

Pregnant & Parenting Youth in Foster Care: A Case for Services and Quality Legal Representation

In 2010, approximately 38 percent of the 463,000 youth in foster care were between the ages of 13 and 18 [1]. These youth are at high risk for dropping out of school, homelessness, unemployment, incarceration, lack of medical care, mental health issues and early pregnancy [2]. For youth in foster care who become parents, the outcomes are even more troubling. According to an analysis of 582 young people formerly in foster care who were selected from a broader group followed by the Midwest Study – which surveyed former foster youth from Iowa, Illinois and Wisconsin in their transition to adulthood – 25 percent of youth in foster care were classified as “struggling parents.” That is defined as young parents exhibiting the lowest level of employment and least likely to have completed high school [3].

The Illinois Teen Parenting Service Network (TPSN) study, conducted between 1998 and 2006 in six Illinois counties, reported that in a sample of more than 4,500 pregnant and parenting youth in foster care, 22 percent of the mothers had been investigated for child maltreatment and 11 percent had a child removed from their custody and placed in foster care [4].

Foster youth who are parents can face a confounding circumstance in which they may be investigated and charged with abuse or neglect by the same agency that is their temporary guardian. At the moment a child welfare agency files an abuse or neglect charge against a parenting foster youth, the child welfare agency – which is responsible for protecting, promoting and advocating for the best interest of the young parent – assumes a dual role of prosecutor and protector. While there is no doubt that the reason for this – ensuring the safety of the infant or young child – must be protected, this dual legal position raises questions about the potentially conflicting simultaneous roles the child welfare agency assumes.

This issue brief makes recommendations for resolving a number of conflicts that occur when the same public agency that is responsible for protecting and advocating for the best interests of a youth in foster care is also the responsible agency for charging that youth with neglect or abuse. The brief will discuss the following questions:

- Why are parenting youth in foster care more likely to be investigated for child neglect than their peers?
- How can a child welfare system continue to support youth during the resulting investigation, legal proceeding and transition into parenthood?
- Once a child welfare system has initiated an investigation against the parenting foster youth, can it effectively protect the youth’s rights and simultaneously plan for the youth as a foster child and parent?

Because parenting youth in care so often experience many risk factors associated with child maltreatment, such as high rates of poverty, school failure, health and mental health issues, child protective systems are correctly vigilant about the safety of the children of these young parents. However, since child protective agencies also have the responsibility for the safety, permanency and well-being of the parenting youth, coordinated interventions are necessary to provide the best services to youth who become pregnant *and* their children. These services, centered on helping young parents address their own trauma and develop the skills that promote strength and resilience, will contribute toward reducing the risk of abuse or neglect of their children.

Current Landscape: Parenting Youth vs. Parenting Youth in Foster Care

Apart from a youth's personal history, there are additional reasons why parenting youth in foster care are more likely than their non foster youth peers to have allegations of neglect or abuse levied against them, including:

- Adult members of their community and substitute family are either mandated reporters or closely linked to the foster care system.
- In settings such as maternity residences and mother-child placements, the actions of young parents are highly regulated and scrutinized by staff or foster parents.
- State imposed restrictions regarding whom the young parent can visit and where she/he can take her child. For example, foster youth are often prohibited from travel or extended visits to friends or relatives, and may be reported to authorities if they violate the rules.

These circumstances, not faced by most parenting youth, create situations in which there is a higher likelihood that parenting foster youth will be reported and become the subjects of child abuse and neglect reports for the same behavior which, while potentially of concern, is exhibited by parenting youth who are not involved with child protective services.

According to the Center for Family Representation, a nonprofit multidisciplinary legal program that represents poor parents charged with abuse or neglect in New York City, approximately 33 percent of parents represented through the Young Parents Project had a history of foster care. Additionally, 18 percent were currently in foster care, and almost all of them faced an allegation of neglect made by their foster parent or congregate care provider. These allegations included violating curfew, taking the child to a non-approved location and disregarding a suggestion made by the provider, such as where to seek child care [5]. When a foster parent or caseworker disagrees with a youth's parenting style, these conflicts are likely to be documented in the youth's case record, may be referenced to as evidence of "bad parenting" and can lead to a child protective investigation and potential legal proceedings. By contrast, a young parent who is not involved in the foster care system often has the support of family to help raise his/her child and disagreements in parenting styles between the parenting youth and his/her own parent or caregiver are more likely to be resolved as internal

family issues. Child welfare needs to better understand these differing scenarios and provide parenting youth with the skills necessary to protect their children as well as promote the well-being of all members of the new family.

Re-thinking Case Plans for Parenting Youth

A teen's pregnancy can provide an opportunity to support autonomy and to help the teen develop the decision-making skills and judgment needed to successfully protect the child and reduce risks of harm to the family. For youth in foster care, it is the responsibility of the child welfare system to comprehensively

assess the needs of the youth and to positively support a trajectory for his or her future as an adult and as a parent. Caseworkers can take advantage of the youth's change in role from dependent child to parent by working with the youth on case plans that support that change and help the youth develop the capacities needed to assume the different set of responsibilities and needs imposed by parenthood. While child safety has to remain paramount for the child welfare system and its partners, the youth's circumstances and history – including exposure to trauma – need to be understood in order to create the most meaningful case plan and support network for the new family. Often older youth in care are disconnected from stable adult mentors. An integral aspect of a pregnant and parenting youth's case plan should include identifying and establishing an adult support network that can provide help and guidance throughout the teen's pregnancy and after the birth of the child. According to the Midwest Study, parenting foster youth were least likely to identify their foster care caseworker as a source of information or support [6]; helping a youth identify and build a strong support network will decrease future stress the teen may face as they enter parenthood.

Additionally, youth aging out of foster care are more likely than their peers to experience homelessness. Working with teens during their pregnancy to identify stable housing is critical. A foster youth's pregnancy provides a unique opportunity for caseworkers to actively engage teens to identify a stable housing situation that will meet their needs both as independent adults and young parents.

A Youth's Right to Counsel

U.S. Supreme Court rulings mandate that any parent be afforded legal representation at a termination of parental rights hearing and many states require parental legal representation at key points in a dependency case, including fact-finding and disposition hearings. However,

The Legal Landscape: Rights of Parenting Foster Youth

- The fundamental liberty interest of birth parents in the care, custody and management of their child is protected by the [Fourteenth Amendment](#). Cite: 455 U.S. 745 (1982) Since 1923, the U.S. Supreme Court has held that parents have the fundamental right to raise their child, as well as the right to make important decisions regarding their child's upbringing; which include decisions related to education, religion and health treatment [7]. In limited circumstances, the state can intervene to protect a child from maltreatment. (Cite: Stanley v. Illinois 405 U.S. 645 (1972))

many parenting youth, because they remain dependents within a child welfare system, are not afforded access to an attorney to represent them in similar circumstances.

In some jurisdictions, these youth are represented by a Guardian Ad Litem, the same person appointed to represent them when the state filed dependency proceedings against their parents. Not all Guardians Ad Litem are lawyers, and thus the parenting youth in foster care may not immediately have access to a trained legal professional charged with protecting the youth's due process rights [8], leading to potentially harmful outcomes for the parenting youth and his/her child. Other youth may be represented by Law Guardians who, while lawyers, are not trained to represent parents and do not have the requisite skills or experience as advocates for parents.

Recommendations: A Model for Improved Outcomes for Parenting Foster Youth and Their Children

1. Reexamine policies related to parenting youth.

Child welfare should reexamine policies that determine reporting of abuse and neglect for parenting youth, taking into account their role as parents and their need for support and guidance. This may involve new training on expectations and healthy adolescent development for foster parents and providers who regularly work with parenting youth. It may also include the use of differential response approaches targeted at pregnant and parenting youth.

When child welfare systems put in place policies and practices that promote healthy adolescent development and active parent-child bonding, the capacities of parenting youth in foster care can be strengthened to successfully transition to adulthood and effectively parent their children. To do this, it is necessary to examine current child welfare and family court practice and implement new evidence-based and evidence-informed approaches that promote safety, positive parenting and that reduce the likelihood of child abuse and neglect while protecting youths' due process rights as parents.

2. Ensure that case plans for parenting youth reflect their change in status from youth to parent.

Child welfare workers should work with youth to create case plans that are structured around their new set of responsibilities as parents, and avoid carrying over outdated case plans that do not reflect new responsibilities and opportunities. Services and supports in the new case plan should reflect the safety and well-being needs of the entire family, and should include visiting nurses, mentors and education specialists and parenting coaches who could work more closely with the young family. At the same time, the case plan cannot ignore the needs of the young parent to complete his/her education and gain the skills to be economically stable over the longer term.

3. *Ensure that parenting youth in foster care are represented by trained lawyers.*

Once a youth becomes a parent, the youth should have the same right to legal representation as other parents involved in child welfare proceedings. In most jurisdictions, this means representation by trained lawyers. Most jurisdictions appoint legal counsel to parents not only in termination proceedings but also in other critical points in dependency cases, including fact finding and other hearings. A parenting youth should be provided the same due process protections as any other parent.

About the Issue Brief Series

CSSP, in partnership with selected jurisdictions and stakeholders, has developed a series of issue briefs with topics concerning and addressing the needs of pregnant and parenting youth in foster care. The goals of these briefs are to raise national awareness about the needs of this population, share the experiences of the four jurisdictions participating in the learning network and provide the child welfare field with recommendations on best practice approaches to improve supports, services and outcomes for expectant and parenting youth and their children. These issue briefs will illustrate some of the unique challenges faced by this specific population, share techniques for better understanding the needs of this population through qualitative and quantitative methods and are also meant to inspire action toward improving the outcomes and experiences of pregnant and parenting youth.

Click [here](#) for more information on the [Pregnant and Parenting Youth in Foster Care National Peer Learning Network](#).

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