

## CHAPTER 15: EXPECTANT AND PARENTING YOUTH

**Introduction:** If you have a child while you are in foster care or come into foster care with your own child it is important to know your rights as a parent. You have the legal rights to care for your child like any other parent and being in foster care does not change that. This chapter gives you information on some of the rights you have as a parent when you are in foster care.

**If I am in foster care, does that mean my baby is also automatically dependent and a foster child?**

- **No.**
- Your child cannot be found dependent and placed in foster care simply because you are in care or because you are young. This is against the law.<sup>1</sup>
- **You have full rights as a parent, and young parents must be given the same chance to parent as any other parent.**
- Your baby should remain in your physical and legal custody, and you keep all rights to make educational and medical decisions for your child.
- If the county child welfare agency files a petition to have your baby found dependent by the court, you are entitled to representation by an attorney that will protect your rights as a parent. This should be a separate lawyer from the one who represents you in your own case as a dependent youth.

**Will I be placed with my child if I have baby and I am in foster care?**

- You should be placed with your child. All efforts must be made to make this possible. There are some placements specifically for mothers in foster care, such as mother/baby foster or group homes, and mother/baby Supervised Independent Living (SIL) placements.
- You should let your lawyer know if you are not placed with your child. As with any other dependent youth, all efforts should be made to keep you with your family, place you in the most family-like setting, and achieve your permanency goal.

**Do fathers in foster care have parental rights too?**

- **Yes.**
- Fathers in foster care have the same rights as mothers. Fathers who are in care can:
  - Ask to be placed with their children;
  - Ask for parenting services and supports; and
  - Have visitation with their child.

- Ask your caseworker and attorney if you have questions about your rights to visitation and other parenting services.

### **What types of services can my child and I receive?**

- You should receive all the supports and services that any young person in foster care receives. That includes help to return to your family and to find family, placement, transition to adulthood services, and any other supports to meet your needs.
- If you are pregnant or parenting, your needs will include taking care of your child and learning parenting skills. This could include parenting skills support and instruction and assistance in getting childcare. It should also include support in arranging for any services that your child needs.
- You may also be eligible for certain public benefits if you are pregnant or parenting. Examples may include: Food stamps, WIC, and possibly TANF. You are entitled to help in applying for these benefits as well.

### **How do I get help finding and paying for childcare?**

- The child welfare agency should help you arrange for childcare so that you can take part in activities like school, work, and activities in the community.
- Many teen parents will qualify for subsidized childcare, called Child Care Works, and the child welfare agency should help you apply.
- To qualify for Child Care Works, teen parents under 18 must be attending school or some other educational program. If you are still in school when you reach age 18, you may still meet the requirements by attending school. Parents age 18 or over must be working at least 20 hours a week, be working at least 10 hours a week and going to school or training at least 10 hours a week, or be attending an educational program.
- Ask your caseworker for information about childcare and application assistance. To learn more about subsidized childcare, see the Department of Human Services website.<sup>2</sup>

### **What is child support and how do I apply for it?**

- Child support is money paid by the “non-custodial” parent (the parent who does not live with the child) to the “custodial” parent (the parent who lives with the child) to help meet the needs of the child.
- You can file for child support at your county’s domestic relations court or office. Your caseworker or lawyer can help you file for child support.
- If you are out of care and receiving cash assistance, you may not be able to receive child support directly. Instead, child support may go to the county agency to pay them back

for the cash assistance. Talk to your caseworker about the effect of child support on your TANF benefits.

### **Can I be asked to pay child support if I am in care?**

- Yes.
- A non-custodial parent who does not live with his or her child, even a parent who is under 18, in placement, and/or still in high school can be required by the court to pay child support.
- If you are being asked to pay child support and do not have any money to pay it, talk to a lawyer so that they can help you provide that information to the court.

### **How can I advocate for myself as a parent?**

- Make sure you know your legal rights as a parent, ask questions if you need to, and talk to a lawyer if you think your rights are not being respected.
- You deserve support as a young person and as a parent. Make sure your case plan and transition plan include goals—and supports to help you achieve those goals-- for you as a young adult and as a parent. You deserve support in both areas!
- Make sure you talk to your lawyer and raise any issues in court to make sure you get the help you need.

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<sup>1</sup> In Interest of Hall, 703 A.2d 717, 719 (Pa. Super. Ct. 1997) (determining that the law does not support “an adjudication of dependency under the Juvenile Act simply because the mother is in foster care or simply due to the age of the parents”).

<sup>2</sup> *Child Care Works Subsidized Child Care Program*, PENNSYLVANIA DEPARTMENT OF HUMAN SERVICES, <https://www.dhs.pa.gov/Services/Children/Pages/Child-Care-Works-Program.aspx>.