

Population: Pregnant and Parenting Youth

Regardless of their age, when a youth becomes a parent, they share all of the same rights and responsibilities as any parent, including making decisions on behalf of their child, and providing financially for their child, including food, clothing, shelter, health coverage, and other necessities. These rights and responsibilities apply with equal force to pregnant and parenting youth in the juvenile justice system.

Health Care

Pregnant and parenting youth, including those in the juvenile justice system, have the same health rights as any other teen, including rights to obtain comprehensive reproductive health services such as contraception and family planning, pregnancy termination, and prenatal care. Pregnant and parenting youth also have the right to make their own decisions about such services. Confidentiality and decision-making rights also apply to pregnant and parenting teens.¹ Under California law, youth of any age, including minors, may consent to medical care related to the prevention or treatment of pregnancy and birth control without parental consent.²

If a youth is enrolled in Medi-Cal or MCAP (Medi-Cal Access Program) at the time they give birth, their child is automatically enrolled at birth in free [full-scope Medi-Cal](#) and will remain eligible until their first birthday regardless of any changes to household income.³ This is known as Medi-Cal Deemed Newborn Coverage.

Other things to know about health coverage for pregnant and parenting youth:

- Presumptive Eligibility Medi-Cal provides temporary coverage at specific clinics or hospitals, and can be accessed immediately while awaiting an eligibility determination for full-scope Medi-Cal.
 - Presumptive Eligibility Medi-Cal covers pregnancy testing, prenatal care, services for miscarriages, and pregnancy termination services, among other health services. However, Presumptive Eligibility Medi-Cal does not cover labor and delivery.
 - Minors living with their family must include family members on their application for Medi-Cal. If youth want to receive confidential services, see Minor Consent Medi-Cal below.
- [Full-scope Medi-Cal](#) provides a more robust level of services.
 - Full-scope Medi-Cal covers medical office visits, hospitalizations, medicines, family planning and contraception, pregnancy-related health care including prenatal care, delivery, and post-partum care, mental health and substance abuse services, and needed medical tests.
 - [Foster youth](#) are categorically eligible for full-scope Medi-Cal. All youth who were in foster care when they turned 18 years of age should remain eligible for Medi-Cal until they turn 26, regardless of their income.

- Youth under 19 (or under 21 if a full-time student) may apply for full-scope Medi-Cal through their Minor Consent Medi-Cal application (see below).
- As of 2016, youth under 19 are eligible for full-scope Medi-Cal regardless of immigration status, as long as they are otherwise eligible.⁴
- Youth who live with their families must include family members on the application.
- Minor Consent Medi-Cal is for youth under age 21 who may want their health services and coverage to remain confidential from their parent or guardian.
 - Minor Consent Medi-Cal is not the same as full-scope Medi-Cal and thus covers limited services.
 - Coverage includes family planning and contraception, sexually transmitted infections testing and treatment, pregnancy termination, pregnancy testing, prenatal care, labor and delivery, and postpartum care.
 - Coverage also includes mental health services, and drug and alcohol treatment.
- Youth who do not qualify for Medi-Cal may apply online for health insurance through the state health insurance exchange, [Covered California](#), which offers a broad range of coverage options.⁵

Additionally, the California Department of Social Services has provided guidance to county agencies, including juvenile probation departments, pertaining to the reproductive health care rights of [youth in out-of-home foster care placement](#). These rights include, but are not limited to, the following:⁶

- The right to consent or decline medical care without the need for consent of a parent, guardian, or court for various services, including contraception, pregnancy termination, and sexual assault related services;
- The right to be provided timely transportation to reproductive health related services;
- The right to obtain, possess, and use contraception of his or her choice;
- The right not to have contraception taken away; and
- The right to independently contact state agencies regarding violations of these rights.

Financial Supports

All teenage parents have the right to maintain legal custody of their children. This right extends to youth in foster care and the juvenile justice system. Furthermore, the child of a teen or [non-minor dependent](#) parent cannot be considered to be at risk of foster care solely based on the parent's court involvement or information pertaining to past placement history, behavioral, or health or mental health diagnoses occurring prior to the pregnancy.⁷

Pregnant or parenting foster youth who are eligible for [AFDC-FC](#) benefits are also eligible for a monthly infant supplement of \$900.⁸ The infant supplement payment is higher than the youth would receive through [CalWORKs](#). The infant supplement may also be paid to a

[transitional housing program](#) or a group home or a short-term residential therapeutic program (STRTP) to be used for the child’s care. A minor in foster care can also receive an additional \$200 if the minor is placed in a Whole Family Foster Home and signs a Shared Responsibility Plan with a foster parent. Non-minor dependents in [supervised independent living placements \(SILPs\)](#) may also receive the additional \$200 supplement directly if they find a parenting mentor and develop a Parenting Support Plan (PSP).⁹

Funding available for parenting minor or non-minor dependent

Benefit	Basic Rate¹⁰	Supplements	Total
CalWORKs	\$392	n/a	\$392
AFDC-FC	\$923	Infant Supplement: \$900 PSP Supplement: \$200	\$2,023

Education

First and foremost, public schools are not allowed to discriminate against a pregnant or parenting youth.¹¹ This means it is illegal to treat students differently or harass them because they are pregnant or parenting. They have the right to stay in their regular school if they want to and do not have to move to a special school for parenting teens. They also have the right to attend special schools or programs for pregnant and parenting youth if they want to do so. They have the right to participate in all school activities, including sports, extracurricular activities, school clubs, prom, and graduation. They have the right to participate in honors or Advanced Placement classes and other activities and cannot be forced into less rigorous academic settings because they are pregnant or parenting.

Students have the right to miss school or leave in the middle of the school day to receive health care services for themselves or their child. Minors also have the right to confidentially leave school for medical appointments for reproductive and prenatal health care. Schools must allow youth to make up any work they have missed due to these medical absences.¹² Parents, guardians, or other caregivers or educational rights holders should not be notified of these absences unless the minor gives consent. The school must have a confidentiality plan. Finally, parenting teens have the right to breastfeed in school, including in the classroom.¹³

Pregnant or parenting teens attending high school have a patchwork of support services depending on their school district, where it is located in the state, and policies the district has in place. Pregnant or parenting teens have many school options to choose from and do not need to drop out of school if they feel overwhelmed by what they’re asked to do when navigating the school system. Options include staying in their own school, Cal-SAFE programs¹⁴ (possibly available at the county level), and community day school or continuation school. They are also able to attend a GED program or an independent study program, community college classes (for high school or dual credit), and Regional Occupational Program (ROP) classes.

Additional Benefits

CalWORKs (TANF)¹⁵

For youth over 18, [CalWORKs](#) eligibility begins upon verification of pregnancy in the second trimester. For youth under 18, eligibility begins immediately upon verification of pregnancy, which helps get stabilizing supports. Eligible youth receive the CalWORKs grant plus an additional \$47 pregnancy special need (PSN) amount. Youth under 19 who have not graduated from high school must also be enrolled in Cal-LEARN, which provides intensive case management, child care, transportation, and education expenses. There are pay bonuses for grades (\$100/year) and graduation (\$500), and a penalty of cash reductions for poor grades or poor attendance.

For pregnant or parenting minors, CalWORKs grants are usually paid to an adult in the minor's household, but there are circumstances where a minor can receive a CalWORKs grant directly, including when the Child Protective Services agency determines it is not safe to return to or stay in the home.

Women, Infants and Children (WIC) Supplemental Nutrition Program

The Women, Infants and Children (WIC) Supplemental Nutrition Program is for low-income pregnant, breastfeeding, and post-partum mothers and children under the age of five who are at nutritional risk. The income eligibility goes up to 185% of the federal poverty level. WIC includes nutrition education, referrals to health care and other services, and special checks to buy specific foods (e.g., soy, tofu, milk, cheese, eggs, whole grains, peanut butter, and more) from WIC certified vendors.

CalFresh (SNAP) – *formerly Food Stamps*

[CalFresh](#) provides food benefits to households of people living together and buying and preparing foods together, meaning that a youth may constitute his or her own household even if he or she is living with other people. A household that has CalWORKs eligibility is categorically eligible for CalFresh, where the caregiver and the child are both in need. CalFresh recipients must be a U.S. citizen or an eligible, lawfully present non-citizen.¹⁶

Emergency food stamps can be an important resource for a pregnant or parenting teen experiencing [homelessness](#) and desperately needing nutritional assistance. Eligibility for emergency CalFresh is based on income of under \$150 per month, homelessness, or monthly housing costs exceeding resources. Emergency CalFresh should be received within three days.

Child Care

Parenting youth may need child care so they can work and/or attend school. Some school districts have special programs that include child care. Additionally, some counties use [Title IV-E Waiver Demonstration Project](#) dollars to fund child care subsidies for youth in

[out-of-home foster care placements](#). The youth may also qualify for Head Start or child care through the California Department of Education or CalWORKs.

Lastly, under the new Emergency Child Care Bridge Program for Foster Children, counties have the option to offer emergency child care vouchers and child care navigation services to foster parents and parenting non-minor dependents.¹⁷

More Information

California Teen Legal Guide to Sex, Pregnancy, and Parenting
<http://www.teenhealthrights.org>

Childcare Programs
<http://www.ca.gov/Agencies/Social-Services-Department-of/Agency-Services/Find-Child-Care>

Your Health Your Rights
<http://www.yourhealthyourrights.org>

The Health Consumer Alliance (Legal Aid Assistance)
<https://healthconsumer.org/contact/>

¹ Foster youth also have the right to confidentially receive, on their own, any kind of birth control they want. The usage of birth control cannot be restricted or forced by the placement, group home, or foster home. Welf. & Inst. Code § 369.

² Cal. Family Code § 6925. A minor may also consent to a pregnancy termination without parental consent and without court permission. *American Academy of Pediatrics v. Lungren*, 16 Cal. 4th 307 (1997); National Center for Youth Law, *California Minor Consent and Confidentiality Laws* (Oct. 2014), <http://www.chhs.ca.gov/Child%20Welfare/CA%20Minor%20Consent%20and%20Confidentiality%20Law.s.pdf>.

³ California Department of Health Care Services, All-County Welfare Directors Letter No. 11-33: Deemed Eligibility and Continued Eligibility for Infants (Aug. 25, 2011), *available at* <http://www.dhcs.ca.gov/services/medi-cal/eligibility/Documents/c11-33.pdf>.

⁴ For more information, see California Department of Health Care Services, *SB 75 – Full-Scope Medi-Cal for All Children*, <http://www.dhcs.ca.gov/services/medi-cal/eligibility/Pages/sb-75.aspx>.

⁵ Go to <https://www.coveredca.com/>.

⁶ For the complete list, see California Department of Social Services, All-County Letter No. 16-82: Reproductive and Sexual Health Care and Related Rights for Youth and Non-minor Dependents (NMD) in Foster Care (Sept. 30, 2016), at 2-4, *available at* <http://www.chhs.ca.gov/Child%20Welfare/CDSS%20ACL%2016-82.pdf>.

⁷ Welf. & Inst. Code §§ 361.8 & 16002.5.

⁸ Current as of July 2017. California Department of Social Services, All-County Letter No. 17-75: Aid to Families with Dependent Children-Foster Care (AFDC-FC) California Necessities Index (CNI) Increases and Other Rate Increases (July 13, 2017), at 8, *available at* <http://www.cdss.ca.gov/Portals/9/ACL/2017/17-75.pdf?ver=2017-07-13-114757-097>.

⁹ California Department of Social Services, All-County Letter No. 16-50: Additional Payment for a Non-minor Dependent (NMD) Parent in a Supervised Independent Living Placement (SILP) Questions and Answers (June 1, 2016), *available at* <http://www.cdss.ca.gov/lettersnotices/EntRes/getinfo/acl/2016/16-50.pdf>.

¹⁰ As of July 2017. For AFDC-FC rates, see All-County Letter 17-75, *supra* note 8.

¹¹ See 20 U.S.C. § 1681; Cal. Educ. Code §§ 230 & 235.

¹² Cal. Educ. Code § 48205(a)(6).

¹³ Cal. Civ. Code § 43.3.

¹⁴ California School Aged Families Education (Cal-SAFE) is a former statewide program for pregnant and parenting students under age 18. Though no longer administered by the state, some school districts and COEs are still running programs that look like and are still called Cal-SAFE. Though the program may not have all the resources of a traditional school, these programs provide traditional high school classes, parenting and life-skills courses, child care and child development programs. If a youth has an Individualized Education Program (IEP), they may need to make sure that IEP services are available in the Cal-SAFE program (or any special parenting program the district or county may offer).

¹⁵ California Department of Social Services, All-County Letter No. 14-04: California Work Opportunity and Responsibility to Kids (CalWORKs): Cash Aid and Pregnancy Special Needs (PSN) for Pregnant Women with No Other Eligible Child (Jan. 14, 2014), *available at*

<http://www.cdss.ca.gov/lettersnotices/EntRes/getinfo/acl/2014/14-04.pdf>; All-County Letter No. 15-38:

California Work Opportunity and Responsibility to Kids (CalWORKs): Cash Aid and Pregnancy Special Needs (PSN) for Pregnant Women with No Other Eligible Child (Apr. 23, 2015), *available at*

<http://www.cdss.ca.gov/lettersnotices/EntRes/getinfo/acl/2015/15-38.pdf>.

¹⁶ To determine whether a non-citizen meets the eligibility requirements for SNAP, see LSNC Guide to CalFresh Benefits, <http://calfresh.guide/immigrant-eligibility-for-calfresh-benefits/>.

¹⁷ California Department of Social Services, All-County Letter No. 17-109: Emergency Child Care Bridge Program for Foster Children (Bridge Program) (Oct. 27, 2017), *available at*

<http://www.cdss.ca.gov/Portals/9/ACL/2017/17-109.pdf?ver=2017-10-30-132310-620>.