





**Pregnancy and Parenting  
A Legal Guide for Adolescents**

**With special information for their parents**

**Second Edition 2006**

**<http://www.teenpregnancy.unc.edu>**

**<http://www.teenmother.unc.edu>**

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**Pregnancy and Parenting  
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**With special information for their parents**



# Introduction

## Who is this book for?

This book is for girls and young women living in North Carolina who are 17 or younger and are pregnant or have a child. If you are one of them, you are not alone. Each year, about 6,300 girls and young women in North Carolina become pregnant or give birth.

Other people who may want to read this book are your parents, your partner (that is, your boyfriend or former boyfriend), and his parents. Adults who advise or support pregnant or parenting adolescents will also find this information helpful.

You probably have plenty of questions at this point. For example, what will you do about your pregnancy—end the pregnancy or have a baby? Will you keep the baby or have it adopted? How will you get health care and other services? What are your partner's rights and duties? Will you be able to stay in school? Can you get a job? Where will you live? Can you get married? How can you keep yourself safe and get help if you need it? If you're from another country and have a baby in the U.S., does that make you or the baby a U.S. citizen? And, what can you do if you don't speak English well enough to understand the doctor?

This book will help you understand the law in North Carolina and find answers to these and other questions.

## How can this book help me?

This book can provide you and your family, partner, and advisors useful information about the law and the resources available to you. However, please understand that it offers only legal *information*—not legal advice for your particular situation. Also, it's important for you to know that laws change and, in addition, that the authors are not approving of or endorsing any information or services you might get from resources named in the book or on our Web sites, <http://www.teenpregnancy.unc.edu> or <http://www.teenmother.unc.edu>.

This book tries to explain what the law does and does not let you do. After reading it, you should better understand your rights. You can also show the book to other people to help them understand what rights you have.

Because this book is about law, it may contain some words you don't understand. You can look them up in a section at the back called "What Does That Word Mean?" If you have questions about something in the book, you may want to show it to an adult you trust and ask her or him to explain.

## What if I have questions the book doesn't answer or need to hire a lawyer to help me?

In a few situations, North Carolina courts offer free legal assistance (those situations are discussed below). Usually, however, to get legal advice you must hire a lawyer or find one who will advise you for free or at a reduced rate. Two Web sites that might help you find a lawyer are <http://www.legalaidnc.org> and <http://www.aba.org>.

# The Difference between Adults and Minors and Why It Matters

## Who is an adult?

**A person 18 or older is an adult.** Adults have more legal rights than younger people. Without asking anyone's permission, adults can vote, marry, work at any job, sign a lease or other contract, leave home, or join the military. Adults must support themselves, though. They have more legal duties than younger people. They have to keep their legal promises—pay their bills, for instance. And, they usually get heavier penalties if they break the law.

## Who is a minor?

**A minor is anyone 17 years old or younger.** Babies, second-graders, 17-year-olds—all these people are minors. Nearly all minors are *unemancipated*, which means they have fewer legal rights than adults. In this book, when we say “minor” or “minors,” we mean unemancipated minors.

A few minors, though, become legal adults for most purposes while they are still under 18. They are called “emancipated minors.” There are three ways, besides turning 18, that you can be emancipated :

1. If you get married (a parent's or judge's permission is required—see the section on “Marriage”)
2. If you join the armed services (a parent's or guardian's permission is required)
3. If you persuade a judge to let you act as an adult (emancipate you)

Being pregnant or having a baby does not emancipate a minor in North Carolina.

## How do I ask a judge to let me act as an adult?

You can only ask a judge to let you act as an adult (emancipate you) if you are 16 or 17 and have been living in the same North Carolina county for six months just before asking. Here is how the process works:

- \* You will need to go to the Clerk of Court's office in the courthouse in the county where you have been living, ask for a form called a “juvenile petition for emancipation,” and fill it out. (To see the form online, go to <http://www.nccourts.org/Forms/FormSearch> and search for AOC-J-900M.) You must take along a certified copy of your birth certificate to turn in with the form. If you don't have a copy of your birth certificate, you can get one from the Register of Deeds in the county where you were born (this usually costs about \$15). The Register of Deeds in the county where you are living can tell you how to get a copy of your birth certificate if you were born in another county, state, or country.
- \* Once you have turned in the form, a judge will set a date to hear your request. Your parents will be notified, and if they want, they can come to the hearing and tell the judge what they think about your being emancipated. They can bring witnesses, too.
- \* At the hearing, you will have to convince the judge that being emancipated would be good for you. Be prepared to present evidence and answer the judge's questions. You can bring witnesses to help you do this. Above all, the judge will want to know whether you can support yourself. If you are a parent, the judge will likely want to know, too, that you or someone else will provide for your child.

## Are there reasons I might not want to be emancipated?

**Yes.** Before you decide whether to try to become a legal adult, it is important to think about how it will affect your rights. **Here are the legal rights that you will lose if you become emancipated:**

- \* Your parents will no longer have to support you, give you any money or a place to live, or help you make decisions. (They still can if they want to, but they're not required to by law anymore.)
- \* Juvenile courts and departments of social services (DSS) can no longer protect you.
- \* If you are in the United States without legal documentation, emancipation could cause you to lose one good chance to become a U.S. citizen. United States law gives "special immigrant juvenile status" (SIJS) to minors who are being protected by a state court or have been committed to a state department or agency because they were abused, neglected, or abandoned. Eventually, many minors who get the special status can become U.S. citizens. But emancipated minors are not eligible for the special status. (For more information on SIJS, see the section on "Changing Your Immigration Status.")

## Parents' and Children's Duties

### What must parents do for their minor children?

The law says that parents have to take care of and supervise a minor child. They must see that the child has food, clothing, and a place to stay. They must also see that the child gets health care and goes to school until age 16. Parents must not abuse or neglect a child or let anyone else do that. If you are 17 or younger, your parents still have these duties toward you—even if you are pregnant or have a child of your own. And if you are a parent, you and your baby's father have the same duties to your child.

**Marti is 17 and wants to talk to her 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 a minor prevent pregnancy if a minor asks.**

### Do minor children owe their parents anything?

**Yes.** Minors must *let* their parents supervise and control them. For example, you don't have a right to leave home without permission unless you are being abused or neglected or don't have the basic necessities—food, shelter, and safety. (In that case, you should contact the local department of social services (DSS) and report the problems.) If you run away without good reason, police officers can take you into custody and bring you home. Or, a judge can order you to come home or place you somewhere else under adult supervision.

Another thing minor children owe their parents are their earnings. If you work, your parents can take the money you make. However, if you are emancipated—that is, if a judge has said that you can act as an adult—you can live on your own. A judge cannot order you home, and you can keep your wages. (For more information on emancipation, see the section on "The Difference between Adults and Minors and Why It Matters.")

# Dealing with Pregnancy

## What should I do if I am or might be pregnant?

Perhaps you feel different than usual and think it may be because you're pregnant. Perhaps you've taken a home pregnancy test that says you are. Here are the steps you should take:

**Heather goes to the doctor to see whether she's pregnant. Should she count on the doctor not to tell her parents?**

**Yes. The doctor shouldn't tell unless he or she thinks that it's essential to Heather's life or health.**

- \* **If possible, tell your parents.** If you can't talk to your parents, consider telling another adult whom you trust. A counselor or a health care provider can help you figure out how to tell your parents and may be willing to be with you when you do it.
- \* **See a doctor.** North Carolina law allows you to see a doctor on your own about pregnancy. (Local health departments and Planned Parenthood clinics are among the places that will treat minors who come alone.) The law says that the doctor should not tell anyone about the visit—*unless* he or she thinks your life or health is in danger. In that case, the doctor *must* tell your parents.
- \* **Ask about payment for the doctor visit.** Some clinics, including health departments and Planned Parenthood, will charge only what they think you can pay. If you're worried about the cost or anything else, ask about it when you make an appointment or go to the clinic, health department, or doctor's office. (If you're concerned about confidentiality, be sure to ask whether your parents will get a bill for your visit.)

## Do I have to see a doctor if I am pregnant or think I might be?

It's a good idea—for both medical and legal reasons—to see a doctor as soon as possible if you are, or think you might be, pregnant. When you go, you might want to talk to the doctor or nurse alone first, even if you've brought someone with you. That way, you can explain your situation and say what you want to happen. You can ask the nurse or doctor your questions. You can tell them how much you want other people to know about your medical condition. Health care providers have a legal duty to keep your medical care confidential, but if you don't tell them differently, they may think you want the person who is with you to know all about it.

Seeing a doctor early in pregnancy could be important to your health and to your baby's health if you decide to have a baby. Because the law limits how long into pregnancy women can have abortions, seeing a doctor early is also important if you think you may want to end a pregnancy. **For more information**, see the sections on "Ending a Pregnancy" and "Having a Baby." (See the section on "Health Care" if you have had unprotected sex and don't want to get pregnant.)

# Ending a Pregnancy

## Can I have an abortion if I am 17 or younger?

**Yes.** Minors have a legal right to abortion, although, as this section explains, their right is more limited than that of adult women. (Minors also have the right not to have an abortion. No one—not your parents, not your partner—can force you to have an abortion. The decision is yours.)

There are two ways for a person 17 or younger to get a legal abortion:

1. If you sign a form agreeing to the abortion and one of these adults signs it with you:
  - \* A parent you're living with
  - \* A parent who has custody of you
  - \* A legal guardian or custodian
  - \* A grandparent you've been living with for at least six months right before you consent to the abortion
2. If you can't get consent from one of these adults, a judge can let you decide for yourself what to do. That includes having an abortion without an adult's signing a form.

## At what points in pregnancy does the law allow abortions?

**Legally, any pregnant girl or woman can seek an abortion**

- \* until the fetus could live on its own if delivered, or
- \* until the end of her 24th week of pregnancy, whichever comes first.

Some abortions can be done later than that. If abortion is necessary to preserve your life or health, it is legal any time during pregnancy—for example, if the pregnancy were giving you dangerously high blood pressure or straining your heart.

It is much easier to get an abortion during the first 12 weeks of pregnancy, and much harder to get one later on. Some clinics do abortions as early as five weeks.

## What should I know about asking a judge to let me decide about abortion?

**Any minor who is actually in North Carolina can ask any district court judge to let her decide whether to have an abortion.**

You don't have to be from North Carolina. If you do live in the state, you don't have to go to a judge in the county you live in. Any minor can ask a judge in any county in the state. You will have to go to a county courthouse and file a paper asking to talk to a judge. (The next answer explains how to do this.) The judge will set a time to talk to you. He or she must rule on your case within seven days of your asking (filing your petition). It is very likely that the judge will decide sooner. Often a judge talks to a young woman the day she comes to the courthouse and decides right after talking with her.

## Cheryl's 15 and pregnant. Can she quit school and work?

**No. She can't drop out until she's 16, and the law limits her work hours until she's 18.**

## Will anyone at the courthouse help me?

**Yes.** Many minors go through the legal process alone, but if you want help and ask for it, the Clerk of Court or someone on his or her staff will help you in these ways:

- \* The law requires a court staff member to help a minor file the petition asking a judge to let her decide about abortion.
- \* The law requires that a minor can have a lawyer, without charge. The clerk can find a lawyer for you. Be aware that getting the lawyer may take several days and you will need to talk with the lawyer before the two of you meet with the judge.
- \* The law also says that if you want you may bring an adult with you when you talk to the judge. If you don't have someone, the clerk can find an adult to help you.

## How do I get to a judge?

**Here are the steps you need to take to get to see a judge:**

- \* Find out where the county courthouse is. (Some counties only have one. If there is more than one, you probably want the main courthouse, but ask.) The blue pages of the telephone book should list one or more numbers for the courthouse.
- \* To be sure you're going to the right place, or to get directions, call the courthouse and ask for the Clerk of Superior Court's office.
- \* You can call the clerk's office and ask someone when a judge is likely to be able to meet with you. If the person can answer that question, it could save you an extra trip.
- \* At the courthouse, find the Clerk of Superior Court's office and say that you want to talk to a judge about abortion. You'll be asked to fill out a form, and the clerk's staff will help you with it if you ask.
- \* The form asks whether you want notice sent to your parents. If you say no, your parents won't be told about your talking with the judge.
- \* If you have Internet access, you can print out the form you'll have to fill out at the courthouse. Having the form when you get to the courthouse could keep you from having to explain what you want to several people. The forms and instructions for filling them out are posted at <http://www.nccourts.org/Forms/FormSearch.asp>. Where it says "Form Number," enter AOC-J-601.
- \* The Clerk of Court's staff will tell you when you can meet with a judge.

**If you want a lawyer or an adult helper, ask someone in the clerk's office to help you find one.**

## Will I have to pay for any part of the process?

**No.** There's no charge for asking a judge to let you decide about abortion.

## If Dolores won't tell her mother she's pregnant, can she get an abortion?

**Yes. A judge can let her decide for herself whether to have an abortion.**



## What will the judge ask me?

The judge's job is to find out whether any one of the following statements is true. If so, the judge must let you make your own decision about abortion.

1. You're mature enough and well-informed enough to decide about abortion.
2. Even if you're not mature and well-informed, it would still be good for you to let you decide about abortion.
3. You are pregnant because you were raped or because a close relative had sex with you (this is called "incest").

A few judges also ask for proof that you're pregnant and how long you've been pregnant (this is called "proof of gestational age"). So, if you have pregnancy test results or a medical record or letter that shows this, bring it to court with you.

## What should I say to the judge?

The judge will probably ask you questions. The judge might, though, just ask what you want to say. Someone on the court's staff will take notes. No one else will be there, unless you have a lawyer or adult helper.

Answer the judge's questions as best you can. Tell the judge about yourself—you could talk about your family, your beliefs or religion, schoolwork, activities, and plans for the future. Above all, the judge needs to hear why you don't want to have a baby now. (Also read the section on "Going to Court.")

## What if the judge says I may decide about abortion?

The clerk will give you a paper showing that the judge has given you permission to have an abortion if you choose (consent to abortion). You can take the paper to an abortion provider to prove you don't need an adult's permission to have an abortion.

## What if the judge will not let me decide about abortion?

Here are the steps you can take if the judge rules not to let you decide about abortion:

- \* Go back and read again the question and answer in this section titled, "Can I have an abortion if I am 17 or younger?"
- \* You will need adult consent for abortion, *unless another judge changes the first judge's decision*. You only have 24 hours after the judge rules to ask another judge to hear your case. (This is called an "appeal.") If the 24th hour falls on a weekend or holiday, your time will extend to the next work day. The clerk will help you file an appeal if you ask and should tell you exactly how long you have to file it. Be sure to ask that question.
- \* Instead of appealing, it's possible that you could begin the process all over again by going to another county and asking to talk to a judge. A different judge might make a different decision about your situation.

## Will anyone know I talked to a judge about abortion?

**No.** The judge and court staff will not tell anyone your name or what you said or show anyone the record of your case. If you have a lawyer, the lawyer will not tell. If you bring an adult helper, be sure she or he can be trusted not to tell anyone. If the court finds a helper for you, that person will not tell.

There is one case in which the judge must tell someone else what you said. If a close relative had sex with you (this is called "incest"), the judge must tell the department of social services (DSS).

## Why is it very important to decide early in pregnancy about abortion?

If you are not sure you want to have the baby, try to decide early in pregnancy whether to end the pregnancy or have a baby. Here are some reasons why:

- \* Early abortion is usually easier on a woman emotionally and physically.
- \* Early abortion costs much less.
- \* Early in pregnancy, a woman who decides on abortion can choose between medical and surgical abortion.
- \* Many more doctors will perform early abortions than later ones.
- \* Once the fetus could live outside your body, or after 24 weeks of pregnancy, whichever comes first, North Carolina law forbids abortion unless your life or health could be in danger if you continued the pregnancy.

## Where can I get an abortion?

During the first 20 weeks of pregnancy, an abortion can be done in a doctor's office, or at a clinic or similar facility. (However, many doctors aren't licensed to provide abortions in their offices or don't offer them as late as 20 weeks.) In North Carolina, an abortion later than the 20th week of pregnancy has to be done in a hospital.

Abortion providers are listed in the telephone book yellow pages under "Abortion Services." The ads in that section often say how late into pregnancy providers perform abortions.

You will also find names listed in the yellow pages under "Abortion Alternatives." These facilities (often called "crisis pregnancy centers") do not provide abortions and will not tell you where you can get an abortion. Instead, they counsel against abortion and will urge you to continue your pregnancy and have a baby. If you want to talk to someone who will tell you what all your choices are, one place to go is the local health department.

**Karen's mother made her an appointment for an abortion. Can Karen get out of it?**

**Yes. She should tell the doctor she doesn't want an abortion. If she needs help, she can call DSS.**

## How much will an abortion cost?

Doctors, clinics, and hospitals charge different amounts. You should call each one to find out what they are now charging for an abortion at your number of weeks of pregnancy. The later in pregnancy an abortion is done, the more it will cost.

Here are some examples of recent charges. In March 2005, one clinic charged patients \$355 for a surgical abortion done between 5 and 13 weeks into pregnancy. The same clinic charged \$355 for a medical abortion before 9 weeks. (For a medical abortion, the patient takes pills. Medical abortion works well only during the first 63 days of pregnancy.) Patients who were students, serving in the military, or on Medicaid received a \$25 discount for either type of abortion. Another clinic's charge for students was \$350 for either a medical or surgical abortion, with about the same time limits.

Clinics usually charge extra for putting you to sleep (giving you anesthesia) during an early surgical abortion. You must be asleep for a surgical abortion done later in pregnancy. Hospital abortions cost much more. For example, in September 2004, a public hospital was charging North Carolina residents almost \$1,000 for an early outpatient abortion. (Outpatients don't stay in the hospital overnight.) The same hospital charged \$3,500 for an abortion done at 20 to 23 weeks.

# Having a Baby

*If I am going to have a baby, do I need to see a doctor?*

**Yes.** Having medical care from early in pregnancy until you have the baby and recover from delivery will best protect your health and the baby's health. Most minor mothers do well physically. However, pregnancy risks are somewhat greater for them and their babies than for adult women, especially if the pregnant minor is a pre-teen or young teen.

**It's best if you can talk to your parents and have them take you to a doctor.**

Most minors have parents who help them make decisions about care, even though the major decisions are ultimately up to the pregnant minor. If your parents can't help, or if you don't tell them you're pregnant, you can see a doctor on your own. Minors can legally make medical decisions about getting care during pregnancy (prenatal care), when the baby's born (labor and delivery), and after giving birth (postnatal care).

If you don't have health insurance, ask the local department of social services (DSS) about getting Medicaid coverage. You are likely to be eligible for it. (If you are an immigrant, see the section on "Citizens and Immigrants.") Also, you should know that hospitals must take care of anyone in active labor, even if she can't pay. (Active labor is usually defined as having strong contractions that last almost a minute and come every three or four minutes.)

*Are there places to stay until I have the baby?*

**Yes.** If you don't want to or can't live at home or with friends or relatives, there's another possibility. North Carolina has about a dozen maternity homes. Also, some pregnant women from North Carolina go to maternity homes in other states. The department of social services (DSS) or an adoption agency can tell you about these homes and about state funding that might pay for you to stay in one.

**You need a parent's or guardian's consent to enter a maternity home.** Maternity homes do not require or expect a woman living there to place her baby for adoption, although some women do.

*What choices can I make about my baby?*

As a new parent you can choose to raise the baby as your own. (See the next section, "Raising a Child.") Or, you can choose to let someone else be the baby's parent. The sections on "Giving Up a Child" and "Making an Adoption Plan" discuss that possibility.

# Raising a Child

## Am I legally old enough to be a parent?

There is no age legally required for being a parent. Minor parents can and do raise children. Some kinds of help are available. A parent of any age who doesn't care for a child well enough can lose custody of the child for a period of time, or forever.

**Ashley, who is 17, and Juan, who is 15, want to get married before their baby is born. Can they?**

**Yes, if a judge agrees that's best for Juan and if Ashley's parent consents. When Juan is 16, they can marry if his mother or father agrees.**

## What will my baby need?

A baby needs food, clothing, health care, and a safe place to live. Above all, he or she needs for you to be a loving and responsible parent. The department of social services (DSS) can help with these and other needs. For example, you or the baby might qualify for food or cash assistance from the government, help in paying for child care, job training, housing, visits from a nurse before and after the baby's birth, parenting classes, or other programs. If the two of you can't stay in your home, DSS can arrange for foster care for one or both of you. (Also see the sections on "Being Safe" and "Staying in School.")

## What does "having custody" of a child mean?

Having custody simply means taking care of your child and having legal responsibility for him or her—just as your own parents are responsible for your food, clothing, home, and other necessary things. If parents live together or near each other and get along, they probably share custody naturally without thinking about the law. But if they aren't together or disagree about the child's care, a judge may have to decide who will have custody of the child and what type of custody it will be.

The law recognizes these types of custody:

- \* Legal and physical custody, which might not belong to the same person (For example, a judge might make the department of social services (DSS) a child's guardian, which would give DSS legal custody. Then, if DSS put the child in a foster home, the foster parents would have physical custody.)
- \* Joint custody, where parents share responsibility for the child equally
- \* Primary and secondary custody, where one parent is mainly in charge but the other can visit and keep the child sometimes

If there's an argument about your child's custody, be sure to have a lawyer explain the legal situation to you. Don't sign anything giving custody to another person or agency, such as DSS, unless you fully understand what it means, including what you would need to do to get custody back.

## How does a judge decide who gets custody?

First, the judge tries to figure out who has the legal right to the child. Usually, that will be you and/or the father. If neither parent can care for a child, the judge will try to decide what's best for the child and will give custody to another person or to an agency, such as the department of social services (DSS). If that happens, the agency has a duty to work with parents to help them get their child back.

For example, if you or your child's father treated your child badly or weren't able to care for him, a judge would look for a relative to give custody to before turning to a child placement agency. If an agency does get custody, it usually places a child in foster care with another family.

## What can I do if my child's father doesn't return the child to me after a visit?

Remember that you and your child's father both have legal rights to your child unless a judge has decided who has custody—you or the child's father. Often, a judge will decide that parents will share custody of the child. In that case, the judge will also decide when the child should be with each of its parents. Unless a judge has decided who has custody, a police officer or sheriff's deputy probably will not make either you or the father return your child to the other parent.

If you think your child is not safe with the father, call the police or sheriff's department and tell them why you are worried. Call the department of social services (DSS), too, and tell them why you are worried about the child. If you want a judge to decide custody, you must file a form asking a court to do so (this is called "filing a complaint"). Sometimes a lawyer working for Legal Services of North Carolina will help you do this without charging a fee. If you think you may be in danger from the child's father, get help right away. (See the section on "Being Safe.")

## Can I manage school or work and still care for a child?

**Yes, probably you can.** Most parents—even adult parents—have someone else care for their child sometimes. This could be a relative, a friend, or a licensed person who keeps children in her home or at a child care center.

As a parent, you're responsible for finding a safe place to leave the baby, with people who are good caretakers. (See the questions on abuse, neglect, and dependency in the section on "Being Safe.")

It is possible to get help in paying for licensed child care. The department of social services (DSS) can tell you whether you're eligible.

## How can I learn to be a good parent?

**There are several ways you can learn to be a good parent:**

- \* One way is to watch family members, child care workers, or others whom you think care for children well. You may also want to ask those persons for advice.
- \* Another thing you can do is think back on what you respected or disliked about how you were treated as a child. Try to treat your child the way you would have liked to be treated.
- \* You should also be sure to use available resources. The department of social services (DSS) may offer parenting classes. Other places where parenting skills are taught are Adolescent Parenting Programs, in churches, and sometimes in high schools. Public libraries have books on parenting.

# Giving Up a Child

## What if I don't have an adoption plan but feel that I can't take care of my newborn baby?

You may have planned to keep your baby but then very soon after delivery felt that you could not do it. Some new mothers feel so overwhelmed or desperate that they are tempted to abandon the baby.

If you feel this way, there is an excellent way to give the baby to someone else without risking harm to the baby and without legal risk to yourself. Above all, don't just leave the baby somewhere. If you did, the baby might be harmed. Even if the baby was okay, you would probably be committing a crime (abandonment).

You can give up a baby who is less than one week old without breaking the law about abandonment and with no questions asked. To do this, you or the father would take the newborn to any of the people listed below within the first week of the baby's life. The law requires these people to take the baby without asking you questions—even your name—and without reporting you to law enforcement or the department of social services (DSS). They must do what they can to protect the baby's health and well-being and contact DSS or law enforcement right away.

The people to whom you can take the baby are

- \* Anyone working at a hospital, health department, or health center
- \* An emergency services worker on duty
- \* A law enforcement officer on duty
- \* A social services worker on duty.

You can also give your newborn baby to any other adult who will accept him or her. Again, you don't have to say who you are or answer any questions. Like the other people named above, the adult must protect the baby's health and well-being and let DSS or law enforcement know about the baby.

Remember that even though you can use this process to give up a baby less than one week old and not be charged with abandoning your child, DSS will have to place the child in foster care and present the baby's case to a judge so the baby can be adopted. (See the section on "Making an Adoption Plan.") If you can't care for an older child, keep reading in this section.

## Can I get my newborn back if I give the baby up?

Possibly, if you act quickly. The department of social services (DSS) will very likely have custody of the baby. If so, DSS will be trying to identify and locate the baby's parents and will be asking a judge to rule that the child is neglected. If you don't ask for the baby back within 60 days of leaving her or him, you'll probably lose your right to the baby forever.

Here are some suggestions on how to try to get the baby back:

- \* Try to get someone to go to DSS with you—to help you and to witness the efforts you're going to make (so that, if necessary, the person can testify that you tried).
- \* Put in writing that you want the child back—and give the written request to DSS and to the court. Be sure to keep a copy for yourself as proof that you asked.
- \* Go to DSS and say that you want the baby back. Give them your written request.
- \* Go to the courthouse and tell the Clerk of Court that you want the baby back. Give the clerk your written request. The Clerk of Court will appoint a lawyer and a guardian ad litem (an adult helper for you) to help you present your case to the judge. Work closely with them.

## What if I think I can't care for an older child?

If you can't care for your child, and he or she is more than seven days old, go to the department of social services (DSS) or a licensed child-placing agency (such as the Children's Home Society of North Carolina in Greensboro, one of the Baptist Children's Homes, or a similar organization). Explain your situation and ask for help. DSS or another agency can take care of your child for a while, or permanently if you want. Depending on what you want to do and can do, various things might happen. Some of them are listed below.

- \* DSS or a private agency can work with you to improve your situation so that you can keep the baby.
- \* The baby can go into foster care. You will have to pay child support if you can.
- \* If you go to a private agency, you can keep legal custody of your child, but the agency will expect you to take your child back soon—usually in a few months. If you don't do it at the agreed time, the agency can help you make an adoption plan. If you don't want that, the agency may report to DSS that you have abandoned the child.
- \* If you go to DSS first, you may have to give up legal custody of your child. But DSS, if it chooses to, can let parents keep custody while leaving their child with DSS for a while. (When parents do this, it is called "entering into a voluntary placement agreement.") When a child is in DSS custody, the law says a parent should—in most cases—take the child back in a year or let him or her be adopted. But the law recognizes that sometimes a child should stay in foster care longer or be placed with a relative. Remember, if you let your child be adopted, you lose all rights as a parent permanently. You can never get your child back.

**If Ebony is in foster care, who has custody of her baby?**

**She could leave the baby with a friend or relative and maintain custody. If the baby is with her, either Ebony or DSS could have custody.**

## What if someone else thinks I can't care for my child?

Anyone who sees a parent not willing or able to care for a child must tell that to the department of social services (DSS). The person reports that he or she has "cause to suspect" that a child is being abused or neglected or is dependent. (Those words are briefly defined in the last section, "What Does That Word Mean?" They are explained in "Being Safe.")

If someone makes a report to DSS about your child, a social worker will visit you. She will ask to see your child and talk with you about your child. Then, DSS might decide there is not a problem. Or, DSS could provide services you need to be a better parent. If there is a serious problem that keeps your child from being safe or healthy, DSS might suggest that you let the child live with a relative or other person for a while. In the most serious cases, DSS can ask the juvenile court to decide whether your child should be in a safer home, for a while or permanently.

## How does a person lose parental rights?

You can voluntarily give up parental rights by placing a child for adoption. Or a judge can take away your rights—the legal term is “terminate parental rights”—if he or she finds that you’ve done or not done certain things that mean that ending the relationship with you would be best for the child. (See the next question to find out what these things are.)

The court will appoint a free lawyer to help you argue against termination of your parental rights if that’s what you want to do. Because you’re a minor, the judge will appoint another person, called a “guardian ad litem,” to help you and your lawyer tell the judge why you shouldn’t lose these rights.

## Why might a person lose parental rights?

You *can* lose rights to your child for any of these reasons, although that doesn’t mean that you definitely *will*:

- \* Abusing or neglecting the child
- \* Deliberately leaving the child in foster care (or anywhere else besides your home) for more than 12 months while not improving whatever led to his or her being in foster care
- \* Not paying, for six months before the petition or motion to take away your rights is filed, reasonable support for a child placed outside your home, if you could have paid
- \* Not paying, for a year before the petition or motion is filed, child support owed to a parent with custody
- \* Being unable to care for and supervise your child, when it looks as though you won’t be able to do it in the future, either

An unmarried father can lose parental rights if he fails to do at least one of these things:

- \* Officially register the fact that he’s the father (“establish paternity judicially or by affidavit”)
- \* Marry the mother
- \* File a petition to make his child “legitimate”
- \* Give substantial financial support or consistent care to the child and mother

**Jennifer won’t let Matt see their baby because he’s not paying support. Is that okay?**

**No. Paying child support and the right to see your child are separate legal matters.**



# Making an Adoption Plan

## Do my parents have to agree to my baby's adoption?

**No.** You and perhaps the baby's father, but not your parents or his, decide whether to let the baby be adopted. The law allows a minor to make an adoption plan and sign a consent form agreeing to adoption, just as an adult can.

## When Anna's 18, can she and her child leave foster care?

**Anna can. If she has custody, she can take her child. If DSS has custody, she has to show DSS that she can support and care for her child.**

## Can my baby's father stop an adoption?

He can stop an adoption if any one of these is true:

- \* You and he are or were married.
- \* He tried to marry you after the baby's birth.
- \* He legitimated the baby.
- \* Before the adoption petition was filed, he admitted he's the father and was ordered to or agreed to support the child, made reasonable and consistent support payments according to what he could afford, and has regularly been (or tried to be) in touch with you or the baby.
- \* Before the adoption petition was filed, the child lived in his home and he publicly claimed the child was his.
- \* He adopted the baby.

He can't stop an adoption if any one of these is true:

- \* He says he's not the father.
- \* He could have supported you or the baby but never has.
- \* He doesn't respond to the notice he gets about a possible adoption.
- \* He signs a statement that he's not the father or doesn't have a legal right to the baby.

Because the law requires that both the mother's and father's rights be considered before an adoption can take place, it is very important that you let the adoption agency or family you choose know who is, or might be, your baby's father.

## Can the father or his family take the baby because I tried to place the baby for adoption?

A father can always ask a judge for custody. But you can keep him or his family from getting custody *just because* you agreed to adoption. Here's how:

- \* If you choose who adopts the baby, you and that person can agree, in writing, that if the father tries to claim the baby before the adoption, you will take the baby back. If you get the baby back and you and the father go to court over custody of the child, the fact that you consented to adoption will not prevent you from keeping custody.
- \* You can tell an agency handling your child's adoption that you will give up the baby only if the family that the agency described to you adopts the child. (Naming the person or family who can adopt your child is called "making a designated relinquishment.") If you want this, be sure that the form you sign says that if the adoption doesn't work out, the agency will notify you so that you can revoke your consent and take the baby back. (If you take the baby back, you will again be the responsible parent.)

## Can I consider placing a child for adoption—or even agree to adoption—and then change my mind?

**Yes.** You can talk to an agency or person about placing your child for adoption and even say that you'll agree to adoption, and still keep the baby. You can and should take as much time as you want before deciding.

But *after you sign* to let the baby be adopted, you only have a short time—usually, seven days—to change your mind (revoke). If that time passes, your right to the child will be gone (unless you were forced or tricked into signing). If you revoke within seven days, the child must be returned to you. If you decide later that the same family should adopt your child or the same agency should place your child for adoption, and you sign a second consent form just like the first, you will have no time to change your mind. The second consent cannot be revoked.

A mother cannot sign for her baby to be adopted before the baby is born, although the baby's father can.

## Can I choose who adopts my baby?

**Yes.** You can choose someone you know, or the department of social services (DSS) or an adoption agency can find a family. You can say what kind of person or family you want. Most agencies will tell you about people on their waiting lists who want to adopt and show you pictures or arrange a meeting between you and them. But in all cases, the adopting person or family must be approved by DSS or the adoption agency, and the Clerk of Court has to find them suitable before approving the adoption. That is for the baby's protection.

The law also says that your baby must be placed with the family you chose if you signed a designated relinquishment.

## If I don't pick the person or family, can I find out about them?

**Yes.** If you want to know how much you can find out, ask the department of social services (DSS) or the adoption agency you plan to use, *before you place the baby with them*, what they'll tell you. The law says that an agency must answer your questions about how it handles adoptions. An agency could choose to show you pictures, let you talk to the adopting person or couple by phone, or meet them. If you care about these things, ask the agency whether it will allow them.

If you choose a family without going through an agency, you still have a right to see the "home study" (a report that is done on every family that wants to adopt). You'll probably learn a lot from it about the adopting family. If you place your baby with a family before you have a copy of their home study, you may have extra time to revoke after you get the study.

## Does it cost anything to place a child for adoption?

**No.** There are no charges for the person placing the child.

## Can the people adopting my baby give me money?

**It's against the law to give or take money for a baby.** However, the people adopting the baby can help cover your living expenses while you're pregnant and for a short time afterward (now, six weeks). They can also pay your counseling, medical, and legal fees. You can take this money and still change your mind about letting the baby be adopted. If you change your mind, you do not have to give the money back.

## After adoption, can I stay in touch with the child?

**Don't count on it.** You'll have no legal right to contact the baby or hear about him or her, even if you chose the adopting parents. If they promise that you can keep in touch, they might keep the promise, but legally they don't have to.

## Can I find the child when she or he is grown?

If you and your grown child want to contact each other, probably it will happen. North Carolina law lets Clerks of Court or judges open adoption records when a person who has been adopted (your child) or you (a birth parent) ask. If an adopted person wants to see the adoption record, the clerk or judge will look for information on whether you are willing to be found. When you fill out the medical and background information forms for the adoptive family or agency you have chosen, you can say that you want to be contacted by your child. If an agency placed your child and you didn't say that at the time, you can write the agency at any time to say that you would like to be contacted by the child.

Also, there are national organizations, called "adoption registries," that can get birth parents and their grown children together. If you tell a registry that you're trying to find a child whom you placed for adoption, and the child also tells that registry that he or she would like to be contacted, the registry will put you in touch with each other.

## Suppose I don't want the child to contact me?

There is no guarantee that your child cannot find you, either through his or her own search or because a court opens the adoption record. But it is more likely that you won't be contacted if

- \* you use an adoption agency to place your child.
- \* you say on the agency's background information form (which you fill out at the time of the adoption) that you do not want future contact with the child.
- \* you say on the form that if your child wants to contact you, you want the agency to use a go-between (intermediary). The intermediary would get in touch with you but not identify you to your child unless you gave permission.

**Emily wants to have her baby adopted. Jason, the baby's father, goes by Emily's to see the baby every week, and he gives Emily most of the money from his part-time job. He and his family don't want the baby placed for adoption. What happens?**

**Only Emily and Jason, not their families, have a say. If Jason doesn't agree to it, no adoption can take place.**

# Marriage

## Can I get married?

Maybe, but not as easily as if you were 18 or emancipated. If you are 16 or 17 you can marry anyone—not just the other parent of your child—if you have written consent from one of the following:

- \* A parent who has legal custody of you
- \* Another person, agency, or institution that has legal custody or is your guardian

If you are 14 or 15 you can marry only if

- \* you're pregnant or a mother.
- \* you want to marry the person who made you pregnant or is the father of your child, *and*
- \* a judge decides that it would be in your best interest to get married.

No one under 14 can marry in North Carolina. Whatever your age, no one else can make you get married. No one can be married against her or his will; you have to agree to be married.

# Children and Fathers

## What are the rights of a child whose parents are not married?

Parents, married or unmarried, must care for a child. (See “What must parents do for their minor children?” in the section on “Parents’ and Children’s Duties.”) Your baby’s rights don’t depend on whether you’re married to the father. What matters for the baby is that you know who the father is and establish that fact legally. The process of identifying a child’s father is called “establishing paternity.”

## How do I identify my baby’s father (establish paternity)?

Your baby’s paternity can be established in any of these ways:

- \* The father agrees to let his name be put on the baby’s birth certificate
- \* The father asks a court to declare the baby his lawful child, with the same rights to inherit his property as if you and he were married (this is called “legitimation”).
- \* The father admits or acts as if the baby is his—and you can prove that he’s done this.
- \* You ask a court to make him take a DNA test and the test shows that he’s the father.

**Tyrone is only in tenth grade, but his name is on his baby’s birth certificate. Does he have to pay child support?**

**Yes, if he can. But, a judge would prefer that he graduate before working full time.**

## When can I establish paternity?

Most fathers acknowledge paternity at the hospital when the baby is born. Most agree to have their name put on the baby's birth certificate. But if not, you or your child can take steps to identify the father any time before the child is 18—and maybe later.

To make sure you can get support for a child, the father should be identified legally as soon as possible. This is especially true for children of minors, because it is very common for young, unmarried mothers and fathers to lose touch. (Child support is money for a child's living expenses that is paid—either voluntarily or under a court order—by a parent who does not have custody.)

Even if the father is going to school now and not working, you should consider establishing paternity—because in the future, he may be able to support the child, put him or her under his health insurance, or provide other benefits.

**When her mother left, Tara moved to her pastor's home. Can he get a check for her and her baby?**

**Yes. DSS can make him the adult responsible for the TANF check.**

## If a father is 17 or younger, does he have to support his child?

**Yes, if he can.** But, before a judge orders any parent to pay child support, the judge must know that the parent can pay. Many minor parents don't have the money.

It is sometimes hard to identify fathers who are minors. For example, the North Carolina Division of Social Services tells child support enforcement officers not to ask a minor whether he's a father unless his parent or guardian is present or he signs a form saying he doesn't need them there.

## Do I have to identify my child's father to get cash assistance (TANF)?

To get TANF (cash assistance from the government), you have to say who the baby's father is and help the government locate him if you can. Child support enforcement workers will then try to establish paternity and get child support from the baby's father to repay the government for the TANF money you received.

However, you have a right not to identify the father if there is a good reason why it might be harmful—for example, if he has been violent toward you or the baby. If you are afraid of him, be sure to tell the TANF worker that this is why you are not identifying the baby's father. Otherwise, the worker may think that you are trying to save the father from having to pay child support, and you could be denied TANF benefits for that reason.

**Leila needs a job to support her baby. Can she finish high school at a community college?**

**If she's 16, she can drop out of school and go to a community college six months later if a parent signs the application form. However, if her school says it is best for her and the college lets her in, she can start right away.**

## How do I get child support?

Call the department of social services (DSS) and ask to speak to a child support enforcement officer. (In most counties, DSS handles child support. If it doesn't in your county, the DSS operator can give you the correct phone number.) Child support enforcement officers can help you

- \* find the baby's father
- \* prove he is the father—by DNA testing, if necessary
- \* get a judge to say how much the father should pay
- \* collect money from him
- \* make sure that the judge's child support order is carried out

There is a *Child Support Enforcement Handguide* online that you might find useful. It's at <http://www.dhhs.state.nc.us/dss/cse/docs/cseHandguide.pdf>.

**Larry, who's 28, is in prison. Susan is 15. Who has to support their baby?**

**Larry's and Susan's parents—until Larry is working again or Susan either gets a job or turns 18.**

## What legal rights does my child's father have?

You and he both have the right to be with and care for your child. Few minor parents get married or stay together, and a baby usually lives mostly with one of them. But the other parent also has the right to spend time with the child. If you can't agree on where your child is going to live, where he or she is going to go to school, or other matters, a judge will have to settle it. The judge can make you or the father the main caretaker for the child. When one parent is the main caretaker (has primary custody), the other parent usually gets to spend some time with the child regularly. Or, the judge can split the child's time between you. (See the questions about custody in the section on "Raising a Child.") Whatever the custody arrangements are, both of you must support the child.

## What can I name the baby?

You can give the baby any first or middle name. There are some rules for the last name, though:

- \* If the parents agree, they can give the baby any last name.
- \* If they don't agree and they were married at any time during pregnancy or when the baby was born, the baby must take the father's last name.
- \* If they don't agree and weren't married, but the father's name is on the birth certificate, the baby must take the mother's last name.
- \* If they don't agree, weren't married, and the father's name is not on the birth certificate, the mother can choose the baby's last name.

# Health Care

## Can I get health care for my baby?

**Yes.** You can consent (agree) to any health care for your child. You're a minor yourself, but also a parent—and since parents are legally responsible for a minor child's needs, they must be allowed to consent to the child's health care. Of course, the health care provider treating your child must be sure that you (like anyone consenting to treatment) understand the child's condition, what can be done for the condition, and the risks and benefits of treatment.

## What else do I need to know about getting health care on my own?

You should know that under the law

### What health care can I get for myself?

Without a parent's permission, doctors and nurses can only see minors to prevent, diagnose, or treat four conditions:

1. Pregnancy (this includes family planning (birth control), pregnancy testing, prenatal care, and labor and delivery—but not abortion, unless certain adults or a judge say so)
2. Certain infections or diseases you can pass on to others, including HIV/AIDS and other sexually transmitted diseases (STDs)
3. Emotional disturbances (but you can't sign yourself into a treatment facility)
4. Alcohol and drug use

Doctors and nurses can help you with these conditions in the following ways:

- \* Prevention—for example, by prescribing pills or teaching you about condoms to prevent pregnancy
- \* Diagnosis—for example, by testing you for pregnancy or STDs
- \* Treatment—for example, by arranging for counseling, prescribing antibiotics for STDs, or taking care of you while you are pregnant

- \* No health care provider has to treat a minor without parental consent. (However, parental consent is not needed in emergencies, and hospital emergency room staff must help anyone who shows up with a medical emergency.)
- \* Many doctors and health care facilities will wonder whether you can pay. Some clinics or health departments have free or lower-priced care for those who can't pay. Ask about it. (Hospital emergency room staff cannot refuse emergency care because a patient cannot pay.)
- \* Even if you have one of the four conditions listed under "What health care can I get for myself?", nurses or doctors can't treat you without a parent's permission unless they think that
  - \* you understand what they're saying,
  - \* you're capable of deciding about your health care, and
  - \* nobody is forcing you to make one decision or another.
- \* Health care providers will probably encourage you to tell your parents, and they *have to tell them* if they think your parents' knowing might be "essential to your life or health."
- \* If a parent finds out about a minor's medical appointment and asks the health care providers about it, the law says that the doctor or nurse may—but does not have to—give the parent information. If you are worried about this, ask the health care providers what they would do if your parent asked.

## Can I get family planning (birth control) for myself?

**Yes.** Family planning is meant to prevent pregnancy when people have sex. Because the law lets doctors and nurses give you confidential (private) medical care to prevent pregnancy without permission from your parents, they can give you or prescribe birth control. (Family planning or birth control can also be called “contraception.”)

## What do I need to know about family planning (birth control)?

If possible, ask a health care provider about family planning before having sex. Doctors and nurses should talk with you alone (privately) about having sex and about birth control. Health care providers should tell you how a woman or girl becomes pregnant and answer your questions. If you want to include someone else in the discussion, you can—but you may still want to ask some questions alone first.

Health care providers (doctors, nurses, and health educators) should tell you about all the types of family planning (birth control) if you want to know, even though they may encourage you not to have sex and may say that you should talk to your parents about sex. They should tell you how each type works and how well it works. (Most types of birth control must be used before sex, but some can be used the morning after.) Health care providers should also tell you what problems you might have with each type. This information will help you decide which kind of birth control is best for you. If they do not tell you about all these things, you can ask them to tell you.

Doctors and nurses should tell you how to keep safe from infections passed on through sex (these are called “STDs”). They should also explain the different kinds of sexual contact.

**Rosaria is an undocumented immigrant who lives in Winston-Salem. She has a new baby who was born in North Carolina. Can she get help from the health department or DSS?**

**She can get some types of health care for herself and for her child at the health department, and she can get food from the WIC program. Her baby is a U.S. citizen who may be eligible for government health insurance, food stamps, or other help, depending on how much money Rosaria and her family have.**

## Should I ask about family planning (birth control) if I'm pregnant?

**Yes.** Health care providers should tell you what kinds of birth control you could use when you're no longer pregnant. They should explain exactly how to use the one you choose and prescribe it or give it to you. If they do not tell you these things, you can ask them to tell you. This is a good idea even if you're not planning to have sex again.

## What about the infections that can be passed along by having sex?

Infections that can be passed from one person to another are called “infectious” or “communicable” diseases. If they can be passed along by sexual contact with another person, they are also called “sexually transmitted diseases” (STDs). These are also sometimes called “sexually transmitted infections” (STIs). Gonorrhea and chlamydia are examples of STDs.

People with STDs may not know they have them, because they may not always have signs or symptoms of these infections. Even so, STDs can be passed along to other people, and they can still make you *very ill* if not properly treated.



## Is HIV a sexually transmitted disease?

HIV is an infection that causes a person to develop AIDS. It is considered a sexually transmitted disease (STD) because it can be passed to others sexually, as well as in other ways.

## Do I have to be tested for HIV?

The law says that you must specifically agree to HIV testing before it can be done. Also, you must receive confidential (private) counseling about the test and test results both *before* you agree to the test and *after* the results come back.

## What health care can I get for STDs, including HIV — and do I need my parent's permission?

You can get health care for sexually transmitted diseases (STDs), including HIV, without your parent's permission. This type of care can

- \* prevent STDs—by providing you with advice on how to avoid getting them and passing them on.
- \* diagnose STDs—by providing you with examinations and tests to find out whether you have an infection, and if so, which one.
- \* treat STDs—by providing you with the proper medicine (you must also avoid having sex while being treated for an STD).

## What should I know about STD (including HIV) prevention, testing, and treatment?

Whether or not you are having sex, you can ask a doctor or nurse about STDs, including HIV. You should ask about STDs and HIV before having sex if you can. Health care providers should talk with you privately (without other people around) and answer your questions about the infections, how they harm you, and how they are spread. They should explain the different kinds of sexual contact, because not everyone knows what counts as sexual contact. If you want to include someone else in the discussion, you can—but you may still want to ask some questions alone first.

If you are having sex, your doctor or nurse should talk with you about preventing STDs, even if he or she encourages you to talk with your parents about sex or not to have sex in the future. With your consent, health care providers can examine you and order tests to diagnose STDs. If you have an STD, they should explain proper treatment and why it is necessary and teach you how to prevent giving the STD to other people. Health care providers should also talk with you about preventing unintended pregnancies. If they do not tell you about these things, you can ask them to tell you.

**Casey is 16. She thinks she has a sexually transmitted disease (STD) and her friends encourage her to get help. She doesn't want to tell her mom. Can Casey get tested for STDs?**

**Yes. Casey can get tested —and treated—for STDs without telling her mom.**

## What if I'm pregnant and have an STD?

It's important to diagnose and treat STDs during pregnancy. You can consent to STD (including HIV) testing any time it is needed during a pregnancy. Testing for some STDs is required as part of healthcare for pregnancy. It is also sometimes required at the time of the baby's delivery. HIV counseling is also required during pregnancy, and testing will be done unless you say no. HIV testing must include confidential counseling both *before* the test is done and *after* the results come back. HIV can be passed from mother to baby at delivery, so if HIV is a concern during your pregnancy, there are special things that doctors will want to do to help protect the baby from HIV during the birth process.

## Is health care for STDs, including HIV, different because they can be passed to other people?

**Yes**, there are important differences, because they are serious infections that can be spread to other people. Here are some of those differences:

- \* Health departments provide free counseling and testing for certain STDs, including HIV. They also provide free medicines for STDs such as gonorrhea, syphilis, and chlamydia (but not HIV).
- \* In most cases, the health care provider will tell you that you must contact your sex partners so they can be treated, too.
- \* HIV and many other STDs are "reportable" infections. This means that your doctor or nurse must tell the people in charge of the state public health system that you have them. The information can't be given to anyone else (except in certain situations, such as when the laws about child abuse have to be followed, or when you've said it's okay for your doctor or nurse to share it). Protecting this information about you is called "keeping it confidential," and it's an important part of health care.
- \* Because HIV infection is a very serious condition, some doctors or nurses will strongly advise that you ask a parent or other caring adult to help you, especially when you receive your test results. You can ask doctors and nurses about this before they do the test.

**Joan can't live at home after she tells her parents that she is pregnant. Her parents say that they are unprepared to care for her themselves during that time, and they arrange for Joan to stay in a maternity home. Is that okay?**

**Maternity group homes offer housing and social support to pregnant teenagers and new mothers who cannot live at home. They may be one solution to the housing problems of teen mothers who cannot live with their parents.**

**Maternity homes in North Carolina that you can research on the Web include**  
**Asheville...Baptist Maternity Home**  
**Charlotte...Florence Crittenton Services**  
**Raleigh...The Christian Life Home**  
**Salemburg...The Royal Home**

# A Place to Live

## Where can my baby and I live?

Perhaps you are wondering about things, such as

- \* whether you may or must keep living in your parent's home
- \* whether you can get housing on your own
- \* whether you're eligible for housing assistance from the government

This section will help answer your questions.

## Living with Your Parents

### Can my parents make me leave home because I am pregnant or have a child?

If you are a minor child, your parents must provide shelter for you. It is against the law for your parents to "kick you out" so that you have to find your own shelter or sleep outside. (See "What must parents do for their minor children?" in the section on "Parents' and Children's Duties.") This doesn't mean that your parents must let you live in their home, however. They may provide shelter for you in their home, or they may arrange for you to stay somewhere else (as long as the place meets basic needs). Examples of places where your parents could arrange for you to stay are

- \* with a relative or a family friend,
- \* in a boarding school,
- \* in a maternity home, or
- \* in some other place where treatment is provided (such as a hospital or a group home).

Your pregnancy or the birth of your child doesn't change your parents' legal duty to care for and supervise you. If they fail to meet this duty, the department of social services (DSS) can ask a court to find that you are neglected. Your parents don't have to house their grandchildren, though. Under the law, as long as you are an unemancipated minor child, you are expected to live where your parent or guardian tells you to live.

### What if I want to leave my parent's home?

Experts believe that, in most cases, it is better for a teen mother to live at home with her parents after her baby is born. This belief is based on studies showing that young mothers who live with their parents are more likely to finish high school (possibly because live-at-home teen mothers receive more encouragement and/or more help with child care).

Because of this belief that home is usually the best place, many laws and funding programs try to encourage young mothers to stay at home. For example, leaving your parent's home may keep you from getting money from the government (TANF) to help support your child. Under federal law, an unmarried parent who is 17 or younger and has custody of a child older than 12 weeks must be in school or involved in another educational activity and *must live at home or in an approved, adult-supervised setting in order to receive government assistance.*

## Must a minor parent always live in a parent's home to get cash assistance (TANF)?

**Not always.** There are two exceptions to this rule. You don't have to live at home if

- \* you are a teen parent who is married or emancipated, or
- \* living in your parent's home puts you or your child's physical or emotional health at risk.

If you can't live at home because physical or emotional harm might come to you or your child, the department of social services (DSS) must help you find a suitable, adult-supervised place to live. If you think you or your child might be at risk in your parent's home, call DSS and ask for the Child Protective Services section. Tell them that you are reporting your situation and ask them to investigate. They must tell you whether they will investigate, and if they do look into your situation, they must tell you what they decide.

## Where can I live besides my parent's home?

Sometimes a minor mother moves out of her parent's home with no plan for where she and her baby will stay. The young mother may then try living with a series of relatives and friends, but this may not be good for her or her child. If you are moving from place to place, it is very hard to stay in school, to find and keep a job, and to keep up with appointments for your child and yourself, including appointments that keep you eligible for benefits such as Medicaid and TANF. It's even hard to keep up with your mail. For those reasons and perhaps more, you need an adult to help you if you have been asked to leave home or have decided to leave on your own and have no place to stay where your needs will be met. (If you are living with a man you're not married to, the department of social services (DSS) will not consider you to be living in an appropriate adult-supervised arrangement.) If you don't know an adult who can help you, try to find one at school, the police or sheriff's department, the health department, the department of social services, a recreation center, or at a church, synagogue, or mosque. Look for places that show the yellow sign that says "Safe Place." The adults in places with these signs will call someone to meet with you and help you make a plan for yourself and your child.

**Tiffany, who is 15, and Shawn, who is 20, live with Shawn's family. Tiffany's mom approves. Any problem?**

**Yes. Tiffany's mom can be charged with neglect, and Shawn can be charged with statutory rape.**

## Can my parents keep my child while making me live elsewhere?

Your parents may not keep your child (their grandchild) while you are forced to live somewhere else, except in the following situations:

- \* You are in detention, jail, or prison
- \* You are in a hospital or other treatment place and can't care for the child
- \* The department of social services and/or court has given them custody of their grandchild (your child)

# Renting Your Own Apartment, House, or Mobile Home (Trailer)

## Can I rent a place for myself?

**Probably not.** Owners and rental agents for apartments, houses, and mobile homes usually will not sign leases with minors. Also, utility companies that provide water, electricity, natural gas, and heating oil usually won't start these services in a minor's name. This is because, under the law, a minor is not responsible for a contract that he or she signs. So, even if you signed a lease for housing, the landlord probably couldn't collect the rent money if you didn't pay.

You may have an adult relative or friend who is willing to sign a lease for you so that you can have your own place. If so, the adult is listed as the person renting the apartment, house, or trailer. He or she is the tenant, which makes him or her legally responsible for the rent and for paying for damage to the property. You and your child are listed as occupants. An adult who signed for your apartment, house, or trailer would be taking on a big responsibility, and it's important for you to know that. It's also important for you to understand a few laws and legal definitions about renting a place to live.

## What is a lease?

A lease is a contract or legally enforceable agreement between a landlord (the owner of the property) and a tenant (the person who is renting the property).

In the lease, the landlord and tenant agree on the rules for the rental of the property. Once the landlord and tenant both sign the lease, they are required to do what the lease says (unless the lease says something that is illegal under the landlord-tenant laws of North Carolina).

Rental leases can be either written or spoken, depending on how long the landlord and tenant agree the lease will last. It is usually much better to have a lease in writing. That way, everyone is clear about their responsibilities under the lease and many misunderstandings can be avoided.

**Juanita begins looking for an apartment on her 18th birthday. She sees an ad for what seems like the perfect place for her and her three-year-old son. Juanita calls and listens with great excitement as the rental agent describes the apartment. During the conversation, Juanita mentions that the apartment's location is within walking distance of her son's day care center. The agent then tells her that children are not allowed in the apartment complex. Is it legal for the complex to have such a rule?**

**An apartment complex can't refuse to allow children unless the housing is mainly for senior citizens. Landlords may not discriminate against adults with children under the age of 18, single mothers, or pregnant women. Also, landlords can't make renters with children pay more or agree to different terms than renters without children.**

## What should be in a lease?

These are important things you should look for in a lease:

- \* The address of the property being rented
- \* The name and address of the landlord
- \* How much the rent is per week or month
- \* How much the deposit is and how you can get it back (A deposit is money that a tenant gives a landlord before moving in, which the landlord can use to pay for damage the tenant might do to the housing unit.)
- \* Exactly when rent must be paid
- \* How long you are renting for (This is called the “term of the lease”—for example, some leases require the tenant to rent the property for six months or a year, while other leases only call for renting one month at a time.)
- \* How the tenant and landlord must notify each other about ending the lease

A lease should also make clear whether the tenant or landlord must pay the utility bills and how the property is to be maintained. Some leases also say who—or at least how many people—may live in the house, apartment, or mobile home. The adult who helps you rent a place to live will be violating the lease if the lease names who may live in the house or apartment and you and your child are not named.

## What are a landlord's and a tenant's main duties?

The tenant (or a responsible adult if the tenant is a minor) must pay the rent and not damage the property. In return, the landlord must keep the property in a reasonable condition. If your community has a minimum housing code (rules about health and safety in housing), then the landlord must follow that code. If the landlord doesn't make necessary repairs after you inform him of the problem and you believe that your health or safety is at risk, you should report the situation to your local housing office. It is illegal for your landlord to take action against you by, for example, increasing the rent or trying to evict you, because you or the person signing the lease reported the poor condition of the property.

**Lisa's parents tell her that they will not care for her and her baby once the baby is born. Lisa begins to look for a place to live. She finds a mobile home but the rental agent refuses to rent it to her because she is only 16. Can he do that?**

**Yes. The rental agent has the legal right to refuse to rent to a minor.**

## Can I be put out of an apartment before the lease is up?

If the rent isn't paid on time, a landlord may try to have a tenant put out (evicted). Some landlords try to use methods that are illegal. A landlord may not try to make you leave by hassling you, locking you out, putting your things in the street, or turning off the electricity, gas, water, or other essential services. Instead, the law says that unless the lease says otherwise, the landlord must notify the tenant to pay the rent or else the rental agreement will be over.

# Public Assistance for Housing

## Can I get public assistance for housing?

You may know that some people in your community get government assistance in buying or renting a home, and you may want similar assistance to rent an apartment. Once you're 18 you may be able to get public assistance for housing. However, most public housing authorities have rules that stop you from even getting on a waiting list for an apartment or for rental assistance until your 18th birthday. And even then, you're not guaranteed housing assistance.

In the United States, there is no legal right to safe, decent, and affordable housing. Instead, housing assistance is seen as a benefit that the government *may* provide. In recent years, the federal government has set aside little money for housing assistance. As a result, many public housing agencies have cut back the number of people they serve.

**Tamika is 17 and pregnant. Her parents say she may no longer live in their home. They don't make arrangements for her. Her aunt can't take her in but agrees to rent an apartment for her if Tamika works part time to pay the rent. Tamika agrees but then finds she can't earn enough money for the rent. She does not tell her aunt. The landlord sends notices for two months and then goes to court to have Tamika evicted. What happens next?**

**If Tamika doesn't leave, the landlord may ask the court to let him put her out. If the court agrees, the sheriff could then forcibly evict Tamika from the apartment. Her aunt would have to pay the unpaid rent, interest on that amount, and also some of the landlord's court costs.**

## What should I do if I'm homeless?

Many cities and some towns in North Carolina have homeless shelters. The law allows minors to use emergency shelters for the homeless without their parents' permission. However, if the shelter staff let you stay, they will contact your parents within a day or so. Some shelters will take a minor mother with her child—but unfortunately, quite a few will not. To find out if there's a shelter where you are, call the police or the department of social services (DSS).

The National Runaway Switchboard (NRS)—1-800-621-4000, <http://www.nrscrisisline.org>—tries to help minors anywhere in the United States who have run away from home (or are thinking about it), or who are homeless for any reason. NRS gets about two thousand calls a year from North Carolina.

The National Runaway Switchboard

- \* Takes calls from anyone, 24 hours a day, every day of the year
- \* Keeps calls confidential (NRS doesn't have Caller ID)
- \* Does not call the police—unless you ask them to
- \* Is required by law to report suspected abuse, neglect, or dependency to DSS
- \* Is not connected to any religious organization
- \* Doesn't judge callers
- \* Doesn't go out and look for kids
- \* Gives messages to families
- \* Will arrange conference calls between a minor and her family
- \* Refers kids to shelter, food, and medical/legal assistance
- \* Works with Greyhound Lines, Inc., to send kids home by bus through the Home Free program

## Can I stay in school if I am homeless?

Whether you are homeless along with your parents or by yourself, there are special rules schools must follow to help you stay in school or get back to school. Your rights as a homeless student are discussed in the next section.

# Staying in School

## Will I be able to stay in school while I am pregnant?

**Yes.** You have a right to stay in the same school, classes, and extracurricular activities you've been in or are eligible to enter. You do not have to change to a school or program that is for pregnant and parenting students. Your school can't force you to change to another school or program, and it can't make you uncomfortable enough to want to transfer or drop out. It would be illegal, for example, for school officials to tell you that they can't make sure you will be safe in your current school now that you are pregnant.

If you do think you want to change schools or programs, consider asking the principal, teachers, and counselors at your current school whether the new program is as good as the one you are in now. You will want to know whether it offers the courses you need for college or a good job.

## What if I have to miss school because of medical problems?

If your or your child's medical problem keeps you out of school, the school must excuse the absence. Be sure to ask the doctor to contact your school. Although the absence will be excused, you will have to make up the work to get credit. If it is medically necessary for you to stay home for weeks or months, ask the school to arrange homebound instruction. You are legally entitled to it.

## Why is it important to be in school as much as possible?

You won't learn as much from someone coming by your home briefly to teach you or bring you assignments as you will from being in class. If you miss many school days, your grades may fall or you may lose credit, and you might even have to repeat a year.

## If I am a parent, do I have rights at school?

**Yes.** First, you can't be treated worse than other students for being a parent. For example, school boards can't keep young parents out of extracurricular activities. Second, schools must treat young mothers and fathers the same. So, fathers must be allowed to use school-related child care centers or take parenting classes too.

**Esther left school three years ago at age 16. Now she wants to graduate. Can she go back to high school, or does she have to get a GED?**

**She can go to high school until she's 21.**



## Can I drop out before age 16 because I'm pregnant or parenting or because my family needs me to work?

**No.** You must stay in school until you're 16. That's the law (although most lawyers think a married student can leave school at any age). Your parents are responsible for finding a way for you to attend school until age 16. You can ask the department of social services (DSS) for help in paying for child care and for information about licensed child care providers. If your parents can't or won't help you arrange for child care so that you can go to school, call DSS, ask to speak to a Child Protective Services worker, and explain the problem.

Unless you're expelled, you have a legal right to stay in school until you're 21 years old or graduate, whichever comes first. So, even if you drop out for awhile, you can always return to school until you're 21.

If you do drop out, the school must tell you where else you could continue your education. That could be at an extended day program in the public school system, at the local community college, or somewhere else.

Pregnant and parenting teens who finish high school have higher rates of employment and higher pay. They are less likely to need government assistance, and their children are more likely to graduate from high school.

## Can I go to school if I am homeless?

**Yes.** A federal law requires public schools to offer homeless students the same education as other students. The law applies whether you are homeless with or without your child and with or without your parent or guardian. These are the major things the law says.

- \* You are entitled to be in the regular school program, not just a program for homeless students. You are also entitled to any other school programs or services you need, including transportation to school and back; services for disadvantaged children, children with special needs, or students with limited English proficiency; vocational education; programs for gifted and talented students; and school meal programs.
- \* A school must let you in immediately even if you are by yourself and you do not have the records normally required for entering school (such as proof of residency, a birth certificate, your grades in the last school, or your immunization records).
- \* You have the right to help from the school district's liaison for homeless students. She or he can help you enroll, get transportation to and from school, and pursue other rights.

**Keisha's excited about graduating, but the class adviser says she can't march because she's pregnant and showing. Is the advisor right?**

**No. The adviser is mistaken. Not letting Keisha march would violate a federal law that forbids discrimination against pregnant students.**

## Can I finish high school at a community college?

**Yes.** But almost all community college students must be 16 years old. If you're 16, there are two ways to transfer:

1. If you've been out of school for several months (usually, six months), you can enter community college if your parent, guardian, or legal custodian enrolls you.
2. You can transfer from school to community college any time after you're 16 if your school agrees that's best for you and the college lets you in. (This way doesn't require waiting for several months.) Ask the principal, a counselor, or someone else at school whether they can help you get these permissions.

# Going to Court

## Why might someone my age go to court?

You might have to go—for instance, if you are accused of having done something wrong, or if you are called as a witness.

Or, you might go to court because you want to ask for something. Examples of that include

- \* To get child support for your baby
- \* To be able to decide for yourself about abortion
- \* To get permission to get married
- \* To be emancipated

## What should I pay attention to if I go to court?

It's very important to

- \* Be there on the day you're expected
- \* Be on time
- \* Tell the truth
- \* Think beforehand about what to say
- \* Speak clearly
- \* Show respect

## Can I get out of going to court if it is hard to get there?

If the court expects you to be there, you should be there. If a judge **ordered** you to court, you have to go. If you don't, the judge can say that you're in "contempt of court" and send law enforcement officers to bring you to court or even put you in jail for not coming.

If you *asked* to talk to a judge and you don't come, the judge may close the case, and you'll miss the chance to get what you need. Any time you're supposed to be in court, you should make every effort to contact the Clerk of Court if you can't be there.

So, plan ahead. Find a babysitter if you need one. Have backup plans if your ride or sitter doesn't work out. Tell your school, your boss, or whomever you need to tell that you *have to* be somewhere. (Schools must excuse an absence to take part in a court procedure.)

If you still can't get there, *be sure* to call the Clerk of Court's office and your lawyer (if you have one) and tell them why. Maybe the judge will let you come another time. You can find the Clerk of Court's phone number in the phone book (usually in the blue pages, which list government numbers).

## Can I be late to court?

**No.** Being late may be as bad as not coming. Be sure to know where the courthouse is and when you need to be there, and leave time for finding the correct room inside the courthouse.

If you're late, call your lawyer and the Clerk of Court's office to let them know that, and tell them why.

## How should I prepare to talk with the judge?

Talk to people who know about the case, or have been to court before, or are going with you. Practice out loud what you plan to say and practice answering questions you might be asked.

## How should I talk to a judge or a lawyer in court?

Here are several things you should keep in mind when talking to someone in court:

- \* Listen to what the person says. Ask him or her to say it again if you don't understand.
- \* Take your time before answering.
- \* If you don't know an answer, say "I don't know."
- \* Speak clearly and loudly and slowly enough to be understood. Use whole sentences.
- \* Don't try to be funny or sarcastic.
- \* Don't argue or get mad.

## What should I wear (or not wear) to court?

A good guide might be, "Don't dress up. Don't dress down. Be modest." Fancy clothes or loud, eye-catching clothes, or clothes that do not cover enough might attract unfavorable attention. You will want to avoid halter-tops, very short skirts, low-cut jeans, flip-flops, bedroom slippers, or tee shirts with slogans on them.

## What is considered respectful behavior in court?

### It's good to

- \* Sit or stand straight
- \* Look at the person talking to you
- \* Wait till he or she is finished before you speak
- \* Use "sir" or "ma'am"

### It isn't good to

- \* Talk or whisper while waiting to be called
- \* Use a cell phone
- \* Use bad language or talk back

# Working

## Can I get a job?

**Maybe.** You are legally entitled to work at many jobs, and many minors do work. These are the general rules:

- \* Minors must get a permit to work at most jobs.
- \* Minors can't work as many hours as adults.
- \* Minors can't take certain jobs at all.

In most cases

- \* A person 13 or younger cannot do much besides farm work (some other things allowed are acting and performing, casual baby-sitting, and minor chores around private homes).
- \* A person 14 or 15 years old can only work in certain jobs, and only outside school hours. The number of hours 14- and 15-year-olds can work is limited.
- \* A person 16 or 17 years old can work longer hours with permission from a parent and a school official. However, 16- and 17-year-olds can't have dangerous jobs or jobs harmful to their health or well-being.

To learn more about the rules, go to <http://www.nclabor.com/wh/whfacts.htm> and click on "Child Labor in Non-Agricultural Occupations in North Carolina." For more information, including how to get a work permit, call 1-919-807-2796 or (toll free number for North Carolina) 1-800-NCLABOR (1-800-625-2267).

## How do I get a work permit?

The application form can be printed from <http://www.nclabor.com>. Click on "Youth Employment Certificate." In most counties, the DSS director issues permits to minors living in or wanting to work in the county. In some counties, school or public library officials issue the permits. In a few counties—including Wake, Mecklenburg, Guilford, and Cumberland—employers can complete the whole process online. (For more information, you may call the phone numbers listed above in "Can I Get A Job?")

## What are the work rules for minor parents who get cash assistance (TANF)?

TANF, the state/federal cash assistance program, has its own rules about work and school. DSS workers can explain them to you. In general, to be eligible for payments, pregnant minors and those caring for a young child must go to school full time until they graduate. But if they are not in school full time they have to work if their child is over a year old and child care is available. A parent who can't find child care can stay home until the child is six years old.

# Being Safe

## What laws are there to keep me safe?

North Carolina laws try to protect you from the following:

- \* Abuse, neglect, and dependency
- \* Sexual offenses, including statutory rape
- \* Domestic violence

These terms are explained in this section.

If you are the victim of a crime—for example, assault and battery, robbery, or rape—and you report it to the police, they will take your report and investigate it just as they would for an adult.

## Who is a neglected child?

You're neglected if your parent

- \* doesn't properly care for, supervise, or discipline you; or
- \* abandons you;
- \* doesn't get you medical or remedial care (such as glasses or a hearing aid);
- \* lets you live in a harmful place (for example, a place that is unsanitary or dangerous, or where there are unsuitable people, drugs, or violence);
- \* lets you leave school before age 16; or
- \* if you are 16 or 17, encourages you to commit a crime or approves of it.

## Who is a dependent child?

Dependency, unlike abuse and neglect, does not mean that your parent is at fault. You are dependent if

- \* you don't have a parent to care for you, or
- \* your parent cannot take care of you or send you to an appropriate place.

## Who is an abused child?

You're abused if your parent (or someone taking the place of your parent) does any of these things:

- \* seriously injures or is physically cruel to you;
- \* damages you emotionally;
- \* sexually abuses you; or
- \* if you're aged 6 through 15, tells you to commit a crime or approves of it.

You're also abused if your parent lets other people do these things to you or allows a serious risk of that happening. The law considers you abused by some sexual acts even if you think you took part in them voluntarily.

## Who is supposed to keep a child from being abused, neglected, or dependent?

Only parents and people acting as parents (such as a guardian) have this duty. For example, if your coach, friend, aunt, or next-door neighbor hit you, it would be battery but not child abuse. (If your parent let someone else harm you, that would be abuse on your parent's part.)

However, all adults in North Carolina must report abuse, neglect, or dependency if they reasonably suspect it is happening to a minor. Minors may report, too.

## How should abuse, neglect, or dependency be reported?

Call the department of social services (DSS) to report that you (or another minor) need help. DSS will investigate and keep your call confidential. Or, you could tell an adult you trust and ask them to report to DSS.

## What is statutory rape?

Statutory rape is sex between someone 13, 14, or 15 years old and a person four or more years older. It is a crime. Even if the younger person agrees to or asks for sex, it is a crime for the older person to take part.

## What if I am age 12 or younger and having sex?

If you have sex with someone at least 12 years old and he is four or more years older than you, it's a very serious crime for him—first-degree sexual offense. If your partner is under 16 and you are three or more years younger than he, he is guilty of taking indecent liberties. Both acts are criminal for your partner even if you agreed to the sex or even invited it.

## If my relationship with my boyfriend is unlawful because of our ages, will anyone report him to the police or DSS or tell my parents?

It's impossible to say "yes" or "no", because there are too many possible situations. But this information about the law may help you.

- \* Almost anyone *may*—but very few people *must*—report a crime.
- \* Every adult must report a reasonable suspicion of a child's abuse, neglect, or dependency to DSS. So, if an adult knew of an unlawful relationship and thought your parents knew of it and were not protecting you, the adult might report your parents to DSS for neglect. (Remember, "every adult" includes health and social services providers and school personnel. There are no exceptions to the duty to report mistreatment of children.)
- \* If DSS learns that someone besides a parent or other caretaker may have physically harmed a minor, the DSS director must tell law enforcement. In some—though not all—counties, the DSS director tells law enforcement about statutory rape.
- \* A doctor treating you on your own must tell your parents about it if the doctor thinks that telling them is essential to your life or health.

### When Christy files for child support, Josh, the baby's father, poisons her dog. What can she do?

**That is domestic violence, and she can ask a judge for a protective order. It's also destruction of property and cruelty to animals, crimes that she can report to the police.**

## What is domestic violence between partners?

If someone you are (or used to be) in a personal relationship with commits a wrongful act against you or a member of your family or household, that is domestic violence (even if you were only dating, rather than living with, that person). The wrongful act could be a crime such as assault, battery, or rape. Or, it could be frightening or harassing someone so much that it harms them emotionally. Other acts that could be domestic violence are following or spying on (stalking) a person or destroying his or her property.

## What can I do about domestic violence?

If the domestic violence is a crime, you can report it to the police.

Instead of or besides reporting to the police, you can get a protective order. That means asking a judge to make the person

- \* stop the abuse,
- \* leave you alone from now on,
- \* pay the court costs, and/or
- \* get treatment.

The judge can also decide which one of you

- \* gets custody of any child you share,
- \* pays to support the child,
- \* stays in a house you have shared, and
- \* keeps the personal property you've shared.

# Information for Parents of Pregnant and Parenting Minors

## How can this book help parents and grandparents?

Pregnancy and parenting are usually for adults. No wonder these situations are challenges for minors (aged 17 or younger). They need health care and they deserve to know their choices—childbirth or abortion, raising a child or placing the child for adoption. A girl may also need social services and special accommodations at school, at least while she is pregnant and perhaps afterward.

If your daughter gives birth and raises a child, she—and perhaps you—may want to know the laws on child custody and support, marriage, emancipation (becoming an adult through a court process), fathers' rights, housing, domestic violence, sexual assault (including statutory rape), child maltreatment (abuse, neglect, dependency), and education rights. These subjects and more are discussed in this book.

Throughout the book you will find information on your legal rights and responsibilities and those of your child—beginning with the opening section, “The Difference between Adults and Minors and Why It Matters.” The section describes what parents and minor children owe to each other. We hope this book answers many of your questions and makes it easier for you to advocate for your child.

This section discusses two topics that may interest you particularly:

- \* When grandparents have a financial duty to a grandchild
- \* Grandparents' rights regarding a grandchild

## Do grandparents have to support their grandchildren?

Generally, parents—not grandparents—have the legal duty to care for a child. When a mother is young and unmarried, her parents and perhaps her partner's parents (the baby's grandparents) often do help support her child. But are they legally obliged to do it? In North Carolina, the answer is “Sometimes.”

This is our state law: All four grandparents must help support a grandchild when

- \* at least one parent is an unemancipated minor (not yet 18 and not married), and
- \* together, the parents cannot fully support the child.

In that case, grandparents must fill the gap between what the parents can pay and what it takes to support the child. A judge decides how much each grandparent owes, based on his or her ability to pay. The four grandparents' financial obligations last until both parents are 18 or until they can fully support the child, whichever comes first.



## Do grandparents have rights with respect to their grandchild?

In some states they do, but not in North Carolina—even if they are supporting the grandchild. If parents cannot care for a child, a court places the child with someone else. That person *might* be the grandparent, but North Carolina law does not put grandparents in a special category. According to state courts, no one—including a grandparent—can take a child away from a parent if the parent is doing a satisfactory job. The grandparent might be a better caretaker than the parent and might offer the child the most advantages. But the North Carolina Supreme Court has said that both North Carolina law and the United States Constitution protect a good-enough parent's right to his or her child.

The law says that parents have the first claim to their child whether or not they are married and no matter what their ages, as long as they are able and willing to care for the child. (See “How does a person lose parental rights?” and “Why might a person lose parental rights?” in the section on “Giving Up a Child.”)

**Allana and her baby are in foster care. Can she keep her mom from seeing the baby and taking him out?**

**Yes, if Allana has custody of the baby. If DSS has custody, DSS decides.**

# Citizens and Immigrants

## Who is a U.S. citizen? Who is an immigrant?

A citizen is someone who was born in the United States, or who was born in another country but has become a citizen by doing something called “naturalizing.” You’re also a U.S. citizen if your parents are U.S. citizens, even if you were born in another country.

People who are not U.S. citizens may be called “non-citizens,” “immigrants,” or “aliens.” Laws usually use the word “alien.” This book uses the word “immigrant” to mean someone who is not a U.S. citizen, but who is living in the U.S. and plans to stay. A non-citizen who is in the U.S. but plans to return to his home country is a “non-immigrant” or “visitor.”

Immigrants are supposed to have permission to stay in the United States. They have to get this permission from a government agency called the U.S. Citizenship and Immigration Services. (It used to be called the INS, and sometimes people still call it that.) An immigrant who has permission to stay in the U.S. is called a “documented immigrant” or “legal alien.” An immigrant who is in the U.S. without permission is called an “undocumented immigrant” or “illegal alien.”

*If my baby is born in the U.S., will the baby be a U.S. citizen?*

**Yes.**

*Will having a baby in the U.S. make me a U.S. citizen?*

**No.** Even though your baby is a U.S. citizen, you will still be whatever you were before the baby was born—citizen or immigrant, documented or undocumented.

## Why does it matter if I'm an immigrant or if I don't speak English fluently?

Laws treat immigrants and citizens differently in ways that might be important to you. For example:

- \* There are some kinds of government help that you can't get if you're an immigrant, especially if you're undocumented.
- \* If you have trouble with English, you can get free help from someone who speaks your language at school, health departments, and social services departments. But if you have to go to court, you probably will need to take someone with you who can speak and write English.

The next section of this guide talks about the kinds of help immigrants can get from the government, and when you can get help with English if you need it.

# Getting Health Care and Health Insurance

## If I'm not a citizen, can I go to the doctor?

**Yes.** But, some doctors will not see you unless you have health insurance. If you don't have insurance, here are some ways to get health care:

- \* If you have a medical emergency, any hospital with an emergency room will take care of you. They may ask if you have health insurance, but they will still treat you if you say no. Being in labor or giving birth counts as an emergency.
- \* If you have an emergency and you can't get to the hospital on your own, you can call 911 and ask for an ambulance or emergency medical services (EMS).

Here are some ways to get health care when it's not an emergency:

- \* Health departments can help you with family planning (birth control), pregnancy tests, prenatal care, sexually transmitted diseases, health care for your child, and immunizations (shots) for you or your child. They can also give you information about pregnancy and the choices you have for dealing with it.
- \* Planned Parenthood can help you with family planning, pregnancy tests, sexually transmitted diseases, and information about pregnancy and your choices when you are pregnant. (Some Planned Parenthood clinics can perform abortions.)
- \* Some parts of North Carolina have community health centers or free clinics that will treat many different kinds of medical problems for free or for what you can afford to pay.

You can find a list of health departments, community health centers, and other places that can help you at <http://www.nciom.org/hlthinspgms/AppB.pdf>. (This link will take you to a list that is part of *A Consumer's Guide to Health Insurance and Health Programs in North Carolina*, 2003, by Pam Silberman and Asheley Cockrell Skinner.)

You can find a list of free clinics at <http://www.ncfreeclinics.org/clinics.htm>.

## Where can I get more information about health insurance?

For more information about health insurance, see *A Consumer's Guide to Health Insurance and Health Programs in North Carolina*, 2003, by Pam Silberman and Asheley Cockrell Skinner. The guide was published by the North Carolina Institute of Medicine and is available on their Web site at <http://www.nciom.org/hlthinspgms.html>.

## If I have trouble with English, will the doctor's office staff help me?

Some private doctor's offices won't, but public clinics—such as health departments and community health centers—are required to help you with English. Someone who speaks your language should be available to help you talk to the doctor or nurse. Sometimes it might be the doctor or nurse herself. Other times you may need to talk with someone on the phone who will then tell the doctor or nurse what you said. If they give you papers or ask you to sign something that is in English, they should have someone read it to you in your language. Public clinics are not allowed to make you pay for this help, and they are not allowed to make you bring someone who speaks English with you.

If you want to bring a family member or friend who speaks English, you can do that. But the doctor or nurse isn't supposed to talk to you through your family member or friend unless the doctor or nurse believes three things:

1. That your friend or family member can understand what the doctor or nurse says about your health.
2. That your friend or family member won't make it harder for you to get the health care you need, and
3. That your friend or family member will keep your information private.

## Will the doctor ask if I'm a citizen?

Health care providers are not supposed to ask if you are a citizen, but sometimes they do. If a health care provider asks, you don't have to answer if you don't want to. If the person won't treat you unless you answer, you can either answer or try to find another provider. Even if the health care provider asks and you answer, he or she is not supposed to tell anyone else what you said. If you're worried about this, ask people in your community which doctors or facilities can be trusted to follow the law and not ask.

## If I'm an undocumented immigrant, should I give the doctor a fake name?

When people give fake names, fake birthdays, or fake Social Security numbers to health care providers, it can cause a lot of problems. Here are some examples:

- \* Your medical information could get mixed up with somebody else's. This could make it hard for the doctor to take good care of you. Or, it could lead to the doctor telling somebody else your private information.
- \* If you have a baby, it might get confusing in the hospital if you have a fake name on your medical records but then you put your real name on the baby's birth certificate.
- \* If you've been using somebody else's name so that you could use their health insurance, you could be charged with a crime. Never use somebody else's health insurance.

All things considered, it is probably best to give the doctor your real name. Health care providers are not supposed to ask if you're a citizen or an immigrant, or if you're documented. Even if they believe you're undocumented, they shouldn't tell anyone. Still, no one can guarantee that they won't. If you're worried about this, ask people in your community which doctors or facilities can be trusted not to ask about your immigration status.

## Can I get health care for myself if my parents aren't in the U.S.?

If you're 17 or younger, you need permission from your parent or another adult who is responsible for you to get some kinds of health care. However, there are some kinds of health care you can get on your own.

If a doctor thinks you are able to make your own health care decisions, you won't need your parent's consent for

- \* Family planning (birth control)
- \* Health care for sexually transmitted diseases, like gonorrhea or chlamydia
- \* Pregnancy testing
- \* Prenatal care
- \* Labor and having a baby
- \* Treating emotional or mental health problems, such as depression
- \* Treating drug or alcohol abuse

If you have a medical emergency, a hospital or health clinic will take care of you even if they can't get in touch with your parents to get permission. They're supposed to try to get your parent's permission, though, so they will probably ask you who your parents are and how they can get in touch with them.

Even if it's not an emergency, if you have a medical problem that is going to get worse without treatment, a hospital or health clinic should take care of you if they've tried to get in touch with your parents but weren't able to.

If you're pregnant and want to end the pregnancy, you could ask your parents to write a letter to the clinic giving you permission for an abortion. If that's impossible, or if you don't want to ask your parents for permission, you will have to ask a judge to allow you to end the pregnancy without your parent's consent. The way you do this is explained in the section on "Ending a Pregnancy."

You may have difficulty getting other kinds of health care if your parents aren't around to say it's okay. If you can, get your parents to sign a letter that says another adult is allowed to get health care for you. This can make getting health care much easier.

## Can I get health care for my child if I am 17 or younger and my parents are not in the United States?

**Yes.** You are allowed to give consent for your own children's health care. You don't need your parent's permission.

## Who will pay for my health care if I'm an immigrant?

Anyone can get free health care for sexually transmitted diseases at North Carolina health departments. It doesn't matter if you're a citizen or an immigrant. Health department staff can give you free tests and medicines for diseases like gonorrhea, syphilis, or chlamydia. They may ask you if you have insurance, but if you don't, they will treat you anyway and they will not charge you.

Here are other kinds of free care immigrants can get from health departments:

- \* Immunizations (shots) that you or your children are required to have for school. Sometimes free flu shots are available as well.
- \* Tests and medicines for tuberculosis (TB).
- \* Tests for HIV, and counseling about how to keep from getting it, or what to do if you already have it. Health departments don't give free HIV medicines, but they might be able to help you find a way to get HIV medicines.
- \* Tests for sickle cell anemia.

You can also get pregnancy tests and birth control from the health department's family planning clinic. If you don't have insurance, they will only charge you what they decide you can afford to pay. They'll decide how much you can pay by looking only at how much money *you* make—they won't ask you how much money your parents make. If they decide you can't afford to pay anything, they won't charge you anything.

You may also be able to get free or reduced-price health care at Planned Parenthood, community or rural health centers, or free clinics.

If you don't have health insurance, you might be able to get it from the government.

## What kinds of government health insurance can immigrants get?

Medicaid is a type of government health insurance that some immigrants can get. It's only for people who don't have much money. There are different kinds of Medicaid. You're most likely to be interested in Medicaid for Pregnant Women (MPW), Medicaid for Infants and Children, and Emergency Medicaid.

There's another type of government health insurance for children only. It's called the State Children's Health Insurance Program, or "Health Choice." It's for people who have too much money for Medicaid but still can't afford health insurance. The department of social services can tell you if you can get Medicaid or Health Choice.

You can apply for Medicaid or Health Choice at any department of social services. Some health departments, hospitals, and other clinics can help you apply. You can get an application form in English or in Spanish. If you can't read the form, ask for someone to read it to you. If you have trouble with English, ask for an interpreter. You won't have to pay for this help.

## What is Medicaid for Pregnant Women? Can I get it if I'm an immigrant?

Medicaid for Pregnant Women (MPW) will pay for prenatal care and other health care that is related to pregnancy. Documented immigrants can get MPW, but usually you have to have been in the U.S. for at least five years before you can get it. (A few documented immigrants, such as refugees, can get MPW right after being allowed into the U.S.—they don't have to wait five years.) You can't get MPW if you're undocumented.

If you apply for MPW, you'll be asked if you're a citizen. If you're not a citizen, you'll be asked to prove that you're an immigrant who's allowed to get MPW.

## What is Medicaid for Infants and Children? Can I get it if I'm an immigrant?

Medicaid for Infants and Children pays for health care for children up to the age of 19. Documented immigrants can get this kind of Medicaid, but usually you have to have been in the U.S. for at least five years before you can get it. (A few documented immigrants, such as refugees, can get this kind of Medicaid right after being allowed into the U.S.—they don't have to wait five years.) You can't get Medicaid for Infants and Children if you're undocumented.

If you apply for this kind of Medicaid for *yourself*, you'll be asked if *you* are a citizen. If you're not a citizen, you'll be asked to prove that you're an immigrant who's allowed to get Medicaid.

If you apply for this kind of Medicaid for your *child*, you'll be asked if he or she is a citizen, but you shouldn't be asked if *you* are. *If your child was born in the U.S., he or she is a U.S. citizen and can get Medicaid for Infants and Children even if you're not a citizen and even if you're undocumented.* If your child isn't a citizen, you'll be asked to prove that he or she is an immigrant who's allowed to get Medicaid.

## What is Emergency Medicaid? Can I get it if I'm an immigrant?

Emergency Medicaid is a type of health insurance that any immigrant can get—even if he or she is undocumented. This type of insurance will only pay for medical emergencies. Being in labor or having a baby counts as a medical emergency.

When you apply for Emergency Medicaid, you do not have to say if you are a citizen, but you do have to answer questions about whether you live in North Carolina and plan to stay here. You can't get Emergency Medicaid in North Carolina if you live in another state or are just a temporary visitor to the U.S. If you are in the U.S. on a temporary visa that hasn't expired yet, you won't count as a resident and you won't be able to get Emergency Medicaid—but you can still get emergency health care if you need it. If you have a medical emergency, go to a hospital or call 911.

## What is Health Choice? Can I get it if I'm an immigrant?

This kind of government health insurance is for children whose families make too much money to get Medicaid but not enough to buy their own insurance. It's called the State Children's Health Insurance Program, or CHIP, in some states, but in North Carolina we call it Health Choice. Health Choice will pay for many different kinds of health care for children under age 18.

Documented immigrants can get Health Choice, but usually you have to have been in the U.S. for at least five years before you can get it. (A few documented immigrants, such as refugees, can get Health Choice right after being allowed into the U.S.—they don't have to wait for five years.) You can't get Health Choice if you're undocumented.

If you apply for Health Choice for *yourself*, you'll be asked if *you* are a citizen. If you're not a citizen, you'll be asked to prove that you are an immigrant who's allowed to get Health Choice.

If you apply for Health Choice for your *child*, you'll be asked if he or she is a citizen, but you shouldn't be asked if *you* are. *If your child was born in the U.S., he or she is a U.S. citizen and can get Health Choice even if you're not a citizen and even if you're undocumented.* If your child isn't a citizen, you'll be asked to prove that he or she is an immigrant who's allowed to get Health Choice.

# Getting Other Kinds of Help

## Are there other kinds of government help immigrants can get?

There are some types of help you can get only if you're documented. Other types of help you can get even if you're undocumented.

## What kinds of government help are available?

There are several types of help available:

- \* Temporary Assistance for Needy Families (TANF) is a government program for people who have children but who don't have much money. It gives families cash and other kinds of help. Documented immigrants can get it, but usually they have to have been in the U.S. for at least five years. You can apply for TANF at the department of social services (DSS). You will be asked if you are a citizen. If you aren't a citizen, you'll be asked to prove that you're an immigrant who's allowed to get TANF.
- \* Food stamps allow people who don't have much money to buy food. They work the same as money at a food store. Some documented immigrants, including children age 17 or younger, can get food stamps. You can apply for food stamps at the department of social services. You will be asked if you are a citizen. If you aren't a citizen, you'll be asked to prove that you're an immigrant who's allowed to get food stamps.
- \* The Women, Infants, and Children program (called "WIC") gives food and other nutrition help to teens and women who are pregnant and to babies and young children. Ask your doctor how you can get WIC.
- \* Maternity Care Coordination (also called "Baby Love") is a program that helps pregnant girls and women get medical care and other services such as transportation, housing, job training, and day care. Ask about Baby Love at your local health department. In some parts of North Carolina, the health department won't be able to give you Baby Love services unless you are on Medicaid, but in other parts of the state you can get it even if you can't get Medicaid. It won't hurt to ask if you can get Baby Love, even if you don't think you'll be able to get Medicaid.
- \* Child Services Coordination is a program for babies and children up to age five who have medical or developmental problems, or who might develop problems without extra help. If your child qualifies for this program, he or she can get help. It won't matter if you are an immigrant or whether you are documented or undocumented. Ask about Child Services Coordination at your local health department.
- \* Child Protective Services (CPS) helps children who are abused or neglected. It's part of the department of social services. There's more about abuse and neglect in the section on "Being Safe." If you need this kind of help, you can call the department of social services or ask someone you trust to call for you.
- \* The government often provides a lot of help to people when there is a disaster, such as a hurricane or an ice storm. Undocumented immigrants can stay in emergency shelters and also get emergency food and other kinds of help in disasters.



## Legal Matters

### *Can an immigrant get a judge's permission to end a pregnancy?*

**Yes.** To get the judge's permission, you have to do the same things a citizen would have to do. Those things are explained in the section on "Ending a Pregnancy."

If you have trouble with English, you're probably going to need to take an adult friend who speaks English to court with you. You will have to fill out forms that are in English and talk to people who may speak only English. You shouldn't count on being able to get help from the court staff—take someone with you instead.

### *Can an immigrant get married in North Carolina?*

**Yes.** You'll be treated just like a citizen who wants to get married. If you're 16 or 17, you'll have to have a parent's permission, and if you're 14 or 15, you'll need a judge's permission. There's more information about this in the section on "Marriage."

When you go to get a marriage license, you'll be asked for your Social Security number. If you don't have one, you'll have to sign a paper that says you don't have a Social Security number and are not eligible to get one.

If you have trouble with English, you should take someone who speaks English with you when you go to get the license, or if you have to go to court to get a judge's permission to marry. You will have to fill out forms that are in English and talk to people who may speak only English.

# Changing Your Immigration Status

## If I am undocumented, is there a way I can become documented?

It is sometimes possible for an undocumented immigrant to become documented and eventually even become a U.S. citizen. You will need the help of a lawyer to do this. It is very important to find a lawyer who specializes in immigration.

*Do not ask a notary public (notaria, consultaria, or notario publico) to help you with this.* In the U.S., notaries public are not lawyers and cannot do the legal work that is required to help you become documented. A lawyer who can help you will have

- \* a degree showing that he or she graduated from a law school and
- \* a license to practice law in the state where he or she works.

If you want to find out if a person is licensed to practice law in North Carolina, you can call the North Carolina State Bar at 919-828-4260 or search the member directory on the North Carolina State Bar Web site at [http://www.ncbar.com/home/member\\_directory.asp](http://www.ncbar.com/home/member_directory.asp).

## What circumstances could make me eligible to become documented?

There are many different circumstances that could apply—too many to explain in this book. But there are two ways in particular that you may want to ask an immigration lawyer about: Special Immigrant Juvenile Status and U Visas.

## What is Special Immigrant Juvenile Status?

Special Immigrant Juvenile Status (SIJS) is a special immigration status for unmarried minors who have been abused, neglected, or abandoned by their parents. You can qualify for SIJS only if a judge decides that you have been abused, neglected, or abandoned and that you are eligible for long-term foster care. If you qualify,

- \* the judge must place you in the custody of a state agency, which in North Carolina will usually be the department of social services (DSS), and
- \* the judge must also decide that it is in your best interest not to return to your home country.

A minor who gets SIJS will be treated almost the same as a lawful permanent resident (an immigrant with a “green card”). She will be allowed to work in the U.S. and may be able to become a U.S. citizen after five years.

SIJS is only for minors. In North Carolina, an immigrant who is 18 or older cannot get SIJS. If you think you may be eligible for SIJS, talk to an immigration lawyer as soon as possible. The process for getting this status can take a long time, and if you turn 18 before the process is complete, you will no longer be eligible for SIJS.

## What is a U Visa?

A visa gives a non-citizen legal permission to be in the U.S. The U Visa is a special kind of visa that is only available to crime victims who have suffered serious abuse.

You could be eligible for a U Visa if you have suffered substantial physical or mental abuse as a result of rape, sexual assault, domestic violence, involuntary servitude (being forced to work for someone against your will), sex trafficking (being brought to the U.S. from your home country by someone who forces you to perform sex acts for money), or a number of other crimes. You do not have to be under age 18 to get a U Visa.

If you think you may be eligible for a U Visa, talk to an immigration lawyer.

### Where can I find a lawyer who can help with SIJS or a U Visa?

If you have a social worker or a guardian ad litem (someone the court appointed to help you in a juvenile court case), that person may be able to help you find a lawyer. You may also contact the North Carolina Justice Center's Immigration Legal Assistance Program at 1-888-251-2776 (they speak both English and Spanish). Information about this program is also available on the Internet at <http://www.ncjustice.org/work/index.php> (click on "Immigrant Issues"). If the Justice Center is unable to help you, they may be able to refer you to another agency or lawyer for help.

# What Does That Word Mean?

**\*abandon**—To give up knowingly a right in someone or something with no plan to take it back. For example, in North Carolina one way of abandoning one's child would be to have no contact with the child and not support him or her for six months or more.

**abortion**—When a fetus leaves a woman's body before it can live on its own. An abortion that occurs naturally is also called a miscarriage. A planned abortion is sometimes called "induced abortion" or, more often, just "abortion." A woman who decides to end a pregnancy takes pills (medical abortion) or has an operation (surgical abortion).

**abuse**—Harmful treatment.

**appeal**—To ask a court to look over what a lower court decided and reach a different conclusion.

**birth control**—This term has two meanings. It can mean planning how many children you will have. It can also mean medicines or other methods you can use to avoid unwanted pregnancy. Another name for birth control is "family planning."

**contempt of court**—Disobeying a court's rules or showing disrespect. Judges can penalize people for contempt of court, including by putting them in jail.

**custody**—Responsibility for the care and supervision of a child.

**dependency**—The need to rely on someone else for life's necessities.

**designated relinquishment**—A parent's surrender of a child to an agency so that the child can be adopted by a specific person or family.

**domestic violence**—Violence that someone you have or had a personal relationship with does to you or to someone who is or was in your family or household.

**DSS**—A local department of social services. Every North Carolina county has one.

**emancipation**—Freeing a child from parents' control.

**expel**—The word has two meanings in this book. 1. To force something from the space it was occupying, as when a fetus is expelled from a woman's womb. 2. To take away a person's right to be part of an activity such as school.

**fetus**—A developing human between the end of the eighth week of pregnancy and birth. (See **abortion** in this list.)

**guardian ad litem**—An adult whom a judge asks to help a minor through a court procedure.

**homebound instruction**—Someone from school coming to your house to leave assignments or teach you or pick up schoolwork you've done.

**mature**—Having the understanding and judgment of a grown-up.

**minor**—A person under eighteen years old and also not married, not a member of the armed forces, and not emancipated. (See **emancipation** in this list.)

**\*neglect**—Inattention to a child's physical or emotional needs.

**parent**—A person of any age who has fathered, given birth to, or legally adopted a child.

**parental rights**—Parents' entitlement to be with, take care of, and control their children. Courts can take away (terminate) parental rights if they think someone's an inadequate parent.

**paternity**—Fatherhood. Establishing paternity means showing who the father of a child is.

**\*petition**—A written request to a court.

**protective order**—A court order that forbids someone to behave in a way that seriously annoys or burdens the person who asks for the order.

**revoke**—To call back or cancel.

**stalking**—To follow or communicate with someone more than once in a way that frightens that person and serves no lawful purpose.

**TANF (Temporary Assistance to Needy Families)**—State and federal money given to people whose income does not cover their basic needs. The money comes with conditions—for example, most minor mothers who get TANF must live in their parent's home and stay in school—and no one can get it for more than a few years.

**WIC**—The federal government's Women, Infants, and Children nutrition program. Many low-income pregnant and nursing women and young children up to age five are eligible. Participants get nutritious food; learn about healthy eating; and are referred to other health, welfare, and social services.

\*These definitions are based on *Black's Law Dictionary* (7th Ed.).

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<http://www.teenpregnancy.unc.edu>

<http://www.teenmother.unc.edu>

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