

Rights of Teen Parents in Foster Care

Can child welfare take my child away from me because I am a foster youth?

- No! You have a fundamental right to be a parent to your child.
- In order for child welfare to remove your child from of your custody, they must prove two things:
 1. Allowing your child to live with you in the placement is not in the child's best interest; and
 2. They have made a reasonable effort to prevent the need for removing the child and have reasonably tried to reunify your family.

Is my child also in the foster care system because I am in the foster care system?

- No. Your child is not in the foster care system because your child has not been removed from their biological parent.
- As long as the state has not removed the child from your custody by taking you to court, your child is in your custody and is not technically in the foster care system.

Can I receive a foster placement with my child?

- Yes. Whenever possible, agencies should locate and use “whole family placements” and other placements that protect the best interest of your family and allow you and your child to live in a “family-like setting”. (*Teen Parents in Foster Care Act*).

Can I receive foster benefits for my child even though he or she is not in the foster care system?

- Yes, if you and your child live in the same placement. Your foster care payments must include an amount that covers costs necessary to care for your son or daughter as long as you and your child live in the same home or placement.

Do I have a right to visit my child even if I do not have physical custody?

- Yes. You have the right to visit your child, and this right may not be taken away unless the court decides that visiting your child is harmful to their best interests.
- You are entitled to frequent visitation with the child as long as visitation is in your child's best interest.

What If I Do Not Have Full Custody of My Child?

You have a fundamental right to be a parent to your child if you are presumed to be the natural parent of the child.

- You are presumed to be the child's natural parent if one of these statements apply to you:
- You have told others that the child is your natural child and have shown a commitment to being the child's parent;
- You are married or have been married to the other parent and the child was born during or close to the end of the marriage;
- You lived with the other parent during or close to the birth of the child; or
- After the child was born, you married or tried to marry the other parent and you are named as the natural parent on the child's birth certificate or pay child support voluntarily or because of a court order.

Visitation

Do I have a right to visit with my child?

- Yes! As long as one of the statements above applies to you, you automatically have the right to visit your child, and this right may not be taken away unless the court decides that visiting your child is harmful to their best interests.

Do I have the right to get my child's records and other information?

- Yes! Presumed natural parents always have the right to get records and information about their child, including medical, dental and school records. *California Family Code §3025.*

Do I have the right to know where my child is?

- Yes. Presumed natural parents have the right to be told their child's address, unless the other parent shows a good reason for not giving that information. The fact that there has been a history of arguments between the two parents is not a good enough reason to not tell you where your child is.

What can I do if the other parent is not allowing me to visit my child?

- If the other parent is not allowing you to visit your child, the court may order reasonable time to visit the child as long as you can show that visiting the child is not harmful to their best interests. The court may also order mediation between you and the other parent to create a visitation plan in the best interest of the child without having to argue in formal court.

Custody

How can I get custody of my child?

- Joint custody is presumed to be in the best interest of the child and happens when both parents share the responsibilities of raising the child. You may ask the court for joint custody of the child by showing that it is in the child's best interest. The court may also order mediation between you and the other parent to decide custody in the best interest of the child without having to argue the case in formal court.