

# Legal Rights of Teenage Mothers

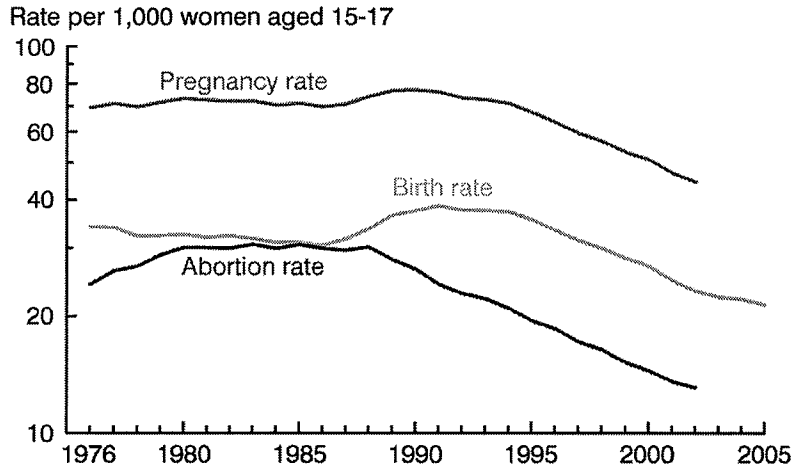
Katie Rogers, Equal Justice Works Fellow  
Legal Aid Society of Columbus  
April 22, 2009

## Overview



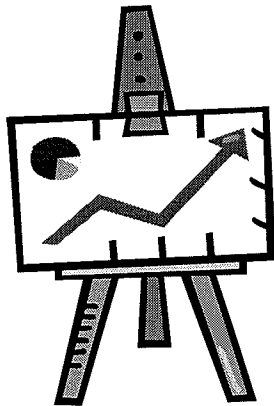
- The Facts
- Project
- Why Teenage Mothers are Unique
- The Legal Issues
- How to Refer a Teen Mom to CYLP at Legal Aid Society of Columbus
- Questions

Figure 1. Pregnancy, birth, and abortion rates for teenagers 15-17 years



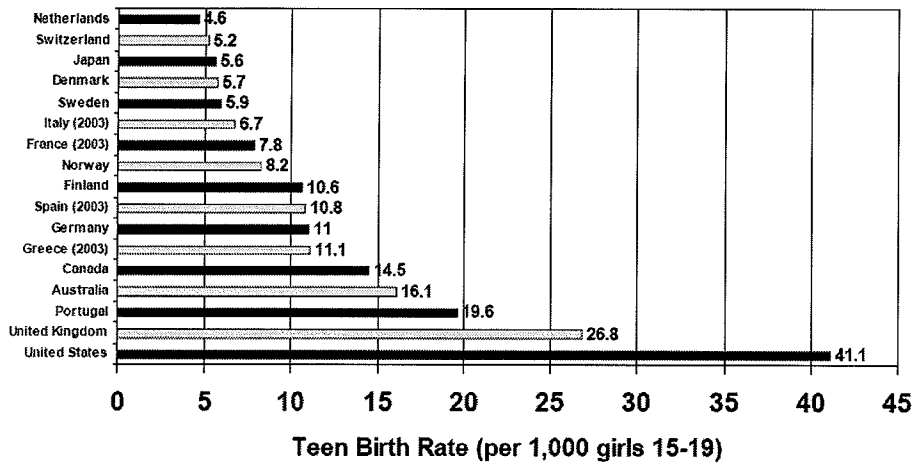
NOTE: Rates are plotted on a log scale.  
SOURCE: CDC/NCHS, Division of Vital Statistics, Published reports.

## Teenage Pregnancy in U.S.



- U.S. has highest teen pregnancy rate in western industrial world: 750,000/year (2007)
- The teen birth rate for girls aged 15-19 increased 1% between 2006 and 2007
  - from 41.9 births/1,000 to 42.5/1,000
- The teen birth rate for this age group declined 31% between 1991 and 2007.
  - this compares to a 34% decrease between 1991 and 2005.

### Teen Birth Rates, 2004\*



### Ohio and U.S.

	Ohio	U.S.
Adolescents Age 15-19	816,936	21,038,989
Number of Teen Pregnancies	29,650	821,810
Teen Pregnancy Rate	74	84
Number of Teen Births	15,872	435,436
Teen Birth Rate	40 (25 <sup>th</sup> )	41.9

## Teenage Mothers

- Have rights and responsibilities as both child and parent
- Children born to teenage mothers are at greater risk for being born w/ low birth weights and into poverty
- Young teen mothers (17 and younger) 2.2 times more likely to have a child placed in foster care than older mothers.
- Do not come in to Legal Aid because they do not know they have legal rights, or that we can help
- Multiple legal issues, multiple areas of law
- Early prevention, break cycle of poverty for them and for their children

## Project on Teenage Mothers

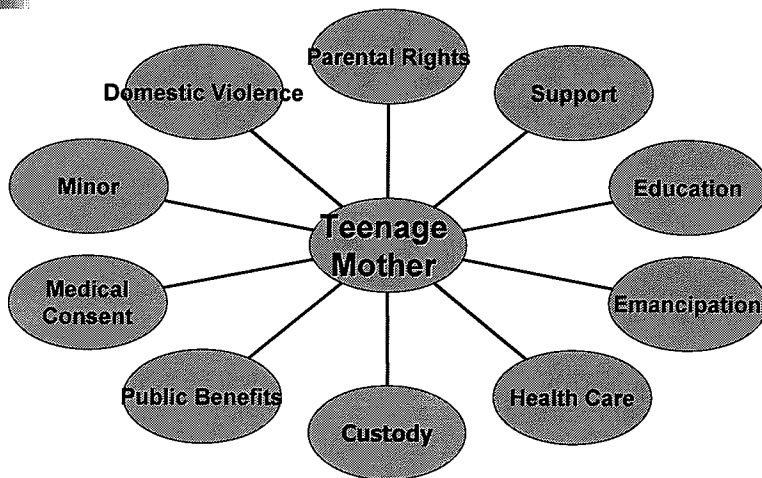
- Equal Justice Works 2-year project
- Child and Youth Law Program, Legal Aid Society of Columbus
- Advocate for the legal rights of pregnant minors and teenage mothers, by providing direct legal representation, training, and education to maximize their potential to become self-supporting adults:

## Tanya and Braden



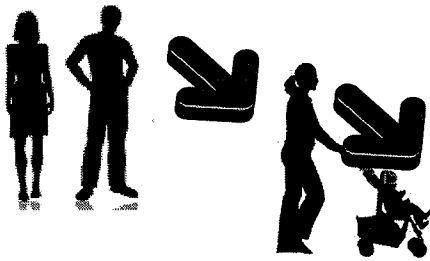
- 17 years old, married, 9 month old Braden
- Thinks her husband, 21, is her guardian
- Husband kicked her out of the house and filed a CPO against her
- Tanya's mother won't take her in, so she voluntarily places herself into Children Service's custody
- Living in foster home, not going to school

## The Legal Issues



## Ohio's Age of Majority

- All persons of the age of eighteen years or more, who are under no legal disability, are capable of contracting and are of full age for all purposes
  - ORC



- Status Offenses
  - Truancy
  - Curfew
  - Unruly

## Parental Rights and Responsibilities

- Right to custody and control over child
- Right to make decisions about child's education
- Right to make decisions about and consent for child's medical care
- Support child with necessities of life
  - Neglect
- Supervise and control child



## Marriage Laws

- Male persons of the age of eighteen years, and female persons of the age of sixteen years, not nearer of kin than second cousins, and not having a husband or wife living, may be joined in marriage
- A minor shall first obtain the consent
- Spouse does not become guardian

## Emancipation

- When parents no longer have financial control over the child
- "A definition of emancipation would necessarily include marriage, self-support and/or residence beyond the care and control of parents."
- Courts consider several factors:
  - Minor has left the home
  - Entering the armed forces
  - Minor is employed
  - Minor is married
  - Minor is self-supportive

## Title IX Education Rights

- A recipient shall not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity
- Basis of sex, pregnancy, parental or marital status

## Education Rights

- Stay in school and go to regular classroom
  - Enroll in a GED program, but don't have to
- Access all educational opportunities that other students have, academic and extracurricular
- Miss school for legitimate medical appointments for themselves or child
- Take a medically necessary leave of absence for pregnancy, childbirth, and recovery
- Receive extra help and make up missed homework assignments due to excused absences
- Reasonable adjustments such as additional bathroom breaks, flexible scheduling, use of elevator, time to breast-feed

## Education Responsibilities

- A child between six and eighteen years of age is of compulsory school age.
- Minor and Parent can be charged
- Habitual truant
  - 5 or + consecutive school days
  - 7 or + school days in one month
  - 12 or + school days in one year
- Chronic truant
  - 7 or + consecutive school days
  - 10 or + school days in one month
  - 15 or + school days in one year

## Health Care, Consent, and Confidentiality

- Minor parents can give informed consent for their child's medical care
- The parent, whether the parent is an adult or a minor, of the parent's minor child (ORC 2317.54)

## Health Care, Consent, and Confidentiality

- Title X Funds
- Emergency Health Care
- Judicial Bypass
- Exceptions in ORC
- Limited outpatient mental health care (ORC 5122.04)
- Testing for HIV/AIDS (ORC 3701.242)
- Testing for "venereal diseases" (ORC 3709.241)
- Alcohol and drug abuse diagnosis and treatment (ORC 3719.012)
- Victim of sexual violence for purpose of gathering physical evidence (free) (ORC 2907.29)

## Judicial Bypass (ORC 2151.85)

- If the court finds that the minor is sufficiently mature and well enough informed to decide intelligently whether to have an abortion, the court shall grant the petition and permit the minor to consent to the abortion
- If the court finds that the abortion is in the best interests of the minor, the court shall give judicial consent to the abortion
- All proceedings under this section shall be conducted in a confidential manner

## Access to Public Benefits

---

- Medicaid
  - 200% poverty level
  - Pregnant women priority
- Food Stamps
- Ohio Works First
- Title XX Childcare
- WIC
- SSI

## Other Issues

---

- Custody
- Support
- Teenage fathers
  - Child born in marriage = automatic parental rights
  - Child born out of marriage
    - Mother has all parental rights automatically
    - Name on birth certificate does not establish paternity
    - Need paternity established through CSEA or in court
- Domestic Violence and CPO

## When Should a Teenage Mother Speak to an Attorney?

- Questions about her legal rights
  - Legal status
  - Parental rights
  - Education
  - Emancipation or custody
  - Consent to medical care
- Questions about her access to public benefits or support
- Charges filed against her
  - CPO
  - Truancy
  - Unruly child
- Any legal issue or question about herself or her child

## Tanya and Braden



- Represent on CPO
- Represent in Children Services case
- Advise her on her education rights and responsibility to go to school
  - Re present in truancy case

## Referring Teenage Mothers for Legal Assistance

Katie Rogers, Equal Justice Works Fellow  
[krogers@columbuslegalaid.org](mailto:krogers@columbuslegalaid.org)

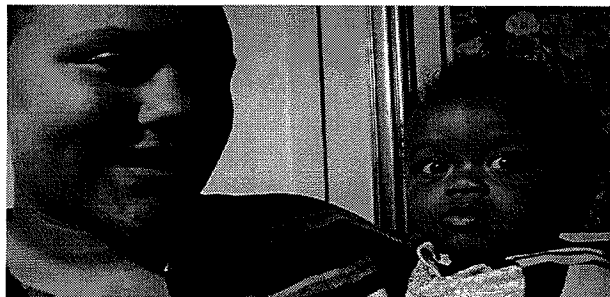
Legal Aid Society of Columbus  
1108 City Park Avenue  
Columbus, Ohio 43206

Nationwide Children's Hospital  
Primary Care Clinic, 3<sup>rd</sup> Floor  
Columbus, OH 43205

Direct: 737-0147  
Fax: 224-4514

Phone: 722-6573  
Fax: 722-6140

## Questions?



Please do not duplicate without permission: [Krogers@columbuslegalaid.org](mailto:Krogers@columbuslegalaid.org)