for permanent residency. But having citizenship documents from your home country does **not** mean you can automatically become a documented immigrant here.

Can I travel within the U.S.?

Yes. If you are a permanent resident, carry your green card (or a copy) with you. If you are an undocumented immigrant, be careful when you travel. Do not drive unless you have a valid driver's license.

If you take a plane, bus, or train, you will probably have to show a valid government-issued ID, such as a driver's license, passport, or employment authorization card. You can travel as a passenger in a car without ID.

You should also be aware of immigration checkpoints, especially near the U.S.-Mexico border.

If I leave the U.S. will I be able to return?

That depends on your status.

- If you are a **permanent resident**, you can come and go from the U.S. at any time.
- If you are **applying for legal immigration status**, you should not (in most cases) leave the U.S. until your application is complete.
- If you are in a **removal proceeding**, you cannot leave the U.S. until your case is decided.
- If you are an **undocumented immigrant** and you leave the U.S., you may not be able to return to the U.S.

What if an Immigration Officer questions me?

Immigration Officers usually ask where you were born and whether you have immigration documentation.

If you are a **permanent resident**, you must carry your green card (or a copy) with you at all times. Show the card to the Immigration Officer, if s/he asks to see it. You do not have to show it to the local police unless you have no other identification.

If you are an **undocumented immigrant**, follow these two rules.

- You do not have to answer the Officer's questions, if you do not want to.
- If you decide to answer the Officer's questions, do not lie. It is better NOT to answer than it is to lie. If you lie, and later try to become a permanent resident, that lie can be used against you.

Tony plans to lie about his immigration status so he can get a job when the baby comes.

That's a mistake. Tony could be deported and also lose any chance for legal status in the U.S. in the future.



What if an Immigration Officer arrests me?

If an Immigration Officer arrests you, s/he may ask you to sign a paper to give up your right to a removal hearing. It is not a good idea to do this.

Do not sign any papers giving up your rights without talking to a lawyer first.

Important!

Remember these rules:

1. You do not have to answer an Officer's questions, if you do not want to.
2. If you decide to answer the Officer's questions, **do not lie**.

Will I be sent to prison?

Most people arrested by Immigration do not face criminal charges. They usually go through removal proceedings (deportation). A removal hearing is very serious—an immigration judge will decide whether you can stay in the U.S. If you lose, you will likely be deported.

Because removal hearings are not criminal hearings, you do not have a right to have a government-appointed lawyer speak for you. If you want a lawyer, you or your family must find one. When you are arrested, you should ask for a list of free or low-cost lawyers.

What if I cannot afford a lawyer?

Organizations in your community may be able to advise you or refer you to a qualified lawyer. In some places, you can get legal services for free.

If you cannot get a free lawyer, you will have to speak for yourself at the hearing.

Will I have to stay in detention until the hearing is over?

Maybe. Sometimes you can get out if you promise to return. Or they may let you out if someone pays a bond. The amount of the bond varies. The minimum is \$1,500.

Ask a friend or relative who is a **U.S. citizen** or has **legal immigration status** to pay the bond.

What will happen to my child if I am detained?

If you are undocumented and have a child, make plans now for someone to care for your child if you get arrested. If Immigration does arrest you, tell the Officer right away that you have a child and that you need to make arrangements for someone to care for your child.

What if Immigration arrests my relative or friend?

If you are an undocumented immigrant, do not go to an Immigration office or detention center to help your relative or friend. If you go, you may be arrested, too. If you want to pay a bond or send a message, ask someone who is a U.S. citizen or permanent resident to do it for you.

Immigration arrested Adriana's mom. Who can visit and pay the bond?

If Adriana is undocumented, she should ask a U.S. citizen or a permanent resident to do these things.



How can I try not to be deported?

Make sure you obey the laws, and stay away from people who do not obey the law.

Many people who are detained by Immigration were first stopped or arrested by the police. For example, the police may stop you or someone you are with for a traffic violation. Even if you are not charged with a crime, the police can turn you over to Immigration.

Will the police help me if I am a crime victim?

Yes! If you were a victim or witness of a crime, ask the police to help you. They should not turn you over to Immigration.

Should I get legal advice?

Immigrants often need advice to understand how the legal system works. But be very careful when you look for advice. There are people who seem to be lawyers—or even say they are lawyers—but they are not.

An immigration consultant, paralegal, or notary public is not a lawyer. A good lawyer would never “promise” or “guarantee” to win your case.

How can I get legal advice?

Talk to a lawyer as soon as possible. You can contact organizations in your community. Visit this website that lists lawyers and organizations that offer free legal services to immigrants facing deportation:

www.justice.gov/eoir/probono/freelglchtCA.htm.

Pregnancy and Parenting in Foster Care

If you are pregnant or have a child while in foster care, you have the right to make decisions about

- your health care, including birth control and STI testing and treatment,
- your pregnancy, including whether you will give birth or have an abortion, and
- your child's care and custody.

This part of the guide explains these rights. It also explains what you can do if you want to

- keep your child with you in foster care, or
- take your child with you when you leave foster care.

As a foster child, do I have the right to use birth control?

Yes. You have the same rights as anyone else under 18 to use birth control and other types of health care.

If I get pregnant, do I have the right to give birth or have an abortion?

Yes. You have the same rights as anyone else under 18—rights to pregnancy health care, abortion, and adoption.

For more information on health care, see [Sex](#) on page 4, [Health Care for Baby and You](#) on page 57, and [Pregnancy](#) on page 11.

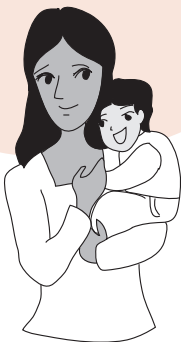
If I am in foster care, can my child stay with me?

Yes. Even if you are under 18 and in foster care, you can keep legal custody of your child. That means you can make all the important decisions for your child.

No one can take your child from you just because you are under 18 or in foster care. But you must care for your child, just like any parent.

Maya is in foster care and has a baby. Can her child stay with her?

Yes. If she takes good care of her child, she can keep custody of the child.



What if I am not a good parent?

Child Protective Services (CPS) may take the child from you if you

- run away,
- do not take care of the child,
- abuse the child, or
- leave the child with someone who does not care for him or her properly.

For more information on how to take care of your child, see *Raising A Child* on page 52.

As a foster child with custody, do I have the right to keep my child with me?

You and your child have the right to stay together—if CPS can find a placement for the two of you. CPS must try to do this.

Exception: You may be separated from your child if

- you do not want to be with your child,
- you are not a fit parent, or
- your child would be in danger by staying with you.

What if they cannot find a foster home where I can stay with my child?

If CPS tries to separate you and your child for any reason, talk to your social worker and a lawyer right away. Ask them to help you protect your right to live with your child.

If CPS separates you from your child for any reason, talk to your lawyer right away!

Would CPS ask me to give up custody of my child?

CPS may ask you to give up custody if

- it makes it easier for them to find a foster home for your child (even if you stay together), or
- your social worker thinks you are not caring for your child well enough, but does not want to go to court to have the child taken from you.

If I give up custody, will I be able to get my child back later?

It may be hard to get your child back, even after you turn 18 and leave foster care. Don't give up your child unless you have thought about it very carefully. Also, ask your lawyer for advice.

What if CPS asks me to give up custody just for a short time?

If your social worker thinks you are not caring for your child well enough, s/he may ask you to sign a parenting agreement. It may be a Voluntary Family Reunification (VFR) agreement, or a Voluntary Family Maintenance (VFM) agreement.

If you sign a VFR, you are saying that you

- agree to get services that may help you to be a better parent, and
- agree that your child will not stay with you during that time. Your child may live with the other parent, with a relative, or in a foster home.

If you sign a VFM, you are saying that you

- agree to get services that may help you to be a better parent, and
- agree that your child will stay with you during that time.

If I sign a Voluntary Family Reunification (VFR) agreement, when can my child move back in with me?

Most VFRs last about six months. If you follow the agreement, you will most likely get your child back.

Important: If you do not follow through with your VFR, then your parental rights will be ended and your child will likely be adopted by someone else.

If I lose or give up custody of my child, does my child have to be in foster care, too?

Maybe not. First, the court will decide whether the child's other parent can care for him or her.

The court may also check on whether your child can stay with

- your relatives, or
- the other parent's relatives.

Important! Talk to your lawyer before agreeing to let your child be in foster care. Your lawyer can explain what might happen later.

If my child is in foster care, can I get him/her back later?

That depends. If your child is under 3 years old when s/he enters foster care, you may get only six months to work with the court to get the child back. This is called a case plan.

What is a case plan?

A court-ordered case plan is supposed to give you the skills to be a good parent. It may include

- counseling for you,
- parenting classes,
- help with drug or alcohol problems, and
- planning for what happens when you leave foster care.

These are called *Family Reunification Services*. They are meant to help you become a better parent so you can get your child back.

Is it hard to complete a case plan?

Sometimes. Since you are a child and in foster care, it can be hard to do some of the things the court tells you to do. For example, the court may order you to go to counseling without thinking about how you would get there.

Do not agree to a case plan unless you are **very sure** you can complete everything in it. If you do not follow your case plan, you may not get your child back.

Talk to your lawyer before you agree to a case plan.

What if I am having a problem trying to complete the case plan?

Your social worker must help you. Contact your social worker and your lawyer if

- you need help to make the plan work, or
- you are not getting regular visitation with your child.

If you have a problem, do not wait until you go to court!

When will I get my child back?

To get your child back, you must show the court that

- you completed the case plan, and
- you can take good care of your child.

After I get my child back, am I done with the court?

No. The court and your social worker will watch you and your child for at least six months.

What if I cannot complete my case plan?

Your child may be placed

- in long-term foster care,
- with a legal guardian, or
- for adoption.

If your child is going to be adopted, the court will end your rights as a parent first. Talk to your lawyer about these possibilities.

Who is in charge of my child if we are together in foster care?

If you have custody of your child, you decide how to care for him/her—for example, how to feed and dress the baby, what to do when the baby cries, etc.

But if your child is also a foster child, a foster parent or caseworker will decide about the child's day-to-day care.

A third option is called a *Whole Family Foster Home*. That is when you have custody, but you and your foster parents together plan your child's day-to-day care.

What is a Whole Family Foster Home (WFFH)?

WFFHs are homes especially for foster children with children of their own.

In a WFFH, the foster parents get special training to show foster children how to be good parents.

In a WFFH, you and your

- foster parents,
- social worker, and
- other people you want to involve (like the child's other parent)

Agree together about how to care for your child. It's best to make a written agreement within 30 days of being at the WFFH with your child.

What should the WFFH agreement cover?

The agreement, called a Shared Responsibility Plan (SRP), should say who does what for the child and when.

It should cover things like

- food
- cleanliness
- clothing
- supplies for the child
- health care
- taking the child to appointments
- babysitting
- discipline
- sleeping arrangements
- visitors

Before you sign the agreement, read it carefully and make sure you can do everything you are promising to do. You have the right to a copy of the agreement. You may want to change the agreement from time to time as your child grows.

Is a Whole Family Foster Home right for me?

A WFFH can be a good experience. It can

- strengthen the bond between you and your child,
- prevent arguments over the child's care while you are in foster care,
- allow you time for your own activities (homework, after-school activities), and
- help you be ready to take full charge of your child when you leave foster care.

Think about whether your Shared Responsibility Plan is likely to do these things.

If my child is not with me in foster care, can we visit?

Yes. You have a right to be in contact and maintain relationships with your immediate family. This includes your child, unless a court has ended your parental rights.

It is your social worker's job to make sure you can visit your child often. *Contact your lawyer right away* if you cannot visit for any of these reasons:

- the social worker does not let you,
- you have problems getting transportation,
- your child's caregiver makes it difficult for you, and/or
- something else keeps you from visiting.

Can my child's other parent visit or care for our child?

Yes, unless the court says s/he cannot. Your social worker is supposed to make sure your child gets to see the other parent.

Does my foster parent get money for my child?

Yes. The state will increase the amount of money your foster parent or group home receives if your child stays there with you. The amount depends on whether you have custody of your child and the kind of foster home you are in.

Your foster parents will get more money to care for you and your child if

- you and your child are both foster children, or
- you are in a Whole Family Foster Home (WFFH).

If you are not getting what you need to care for your child (diapers, clothes, toys/books, etc.), talk to your social worker and lawyer.

Will I be treated differently in foster care if I have a child?

It depends on your foster-care situation. For example, your foster parents may not want or be able to care for a child. Your group home may not be able to care for babies safely.

If you are pregnant and want to have the baby, talk to your social worker, your lawyer, and your foster parents. You can decide together whether the foster home you are in will be a good place for you to stay.

If you need a different placement, the more time your social worker has to work with, the easier it will be to find a place where you and your child can be together.

Can I get help to learn how to be a good parent?

Yes. If you have a baby while in foster care, your foster parents and your social worker should help you get what you need to be a good parent, including

- parenting classes,
- child-development classes, and
- childcare.

They should also make sure you can keep going to school and other activities not related to being a parent.

CPS must also try to help you become a good parent, so you can care for your child on your own after you leave foster care.

For more information on parenting resources, see [Raising A Child](#) on page 52.

Can I take my child with me when I leave foster care?

That depends.

If you have custody of your child, your child can go with you when you leave foster care. You and your social worker should plan to find a good living situation for you. After you leave foster care, it is up to you to care for your child and to make decisions for your family.

If the other parent or a relative has cared for your child while you were in foster care, but you still have parental rights, you must ask the court to give the child back to you if the court gave them custody (called “guardianship”). You must show the court that

- you will be a good parent,
- you are able to care for your child, and
- giving you custody would be best for the child.

Then, if the judge agrees, you will work with CPS to develop a “reunification plan” to have your child live with you. You should talk to your lawyer about this.

If your social worker thinks you cannot care for your child, CPS may ask the court to make your child a dependent of the court. This means the child will stay in foster care.

Remember! If you do not keep custody of your child while you are in foster care **and** do not make or follow a Family Reunification Plan, then you will lose your parental rights, and your child will likely be adopted.

Pregnancy and Parenting in Juvenile Detention Centers

If you are in a juvenile detention center and are pregnant or have a child, it is important to know your rights.

This part of the guide explains your rights, including the right to

- birth control, abortion, and pregnancy health care,
- visit with and care for your child, and
- say who can care for your child while you are detained.

Can I get birth control while I am in a detention center?

Yes. While you are in the detention center, you have the right to

- birth-control refills (or a prescription if you need one),
- pregnancy testing, and
- emergency contraception (Plan B[®] is one example).

Can I get pregnancy health care or an abortion?

Yes. You have the right to pregnancy health care or to an abortion, if you decide to have one.

How do I ask for these health care services?

Talk to your case manager or a detention-center worker.

What if they will not give me the care or medicines I want?

Talk to your lawyer right away.

Inez is in detention—without her birth-control pills. How can she get them?

Minors in juvenile detention have the right to birth control.

Inez should tell staff about her prescription right away.

If that does not work, she should talk to her lawyer immediately.



If I am in a detention center, can I see my child?

Yes. Talk to your lawyer and other people involved in your case, such as your social worker or counselor. Tell them you want a visitation plan for seeing your child regularly.

Who can care for my child while I am in detention?

If you will be in detention for more than a few days, find a safe home where your child can stay. Ask someone you trust, like a relative or friend. If possible, make these plans before you go to the detention center.

Can my child live with me while I am in detention?

Maybe. If your child is 5 or younger, you can ask the judge to admit you to a community treatment program. If a program is available and the judge agrees, you and your child can live there while you are in detention.

If I am in detention, will I lose my rights to my child?

That depends. Child Protective Services (CPS) cannot take your child from you just because you are in detention. But if you do not have a safe place for your child to live, they can place your child in a foster home.

If this happens, they may start the process to end your parental rights, especially if

- you cannot find someone you trust to care for your child,
- you will be in detention for longer than a few months, and
- your child is under 3 years old.

If my child is living in a foster/group home, how can I keep my parental rights?

Ask your social worker how you can keep your child, and do everything s/he tells you.

Grandparents

This part of the guide has legal information for the parents of pregnant and parenting minors. You may not be a grandparent yet, but if your child is under 18 and is pregnant or has a child, this section explains things you may want to know, including

- your child's rights and duties as a parent,
- your duties to your child, and
- your rights and duties to your grandchild.

We hope this guide answers your questions and makes it easier for you to help your child.

If you are the pregnant or parenting minor, read this section and ask your parent(s) or guardian to read it, too!

It explains your parents' rights, your rights, and what they can do to help you.



How can this guide help my child?

This guide can help your child understand her rights. It answers questions your child may have. And it tells your child about

- child custody and support,
- health care,
- marriage,
- emancipation,
- the father's rights,
- parents' duties,
- housing,
- domestic violence,
- child abuse,
- public benefits, and
- staying in school.

If my daughter is pregnant, do I still have to take care of her?

Yes. Until your child turns 18, gets married, or is emancipated, you must still

- support her, and
- give her a place to live.

Your child still must follow your reasonable rules.

Can I tell her what to do about the pregnancy?

No. Only your daughter has the right to make decisions about her pregnancy. Your daughter may need and appreciate your support and advice.

But only she gets to decide to

- have an abortion,
- place the baby for adoption, or
- raise the baby herself or with the baby's father.

To learn more about the father's rights and duties, see [The Father](#) on page 39.

Do I have to support my grandchild?

No. Only your grandchild's parents must support the child. But you must support your child and give her a safe place to live. You can decide whether she lives in your home or some other safe place that you arrange.

Do I have the right to visit my grandchild?

It depends. Courts usually leave that up to your grandchild's parents.

It is a good idea to talk with your grandchild's parents about this, and hope that they will let you visit. If they do not want you to see your grandchild, it is possible, but not likely, that a court will say you can visit.

Can the court help me visit my grandchild?

Maybe. Courts sometimes order grandparent visitation.

But the court will **not** order grandparent visitation if your grandchild's parents

- are married,
- live together with the child, and
- do not want you to visit.

The court **may** order visitation if

- your grandchild is in foster care,
- you have a relationship with your grandchild, and his/her parents are not married or living together,
- your grandchild's parents are divorcing or fighting for custody of the child, or
- your daughter/son—the child's parent—is dead.

Note: Even if your situation fits one of these descriptions, the court may decide not to order visitation, especially if the child's parents are against it. The court will base its decision on what the judge believes is best for the child.

Can my child really keep me from seeing my grandchild?

Yes. The law assumes that the parent is doing what is best for the child. Unless a court decides that the parent is not able to care for the child (is an unfit parent), s/he has the right to make decisions for the child.

How do I ask for a visitation order?

Before you ask for a visitation order, you should try to make an agreement with your grandchild's parents. You may be able to get a mediator to help create an agreement that works for all of you. The mediator may write a report for the court about your meeting. You will have to go to a court hearing to finalize your agreement.

You may be able to get help from your court's Family Law Facilitator (FLF). You can find the FLF for your county at this website:

www.courtinfo.ca.gov/selfhelp/lowcost/flf.htm.

Where can I learn more about visitation?

To learn more about grandparent visitation, go to www.courts.ca.gov/17976.htm.

What if my child wants me to be the primary caregiver of my grandchild?

If your grandchild's parents want you to become the child's *primary caregiver*, you can do this on your own. Make an informal agreement with the parents. The parents can take their child back when they want.

Do I have the right to custody of my grandchild?

In most cases, no. Only the parents—no matter how young they are—have the right to custody of their children.

If a court decides the parent cannot care for the child, a grandparent may be given custody, especially if s/he has been taking care of the child. But even when parents cannot care for a child, grandparents do not have an automatic right to custody of their grandchild.

How can I ask for custody of my grandchild?

You may be able to get custody of your grandchild if

- Child Protective Services (CPS) has taken the child away from the parents and placed him/her with you,
- you or someone else asks the court to make you the child's *legal guardian*, or
- the child's parents want you to have custody.

What if my grandchild's parents want me to have custody of the child?

If your grandchild's parents want you to have custody, ask the court to make you your grandchild's legal guardian.

What does "legal guardian" mean?

If you become your grandchild's legal guardian, you will have legal custody of the child, and all the duties of a parent. But your grandchild's parents must still support the child. And they still have rights as parents.

I want custody of my grandchild. Can I get it?

The court will not give you custody unless the child's parents agree or are unfit, or you are your grandchild's legal guardian.



How do I become the guardian?

Go to Probate Court in the county where you live. You will have to do the following:

- file forms in court,
- notify the child's relatives, and
- go to a court hearing.

If the court thinks it is best for the child, you will be named guardian.

How does the court decide what is best for a child?

The court looks at

- the other parent's situation,
- who has been caring for the child,
- your background, including any criminal record,
- whether you have been involved in any CPS cases, and
- who you live with and whether they have criminal records, drug problems, or mental illness.

What if I am my grandchild's guardian and the parents want the child back?

If you are the legal guardian, the child's parents cannot make you give their child back to them. To do that, they must ask the court to end your guardianship.

If I am my grandchild's guardian, can I get government aid?

Maybe. You may qualify for certain programs, including

- Cal-WORKs,
- Kinship care,
- Medi-Cal, and/or
- food stamps.

Does getting aid for my grandchild depend on my income?

No, because you are not legally responsible for supporting your grandchild. But if you get Cal-WORKs for your grandchild and his/her parents are working, they may have to pay child support. To learn more, see [Supporting Your Child](#) on page 63.

Who can help me become my grandchild's guardian?

These organizations can work with you:

- Grandparents as Parents (GAP)—Los Angeles:
1-562-421-7991
1-310-839-2548
1-818-789-1177
www.grandparentsasparents.org/index.php
- Public Counsel—Los Angeles:
1-213-385-2977
- Grandparent Advocacy Network of Northern California:
1-530-756-0183
- Grandparents Parenting...Again—Sonoma, Marin, Napa, Lake, and Mendocino Counties:
1-707-566-8676
- Kincare Program—Riverside County:
1-951-791-3587
- Kinship Care Resource Center—Santa Clara County:
1-408-325-5194

I am my grandson's primary caretaker. Can I get aid?

You may qualify. Contact one of these organizations for help.



Where can I learn more?

These fact sheets have useful information and more resources:

- www.giclocalsupport.org/pages/search_form.cfm
- www.publiccounsel.org/tools/publications/files/Guardianship-of-the-person-and-the-pro-per-guardianship-clinic.pdf