





San Francisco Juvenile Probation Department

Juvenile Hall Policy and Procedures Manual

Chapter 8 - Programs

Policy Number:	8.06
Policy Name:	Counseling for Young Parents and Pregnant Youth
Authority:	Title 15, 1416, 1417, 1461 Penal Code: 3407, 6030e & f, 11166 Welfare and Institutions Code: 210.6220, 221, 222, American Academy of Pediatrics v. Lungren 16 Cal. 4 th 307 (1997)
Replaces:	18.5 Counseling for Juvenile Parents and Pregnant Youth
Effective Date:	January 1, 2019
Revision Date:	April 16, 2018
Related Policies and Procedures:	5.06 - Mandated Reporting 8.05 - Counseling and Supporting Youth 10.16 - Use of Force 10.17 - Use of Physical Restraints
Related Forms:	Mechanical Restraint Determination Form
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I. POLICY

Juvenile Hall staff shall work with SPY to ensure the health and wellness needs of pregnant and parenting youth are met. This includes, but is not limited to, providing services to all youth in Juvenile Hall as outlined in Welfare and Institutions Code sections 220, 221, and 222, Health and Safety Code Section 123450, American Academy of Pediatrics v. Lungren, 16 Cal. 4th 307 (1997), and Title 15 Sections 1416 and 1417.

Juvenile Hall administration in collaboration with SPY shall assure that reproductive and sexual health services are available to all youth in accordance with current public health guidelines. Such services shall include but not be limited to those prescribed by Welfare and Institutions Code 220, 221, and 222 and Health and Safety Code 123450. [Title 15, 1416]. Juvenile Hall administration in collaboration with SPY shall also assure that interactive and gender and developmentally appropriate medical, behavioral/mental health and dental health education and disease prevention programs are provided to youth. The education program content shall be updated as necessary to address current health and community priorities that meet the needs of the youths in Juvenile Hall. [Title 15, 1415]

Juvenile Hall staff shall never restrain pregnant youth unless absolutely necessary for the safety of the youth, the unborn child and/or the medical staff. (See Policy 10.17 – Use of Physical Restraints)

I. PURPOSE

Considering the often emotional and highly impacting challenges faced by several justice system involved youth, including unplanned pregnancy, sexual contact, sexually transmitted infections, and parenting, it is imperative to provide the resources and education necessary to inform and support the youth. This policy is intended to ensure responsive and preventative resources for all Juvenile Hall youth and not just those currently pregnant or confronting issues related to parenting and pregnancy.

Though sharing overlapping challenges and needs, females and males often also present different health and other needs particularly in the areas of pregnancy and sexually transmitted infections requiring diagnosis and treatment, reproductive health, child rearing, sexual assault and exploitation, and related behavioral health support services. A recent study conducted in Florida indicated that half of the females entering the juvenile justice system had past or current child welfare system involvement, one-third of court involved females had been or were pregnant and ten percent already had children. Another Cook County study indicated one in four females in detention had tested positive for chlamydia and/or gonorrhea. These challenges call for screening, services, and collaboration with health and service providers to ensure that among other education and direct service needs, prenatal care, hygiene, STIs, preventative health care, sexuality, intimate partner violence and safety are prioritized and met.

In the 2004 study by Lederman, Dakof, and Larea, 76% of the females in detention reported being sexually active. On average, females reported their first sexual experience at 13.89 years of age. Sexually active females reported having an average of 1.3 sexual partners in the last three months and 34% reported being sexually involved with somebody more than five years older than them. Contrary to other reports, females reported high rates of protected sex: 68% reported that they used a condom the last time they had sex, and 80% said they regularly use some type of birth control. However, 14% of the females reported ever having had an STD and 32% reported having been or currently being pregnant.

In addition to ensuring the rights afforded to pregnant and parenting youth as delineated in this policy, it is the responsibility of Juvenile Hall to support the youth in detention in making informed decisions about their sexual health. Male youth must also be given an opportunity to develop responsible choices pertaining to reproduction and sexual health.

II. PROCEDURE

A. Reproductive Health Care and Education

- i. Juvenile Hall staff must work together with SPY staff to ensure that reproductive health services and education, including prevention, are available to all female and male youth. This includes all provisions of Welfare and Institutions Code 220, 221, and 222 (See JJC/SPY 15.402 Unimpeded Access to Health Care and 15.501 Special Health Care Program) [Title 15, 1416].
- ii. Pursuant to WIC 220, 221, and 222, Juvenile Hall staff must ensure the following regarding a youth's reproductive health:
 - a. Females found to be pregnant and desiring abortions shall be permitted to determine their eligibility for an abortion pursuant to law and if determined to be eligible shall be permitted to obtain an abortion. [WIC 220]
 - b. Upon request, all females shall be allowed to continue to use of materials necessary for personal hygiene with regard to her menstrual cycle, reproductive system, and birth control measures as prescribed by her physician; and shall have access to community-based agencies with information and education regarding prescription birth control measures. [WIC 221]
 - c. All youth shall have access to family planning services at least 60 days prior to a scheduled release date. Upon request, any female shall have access to a licensed physician or a community-based agency with services

necessary to meet her family planning needs at the time of her release [WIC 221].

- d. All females shall have the right to summon and receive the services of a physician and surgeon of her choice in order to determine whether she is pregnant. If she is found to be pregnant, she is entitled to a determination of the extent of the medical services needed by her and to the receipt of those services from the physician and surgeon of her choice. Expenses occasioned by the services of a physician and surgeon whose services are not provided by Juvenile Hall shall be borne by the female. A youth who is known to be pregnant or in recovery from delivery shall not be restrained except as provided in Section 3407 of the Penal Code. (See Policy 10.17 – Use of Physical Restraints) [WIC 222]
- iii. Juvenile Hall staff in collaboration with SPY must ensure that a female youth admitted while pregnant is notified (orally or in writing) of her right to, and provided all, the following:
 - a. A balanced and nutritious diet approved by a doctor and a supplemental snack if medically indicated. [Title 15, 1461]
 - b. Prenatal and post-partum information and health care including, but not limited to, access to necessary vitamins as recommended by a doctor.
 - c. Information pertaining to childbirth education and infant care [PC Section 6030(e), (f)].

- iv. The youth's consent is required for decisions relating to her own pregnancy related care including abortion as well as the right to keep reproductive information confidential. Health care providers are not permitted to inform a parent or legal guardian without the youth's consent. [see American Academy of Pediatrics v Lungren 16 Cal. 4th 307 (1997)]
- v. Female youth at Juvenile Hall will be provided with prenatal care as well as access to information from outside agencies.
- vi. Youth parents, who were the primary caregiver of their child prior to their detention, will be authorized by the probation officer to make additional phone calls and have special visits, as needed, to check on their child's well-being and continue bonding. This authorization is pursuant to the youth's appropriate behavior at Juvenile Hall.
- vii. All pregnant or parenting females will be referred to the Young Women's Freedom Center's "Young Mothers United" which provides advocacy and support for pregnant and parenting mothers to gain knowledge and support to interrupt the cycle of violence and trauma they have experienced and to heal in order to create healthier habits and routines as a parent.

B. Use of Force and Physical Restraints on Pregnant Youth (see Policy 10.16 – Use of Force; Policy 10.17 – Use of Physical Restraints)

- i. The use of force and use of physical restraints on pregnant youth is limited in accordance with PC 6030(f) and Welfare and Institutions Code 222 [Title 15, 1358] (see Policy 10.16 – Use of Force, Policy 10.17 – Use of Physical Restraints)

- a. If a Mechanical Restraint Determination is made, the least restrictive form of restraint shall be used consistent with the legitimate security needs of each juvenile. (10.17 Use of Physical Restraints)
- b. When the Probation Department uses mechanical restraints other than handcuffs on juveniles, the Probation Department shall follow procedures put in place for the documentation of their use including the reasons for the use of those mechanical restraints. (10.17 - Use of Physical Restraints)
- c. Every effort shall be made to avoid causing a pregnant youth to fall on her abdomen, to apply pressure to her abdomen, or to put weight on a youth who has already fallen.
- d. Juvenile Hall staff shall never shackle a female youth who is in labor, delivery, or recovery after giving birth including during transport to a hospital. This includes shackling by the wrists, ankles, or both unless deemed absolutely necessary for the safety and security of the youth, the staff, and the public (see Policy 10.17 - Use of Physical Restraints) [PC 6030(f); WIC 622].
- e. Restraints will be removed when a professional who is currently responsible for the medical care of the pregnant youth during a medical emergency, labor, delivery, or recovery after delivery determines that the removal of restraints is medically necessary. [PC 3407]

C. Counseling (see Policy 8.05 – Counseling and Supporting Youth)

Pregnant and parenting youth must be provided gender-responsive and supportive programming encompassing education, skills, and tools pertaining to their options and responsibilities. Topics of interest will include, but not be limited to, bonding, maturity, community resources, and education about pregnancy and child development.

D. Mandated Reporting

- i. All Juvenile Hall staff are mandated reporters (see Policy 5.06 – Mandated Reporting).
- ii. Pregnancy does not, in and of itself, establish reasonable suspicion of abuse for the purposes of reporting child abuse as mandated by law. [PC 11166]
 - a. Juvenile Hall staff are not required to ask the youth about the age of their sexual partners for the purpose of reporting abuse.
 - b. Juvenile Hall staff must report any intercourse that was coerced or in any other way not voluntary, irrespective of the ages of the partners and even if both partners are the same age. Sexual activity is not voluntary when accomplished against the youth's will by means of force or duress when the victim is unconscious or so intoxicated that he or she cannot resist.
- iii. Telephone reports must be made immediately upon receiving the information from the youth. A written report must be turned in no later than 48 hours later when required. If Juvenile Hall staff are unsure if the information that was received is reportable, they must

consult with the Officer of the Day as well as with Child Protective Services Hotline.

E. Rights of Parenting Youth Detained in Juvenile Hall

- i. Youth parents detained in Juvenile Hall have a right to contact with their child whether the child is a dependent of the juvenile court.
- ii. Youth detained in a Juvenile Hall, camp, or ranch facility have a right to visits with their children “at reasonable times subject only to the necessary limitations necessary to maintain order and security”. [15 Cal. Code Reg. 1374]
 - a. The regulation guidelines provide that any limitation on visitation may not preclude visitation by children of minors in custody.
 - b. Juvenile Hall may allow special programs such as “Teen Parents” that may also include parent child visitation.
 - c. A youth also has a right to correspond with his or her child by mail and by telephone (Policy 5.08 - Mail, Policy 5.09 – Telephone). Juvenile Hall cannot place limits on sending or receiving of mail [15 Cal. Code Reg. 1375]. Detained youth should be able to use their mail and telephone privileges to contact their child’s caregiver, social workers, and other service providers to arrange visitation and other services for their child.

F. Family Support Services and Child Care for Pregnant and Parenting Youth

- i. The Director of Juvenile Hall or designee must partner with Probation Services to ensure that parenting youth are given access to the appropriate family supports, services, parenting classes, and programming they need including the designation of facility space to engage families, accommodate lengthier and more inclusive visits with children and child care providers.
- ii. This also includes ensuring the necessary access to discharge planning for the safety and security of the pregnant youth and the unborn child. All possible attempts shall be made to release the youth to a responsible parent/guardian or find suitable placement as soon as possible.
- iii. Juvenile Hall staff are encouraged to incorporate family member involvement in treatment and post-release planning as they are essential supporters of the youth in custody and any children he or she may be parenting.
- iv. Expecting or current parents will be provided with information for proper childcare from appropriate community-based agencies and must be assisted in applying for childcare services.
- v. Pregnant and parenting youth expressing a desire to plan for their unborn child shall have access to all related materials and services.

G. Young Parent's Bill of Rights

Juvenile Hall and SPY support the Young Women's Freedom Center's "Young Mother's Bill of Rights" which applies to both male and female detained youth:

- i. We have a right to be treated with dignity and respect.
- ii. We have a right to be mothers and fathers and not to be discriminated against because of age or offense.
- iii. We have a right to regular check-ups and proper prenatal care and nutrition.
- iv. We have a right to have somebody with us while we are giving birth.
- v. We have a right to not be handcuffed and shackled during labor.
- vi. We have a right to recovery in the hospital after birth.
- vii. We have a right to see, touch, and speak with our children.
- viii. We have a right to be informed about our children's well-being and safety.
- ix. We have a right to have support and advocacy while incarcerated and to be informed of our rights as parents.
- x. We have the right to access information and education such as prenatal and parenting classes to be the best parents we can be.