

**Youth Rights in Domestic Violence:
Basic Legal Information Concerning Texas Minors**

Introduction:

The purpose of the following material is to help advocates who are interested in empowering the ever increasing number of Texas youth in life situations related to domestic violence. Although there are lists regarding the rights of adult victims of crime as well as parents or legal guardians, nothing in the Texas law books guides the basic legal rights of children, let alone teenagers. As a result, misinformation abounds and teens often choose actions based upon any information given to them by peers and adults for which they take to be true.

The materials are organized into five sections of topics, preceded by a glossary of legal terms and followed by a list of resources. The reader is encouraged to first glance at the glossary before reading through the text. Each time a word defined in the glossary is first used in each section, the word appears in the document in bold face type. Footnotes also appear throughout the text. Since most minors contacting agencies that provide services regarding family and dating violence are female, the feminine personal pronoun is used. However, it is important to note that the information provided also relates to the rights of male teens, except in terms of the pregnant minor.

The following material by no means is an exhaustive collection of the many issues a youth coming from a family or dating violence situation may face nor does it list every applicable Texas code or case law. However, it does give the reader an opportunity to get a basic idea of where a minor might stand in the eyes of state authorities when a youth makes choices to escape abuse. This information is not to be taken as legal advice; it is always in the best of interest of advocates to double check current law and place into context local politics as well as how agency policies dictate the treatment of youth.

Advocates for battered women live by the credo that to be a true advocate, one must support the choices a woman makes in every aspect of her life, whether or not the advocate agrees with every choice. In working with youth, one must follow the credo to not only be supportive of the choices that a youth makes, but believe that in allowing the minor to access accurate and timely information regarding policy and law, the youth is more likely to make realistic, healthy choices. In our work, sometimes we lose sight of the idea that the more teenagers are treated with respect, entrusted with responsibility and allowed to exercise their rights, the more likely they will break the cycle of violence as adults.

In my work as an advocate in promoting and defending legal rights concerning domestic violence, sexual assault, civil liberties and reproductive choice, I have always been most satisfied in defending the rights of youth.

Diana Philip- March 2005

About the author:

Diana Philip has been working in public interest law for over seventeen years in issues surrounding gender violence, reproductive justice, and civil liberties. After pursuing her bachelor's degree in sociology and criminal justice at Indiana University, she developed innovative legal advocacy, court monitoring and pro bono attorney programs for battered women shelters and rape crisis centers in Indiana and Texas for several years. In the late 1990's, she served as the northern regional director for the American Civil Liberties Union of Texas before founding the statewide reproductive justice organization Jane's DUE PROCESS in 2000 in which she served as its first executive director. After Ms. Philip stepped down from JDP in preparation to pursue graduate studies, she was recruited by the Women's Advocacy Project in November 2004 to launch a pilot program serving as a consultant to legal advocates in domestic violence work who seek to expand legal services in rural areas in Texas.

About the manual:

This paper was originally written for the Texas Council on Family Violence for its spring 2005 regional Criminal Justice Response Trainings "Youth & Domestic Violence" module. It was updated July 2006 by law clerks with the Women's Advocacy Project, Katy Wurzbach and Alanna Bitzel, as well as Bronwyn Blake, Director of the Teen Justice Initiative and Diana Philip, Director of the Legal Access Initiative. The printing for this manual was provided through the Family Violence Program of the Health and Human Services Commission of Texas to fund the Legal Access Initiative of the Women's Advocacy Project. It is one in a series of best practices materials for legal advocates working in domestic violence shelter and outreach agencies.

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Basic Legal Terms Pertaining to Youth Used in This Text

Youth or Minor: Any person under 18 years of age.¹ This term does not include a person under the age of 18 who has been married², divorced, or widowed. This does not include a youth who has successfully become legally “emancipated”, meaning there has been a “removal of disabilities of minority”.³ However, this does include a pregnant or parenting teen under the age of 18, as she is still not considered a legal adult.

Child: According to the Texas Family Code, a child is defined as being less than 18 years of age.⁴ According to the Juvenile Justice Code, located within the Texas Family Code, a child is defined as being at least 10 years old and under the age of 17.⁵ If a minor is suspected of behavior considered “delinquent” or “conduct indicating a need for supervision” before the age of 17, the youth can still be affected by the juvenile justice system and be considered a “child” when 17 or 18 years of age.⁶

Emancipation: Term used in place of “removal of the disability of a minor” to describe the legal process that allows a minor who is 16 or 17 years old to file a petition with the court requesting that she be given the status of a legal adult⁷, including the ability to sign a contract.

Parent: Any person who is the mother or father of the child, but not including a person whose parental rights have been terminated or ended by court order.⁸ A parent is legally responsible for a minor until she reaches the age of 18, and that responsibility continues as long as the 18 year-old remains enrolled in high school⁹, unless otherwise stated by court order.

Legal Guardian: A person or agency with whom a youth has been placed under control by court order.¹⁰

May: A verb used to express the possibility of an action happening.

Shall: A verb used to express that an action must occur and does not allow any question that the action will occur.

Authorities: For the purposes of this text, public officers, such as law enforcement, as well as caseworkers or investigators employed by the Texas Department of

¹ TEX. FAM. CODE ANN. § 101.003 (Vernon 2005).

² *Id.* at § 1.104 (Vernon 2005).

³ *Id.* at § 31.001 (Vernon 2005).

⁴ *Id.* at § 101.003.

⁵ *Id.* at § 51.02(2)(A) (Vernon 2005).

⁶ *Id.* at § 51.02(2)(B).

⁷ *Id.* at § 31.001.

⁸ *Id.* at § 51.02(9).

⁹ *Id.* at § 151.001(b) (Vernon 2005).

¹⁰*Id.* at § 51.02(4).

Protective and Regulatory Services (DPRS). DPRS is also commonly known on a local level as Child Protective Services (CPS).

Party: A term that refers to an interested person or agency in an investigation or legal procedure such as the state; a minor; or the minor's parent, spouse, guardian, or guardian ad litem.¹¹

Provider: A person who gives professional services in a legal, medical, mental health, or social service setting.

Consent: Consent is a voluntary agreement made by a person who is mentally able to make a choice that is respected by others. A parent or legal guardian can prevent a minor from doing a particular activity by not giving permission or consent. However, a minor is able to consent to other activities without a parent or legal guardian's knowledge.

Notice/Notification: Information passed on to a person about an activity that has occurred or is about to occur. The activity may not be allowed unless this information is known first to a person of authority, such as a parent or legal guardian. A minor may not be able to participate in an activity unless a parent or legal guardian is notified beforehand.

Confidential: A communication that is intended to not be repeated or known by a third party outside the relationship between the speaker/writer and the listener/reader.¹²

Duty to Report: Every adult is legally required to report suspected abuse or neglect of a child immediately to the authorities if enough information about the identity and whereabouts of the child is provided.¹³

Privileged Communication: A confidential communication between individuals that is to be honored by others - what has been said or written between the individuals can not be disclosed or repeated to other people outside of the "professional" relationship that allows the communication to be kept secret. Attorney-client privilege, husband-wife privilege, communications made to clergy, physician-patient privilege, and communications made to a mental health professional are examples of privileged communications recognized under Texas law.¹⁴

Status Offense: An act of which a youth has been accused that would not be considered a crime if committed by an adult, such as being truant from school, running away from home, or breaking a curfew ordinance.¹⁵

¹¹ TEX. FAM. CODE ANN. § 51.02(10).

¹² TEX. R. EVID.ence 503-512.

¹³ TEX. FAM. CODE ANN. §§ 261.101-102 (Vernon 2005).

¹⁴ TEX. R. EVID. 503-512.

¹⁵ TEX. FAM. CODE ANN. § 51.02(15).

Conduct Indicating a Need for Supervision: An act, including those known as “status offenses” and misdemeanors resulting in fines, or conduct, such as behavior which causes expulsion from public school or violations of certain alcoholic beverage codes, which ultimately involve intervention by a juvenile court.¹⁶

Runaway: A child or youth under the age of 17 who leaves home without the consent of the parent or legal guardian for a substantial length of time without intending to return.¹⁷ The term does not include a person under 17 who is married, divorced, or widowed¹⁸ or who is emancipated through the court.

Harboring a Runaway: An offense charging an adult with a crime for housing a minor, who has left her home or the custody of a state agency, without consent and without the intent of returning.¹⁹

Truancy: The unexcused absence of a child from school under the age of 18, missing full days or partial days, on 10 or more days within a 6 month period or on 3 or more days within a 4 week period of school.²⁰

Curfew: Under a county order, affecting only unincorporated areas of a county, or by city ordinance, a local law that limits the movements of youth under the age of 17 at certain times of the day or evening, usually between the hours of sunset and sunrise.²¹

Protective Order: A protective order is a court order that can make someone who has hurt an adult or teenager keep away from that person’s home, school or place of work. A minor can ask for a protective order against a partner, parent, or household member who is hurting her²² or against an individual who has committed a sexual assault against her.²³

Family Violence: An act by a member of a family or household against another in the family or same household with the intent to cause a physical or sexual assault or threat of physical or sexual assault.²⁴

Dating Violence: An act committed by a person against another with whom there has been a dating relationship with the intent to cause a physical or sexual assault or threat of physical or sexual assault.²⁵

¹⁶ TEX. FAM. CODE ANN. § 51.03(b).

¹⁷ *Id.* at § 51.03(b)(3).

¹⁸ *Id.* at § 51.03(e).

¹⁹ TEX. PEN. CODE ANN. § 25.06 (Vernon 2005).

²⁰ TEX. FAM. CODE ANN. § 51.03(b)(2).

²¹ TEX. LOC. GOV'T CODE ANN. § 351.903 & TEX. CODE CRIM. PROC. Art. 45.059.

²² TEX. FAM. CODE ANN. § 82.002 (Vernon 2005).

²³ TEX. CRIM. PROC. ANN. Art. 7A (Vernon 2005).

²⁴ *Id.* at § 71.004(1) (Vernon 2005).

²⁵ *Id.* at § 71.0021 (Vernon 2005).

Sexual Assault: An act by a person who engages in illegal sexual acts.²⁶ For the purpose of this text, three sexual offenses involving a child exist: indecency with a child,²⁷ sexual assault,²⁸ and aggravated sexual assault.²⁹

Statutory Rape: The minimal age of consent to sex in Texas is 17. It is illegal for a minor under the age of 17 to engage in sexual contact, regardless of consent by that minor. If the partner is more than three years older than the minor under the age of 17, the individual can be charged with sexual assault.³⁰ This law also applies if the younger minor is a male and the partner who is more than three years older is female and if both individuals are of the same gender. However, between the ages of 14 to 16 years of age, it is an affirmative defense to statutory rape if the partner is not more than three years older than she is, the contact is consensual, the contact causes no mental or physical harm, and the partner is not a registered sex offender.

Affirmative Defense: A fact that brings to light that a person cannot be prosecuted for a crime because he or she meets a requirement listed in the Texas Code that prevents him or her from being prosecuted. However, the existence of an affirmative defense does not stop the individual from being arrested first.³¹

Prosecutor: An attorney who represents the government in criminal actions. In this text, the term is used to describe either the district attorney or county attorney assigned to represent applicants for protective orders.

SAPCR: Abbreviation for "suit affecting parent-child relations," the legal proceeding that may involve child custody, child visitation, or child support.³²

Managing Conservator: In a suit affecting parent-child relations, the parent who is ordered to "manage" the child's life.³³

Attorney ad Litem: A court-appointed attorney who represents a minor in a state-filed law suit affecting parent-child relations.³⁴

Guardian ad Litem: A person having specialized training to assess and recommend to the court the actions that are in the best interests of a minor in a state filed law suit affecting parent-child relations.³⁵

²⁶ TEX. PEN. CODE ANN. § 22.011 (Vernon 2005).

²⁷ *Id.* at § 21.11 (Vernon 2005).

²⁸ *Id.* at § 22.011(a)(2).

²⁹ *Id.* at § 22.021(a)(1)(B) (Vernon 2005).

³⁰ *Id.* at § 22.011(e)(1).

³¹ TEX. PEN. CODE ANN. § 2.04 (Vernon 2005).

³² TEX. FAM. CODE ANN. § 101.032 (Vernon 2005).

³³ *Id.* at § 153.005 (Vernon 2005).

³⁴ *Id.* at § 107.001(2) (Vernon 2005).

³⁵ *Id.* at § 107.001 (5).

Amicus Attorney: A court-appointed attorney who recommends to the court what actions are in the best interests of a minor in a suit, not filed by the state and affecting parent-child relations, but does not provide legal representation to the minor.³⁶

Judicial Bypass: A legal proceeding that allows a minor to not be required to have a parent or legal guardian give consent to have an abortion. The minor cites reasons for seeking judicial bypass that may include: she is mature and well-informed enough to make the decision; it is in her best interest for her parent or legal guardian not to be notified; or consent may lead to physical, emotional or sexual abuse of her.³⁷

³⁶ TEX. FAM. CODE ANN.. § 107.001(1).

³⁷ *Id.* at § 33.003 (Vernon 2005).

Rights of Youth in Child Abuse Reporting & Investigation

Although most people are aware that every adult is required by law to report the suspected abuse or neglect of a child in Texas,³⁸ this fact may not be clear to all teenagers. Most **youth** do not believe that the **duty to report** applies to them, because many do not see themselves as 1) children 2) victims of abuse or 3) individuals to whom the **authorities** would be interested in listening, let alone helping.

Duty to Report

Texas law requires that when a report is made regarding the abuse or neglect of a **minor**, it must be made to the appropriate agency.³⁹ A report **shall** be made to any law enforcement agency or to the Texas Department of Protective and Regulatory Services (DPRS).⁴⁰ Additionally, the report can go to an agency that serves as guardian for the minor by a court order as well as a state agency that monitors the facility in which a minor has been harmed, including the Texas Youth Commission if the youth was abused while under supervision or in the custody of a state juvenile facility.⁴¹ If the abuse involved someone responsible for the "care, custody or welfare of the child," the abuse must be reported to the Texas Department of Protective and Regulatory Services.⁴²

DPRS has made everything as simple as possible in encouraging people to make reports of abuse or neglect by operating a 24-hour toll-free hotline, **1-800-252-5400**. If the situation is not an emergency, an individual may also file a report with DPRS at <https://www.txabusehotline.org>. The person making the report is not required to know if the abuser is the caretaker of the minor, so if DPRS is not the right agency to handle the case, DPRS will refer the information onto the appropriate one. Reports may be made anonymously.⁴³ The person making the report shall give the name and address of the minor, the name and address of the person who is responsible for the care of the minor, and any other relevant information about the suspected abuse or neglect.⁴⁴ The failure on the part of an adult to report abuse can lead to a charge against the adult that would result in a Class B misdemeanor.⁴⁵ Providing a false report may result in a Class A misdemeanor.⁴⁶

However, if basic information such as the name of the minor and where the minor can be found is unknown, then no report can be made. This explains why services such as the Texas Youth and Runaway Hotlines (**1 (800) 210-2278 & 1 (888) 580-4357**) can operate confidentially as it is not a requirement for identifying information to be collected in order to receive services, encouraging youth to speak freely. As they gain the confidence to talk more about personal family and dating violence, minors contacting the hotline are encouraged to call DPRS themselves.

³⁸ TEX. FAM. CODE ANN. § 261.101(a) (Vernon 2005).

³⁹ *Id.* at § 261.103 (Vernon 2005).

⁴⁰ *Id.* at § 261.103(a).

⁴¹ *Id.* at § 261.103(a), (b).

⁴² *Id.* at § 261.103(c).

⁴³ *Id.* at § 261.101(d).

⁴⁴ *Id.* at § 261.104 (Vernon 2005).

⁴⁵ *Id.* at § 261.109 (Vernon 2005).

⁴⁶ *Id.* at § 261.107 (Vernon 2005), *Id.* at § 153.013 (Vernon 2005).

Confidential Communication

In any interaction with a teenager, it is in the best interests of everyone involved for each minor to know exactly where she stands with regard to communicating with an adult. It is important that we acknowledge that similar to an adult in an abusive situation, a minor has reasons for not wanting the authorities to be involved – namely fear of retaliation with risk of future abuse or being removed from one’s home and placed in a more harmful living situation. Knowing in advance where a youth stands in her communication with an adult who claims to want to help is vital. It shows respect at the start of a communication that could lead to trust and possibly a request for intervention for her or maybe someone she is trying to help. **Confidential** communication is typically set by the policy of the business practice or agency in which the minor is seeking services; however, some laws **may** allow a **parent** or **legal guardian** to know about the communication and other laws require that certain information be reported to the authorities.

Minor’s Right to Consent to Counseling

Cristen is 16 years-old and lives with her 18 year-old boyfriend. She attends high school and works in the evenings to help pay her portion of rent and utilities. Cristen wants to talk to a counselor about problems she is having with her parents, although she no longer lives with them and they had the idea for her to leave home. Can she see a counselor without her parents’ permission or knowledge?

Texas law does allow a minor to **consent** to counseling without parental consent.⁴⁷ A youth may consent to counseling provided by a physician, psychologist, counselor, or social worker for: 1) suicide prevention; 2) chemical addiction or dependency; and 3) sexual, physical, or emotional abuse. In fact, a minor who is at least 16 years of age, who lives apart from her parents, and who is financially self-supporting can consent to any medical treatment by a physician or psychologist.⁴⁸ Without the consent of the parent or legal guardian for the services to be provided, the parent or legal guardian is not liable for the payment of the counseling services received. However, depending on the personal policies or ethical training of the person providing the counseling, the **provider** may advise the minor’s parent or legal guardian regarding the treatment of the youth with or without the consent of the minor patient or client. It is in the best interest for any provider to outline all policies of the medical or counseling practice on the consent forms that reflect confidentiality regarding a minor patient or client and use release forms for the minor to sign as an adult when there is a request for confidential information.

Professionals and Privileged Communications

Nonetheless, just like any adult, these professionals are required by law to report suspected abuse and neglect of minors they treat and must do so no more than 48 hours after first suspicion.⁴⁹ This law defines a "professional" as a licensed or certified individual who has direct contact with children, such as teachers, nurses, doctors, day-care employees, employees of a clinic or health care facility that provides reproductive services, juvenile probation officers, and juvenile detention or correctional officers.⁵⁰

⁴⁷ TEX. FAM. CODE ANN.;§ 32.004 (Vernon 2005).

⁴⁸ *Id.* at § 32.003 (Vernon 2005).

⁴⁹ *Id.* at § 261.101(b).

⁵⁰ TEX. FAM. CODE ANN. § 261.101(b); 20 U.S.C. § 1232g; 34 C.F.R § 99.

Even those with **privileged communication**, namely attorneys, clergy, medical providers, social workers, and mental health professionals, are required to follow this law.⁵¹ It is important to note that the attorney-client privilege does not exempt or excuse an attorney from the duty to report, but the attorney may not be forced to testify regarding the contents of the communications.⁵²

Communications at School

15 year-old Trina is having serious problems with her step-father. Lately he has been more verbally abusive to her, and she fears he is going to hit her like he hits her mother. If Trina talks to a guidance counselor at school, will her discussion be kept confidential?

Many questions arise regarding communications between students and school personnel. This is because it is not always clear whether or not a school counselor or teacher may have confidential communications with students who are seeking guidance. Depending on school policies or the personal belief systems of school employees, students are frequently unaware that certain things they say may have to be repeated to others including: school administrators, law enforcement, DPRS, as well as parents or legal guardians. This can make youth uneasy about communicating with school personnel who insist that it is safe for youth to come to them with problems. Also, most students do not know that under the Family Educational Rights and Privacy Act of 1974 (FERPA), the parent or legal guardian who enrolled them in school has legal rights to access all student records including attendance, discipline, counseling, psychological and health care records, as well as teacher and counselor evaluations.⁵³ These rights are transferred to students when they either reach the age of 18 or attend a school beyond the level of high school.⁵⁴

Notice of Investigation and Safety of Youth

Jordan's friend called a hotline reporting how Jordan's mom has been getting drunk and high more often than usual and that Jordan is getting physically abused more and more. Since Jordan is graduating from high school soon, he thinks that he can handle himself with his mom, but his friend isn't so sure, so he made the report. Will Jordan have the chance to talk about how he fears his mom will react when she finds out that a child abuse report has been made?

In responding to a report of abuse made to the agency, DPRS may hold interviews with the minor. Upon completion of the first interview with the minor, regardless if any evidence is found for the allegation to be true, DPRS shall make reasonable efforts to **notify** the parent or legal guardian of the minor within 24 hours after the conclusion of the interview.⁵⁵ Such notification will not be required if it is assessed that the notice is likely to

⁵¹ TEX. FAM. CODE ANN. at § 261.101(c).

⁵² *Id.* at § 261.202 (Vernon 2005).

⁵³ TEX. EDUC. CODE ANN. § 26.004 (Vernon 2005).

⁵⁴ *Id.*

⁵⁵ TEX. FAM. CODE ANN. § 261.311().

compromise the minor's safety.⁵⁶ If DPRS has given the report the highest priority due to the immediate risk of physical or sexual abuse that could result in serious harm or death, a law enforcement officer shall accompany the DPRS investigator no later than 24 hours after being notified of the report to DPRS.⁵⁷ However, many advocates have experienced reluctance on the part of authorities to be interested in the plight of abused teens compared with younger children. It is common to hear that teens are placed on a lower priority for investigation, as this population of youth is assumed to have more opportunities to leave abusive situations than younger children have.

Minor's Right to Refuse Abuse Examination

It is also important for advocates to know that a physician, dentist, or psychologist who has reason to believe that a minor has been abused or neglected may examine the minor without the consent of the minor or her parents or legal guardian.⁵⁸ However, if the youth is 16 years old or older, she has the right to refuse the examination, which is typically honored by the medical provider.⁵⁹ This provision comes in handy when false abuse claims are made, such as when disgruntled parents demand a rape exam upon discovering that their daughter is sexually active with the intention to cause trouble for her partner.

⁵⁶ *Id.* at § 261.311(c).

⁵⁷ TEX. CODE OF CRIM. PROC. ANN. Art. 2.27 (Vernon 2005).

⁵⁸ TEX. FAM. CODE ANN. § 32.005(a) (Vernon 2005).

⁵⁹ *Id.* at § 32.005(c).

Protective Orders for Minors

Most advocates are familiar with requests from battered women to include their children as protected parties in **protective orders**. However, Texas law also allows an adult to file a protective order on behalf of a **minor** against the minor's **parent, legal guardian, household member,**⁶⁰ dating partner, parent of the petitioner's child(ren) or person who has committed a **sexual assault** against her.⁶¹

Family Violence

A protective order is useful for a **youth** who chooses to leave an abusive living situation. Having an order that is criminally enforceable against someone she wants to no longer live with allows her the time to make a decision on where she will live until she achieves "adult" status: turning 18 years old or becoming a legal adult through marriage, joining the military or through a legal proceeding that removes the disability of minority commonly known as **emancipation**.⁶² (For information on an emancipation proceeding, see page 26.)

16 year-old Rebecca is repeatedly told by her father to leave their home. When she chooses not to leave, he beats her. When she leaves, he calls the cops and reports her as a runaway. Rebecca's aunt has agreed to take Rebecca in until she finishes high school, but the aunt is also afraid of the teen's father. How can Rebecca make it clear to her father that she does not wish for him to come around her and hurt her anymore when she decides to leave home for good?

Before the youth considers how a protective order could be useful to her, she needs to decide where she can safely stay pending the final hearing. She may choose to stay with a relative or family friend who is aware of her safety issues. She may also take this time to be away from her parents to decide if another adult should have legal guardianship of her until she turns 18 years of age. She may consider filing for emancipation from her parents or legal guardians. A minor is also now allowed to access emergency shelter without **parental consent** in domestic violence shelters. (For more information about youth accessing emergency shelter, see page 23).⁶³

The standard for "family violence" is the same as for an adult.⁶⁴ The law itself does not have any time requirement as to how recently the abuse has occurred;⁶⁵ however, many counties have local rules that suggest that abuse or threats of abuse should be relatively recent. The application cannot be filed by the minor; nonetheless, any adult may file for her.⁶⁶ Although the protective order can grant access and possession of the teen to an adult with whom she is living,⁶⁷ the order does not change legal custody of the minor.⁶⁸

⁶⁰ TEX. FAM. CODE ANN. §§ 71.005 & 71.006 (Vernon 2005).

⁶¹ *Id.* at § 82.002 (Vernon 2005).

⁶² *Id.* at § 31.001 (Vernon 2005).

⁶³ *Id.* at §§ 32.201(a), (c) & 32.202 (Vernon 2005).

⁶⁴ *Id.* at § 71.004 (Vernon 2005).

⁶⁵ *Id.* at § 82.002 (Vernon 2005).

⁶⁶ *Id.*

⁶⁷ *Magill v. Sheffield*, 612 S.W. 2d 677, 679 (Tex. App. – Dallas 1981, writ ref'd n.r.e.) (A "proceeding for protective orders brought under [Title 4] is an independent remedy which is not limited to the court having continuing jurisdiction. At 687: We recognize that a proceeding seeking to deny a parent access to his child and authorize another person to have possession is, in a broad sense, one which affects the parent-child relationship") See also *In re Salgado*, 53 S.W.3d 760-61 (Judging it is appropriate for the protective order court to rule contrary to

However, the protective order can supersede other custody orders.⁶⁹ A judge can also decide whether the minor's parent or legal guardian needs to pay any type of child support to the minor.

If there is a finding of family violence, the judge may order an abuse report be made to the Texas Department of Protective and Regulatory Services (DPRS)⁷⁰, assuming that the agency has not been notified already⁷¹. Some **prosecutors** claim that they will not represent a minor in a protective order suit unless there is already a report made to DPRS or an open case, but such a requirement is a form of local policy, not state law. This is because most prosecutors are only familiar with a protective order for a minor when DPRS requests it.

Since a protective order grants access and possession right to the adult to care for the minor and the order supercedes any existing custody order, it may also provide a defense for an adult from being prosecuted for **harboring a runaway**.⁷² A relative who is related to the teen within the second degree, such as a sibling or a grandparent, has an **affirmative defense** to the charge of harboring a runaway.⁷³ Those who wish to help the teen and are not relatives within the second degree can also escape being charged by notifying law enforcement or DPRS of the teen's presence in their home within 24 hours of learning that the minor is a runaway.⁷⁴ (For more information about the Texas runaway laws, see page 21).

17 year-old Sally went to her local courthouse to see if she could get a protective order against her dad who was threatening to beat her for being pregnant and end her pregnancy "the hard way." She has a place she can move to and a job to support her. However, she needed a way to leave without her father being able to come to her job and cause trouble like he did last year, which nearly got her fired. Unfortunately, when Sally went to the local courthouse to seek a protective order, the clerk told her that she couldn't get one because she was not an adult. What can Sally do?

Advocates need to be prepared on how unprepared prosecutors as well as district and county clerks may be in accepting the protective order application. Recent research indicates that Texas counties are ill-equipped to address the needs of the minor applicant. In a phone survey conducted in 2004, approximately 31% indicated having enough knowledge to assist a minor applying for a protective order.⁷⁵ The research also

the custody court of continuing jurisdiction because, among other reasons, the protective order has a natural expiration.)

⁶⁸ TEX. FAM. CODE ANN. § 82.007 (Vernon 2005).

⁶⁹ *Id.* at § 83.005 (Vernon 2005). See also *In re Salgado*, 53 S.W.3d 752, 760 (Citing that "a temporary ex parte order prevails over any other court order issued under Title 5 to the extent of any conflict between the order")

⁷⁰ *Id.* at §§ 261.101& 261.103 (Vernon 2005).

⁷¹ Texas Department of Protective and Regulatory Services, 2002 Data Book 189, 2002 at www.tdprs.state.tx.us/About/Data_Books_and_Annual_Reports/2002data/Definitions_FY02.pdf. (Teenagers, who are capable of leaving violent spaces of their own volition, are often classified as Priority II by C.P.S. The definition of family violence needed to establish a protective order (intent to cause harm or fear of harm (Texas Family Code § 71.004) is also different from the definition of abuse as used by DPRS. (Having caused actual harm or failure to prevent actual harm Texas Family Code § 261.001)

⁷² TEX. PEN. CODE ANN. § 25.06 (Vernon 2005).

⁷³ *Id.* at § 25.06(b) (Vernon 2005).

⁷⁴ *Id.* at § 25.06(c)(2) (Vernon 2005).

⁷⁵ Memorandum: "County Preparedness to Handle Protective Orders for Texas Minors", Alissa Zachary, law clerk for Jane's DUE PROCESS, Inc., August 4, 2004.

indicated that although most of the 31% knew that this legal remedy is available to youth, few indicated prior experience and many more voiced their discomfort with the idea. It was suggested that a protective order for a minor against a parent may be hard to sell to a judge "accepting wide latitude for parental discipline."⁷⁶ Also mentioned in the survey were concerns that teens may have to meet a higher standard of evidence than adults. All counties surveyed that were willing to accept an application regarding a minor preferred a relative to be the adult filing on behalf of the youth. It is in the best interests of any advocate working with a minor seeking a protective order should contact the prosecutor's office or other legal services that provide such representation to see what local policies are in place before sending the minor blindly to the courthouse. Furthermore, some courts will allow the advocate or prosecutor to serve as the adult filing for the petition on behalf of the minor.

Dating Violence

It is estimated that one in five female teens will experience physical or sexual abuse in a dating relationship.⁷⁷ These abusive experiences increase the risk of these youth engaging in alcohol or drug abuse, eating disorders, suicidal ideation and unhealthy sexual behaviors that may lead to contracting STDs or becoming pregnant.⁷⁸ Young males also experience dating violence, most of which is verbal and emotional abuse, rather than physical, but nonetheless severe.⁷⁹ Teens who are gay, lesbian, bisexual or transgender face more obstacles when dating relationships turn violent as many are afraid to ask for help and fear not having their feelings or experiences validated.⁸⁰

Since September 2001, protective orders now apply to situations where there has been violence in a relationship between those who have not been living together, but have been in a dating relationship.⁸¹ A teenager is also eligible to apply for a protective order in a dating relationship against her partner, who may be a minor or an adult. The youth seeking protection should consider how much her family or household will support her in the effort to have her former partner stay away from her.

Again, an adult is required to file the application on behalf of the minor.⁸² Dating violence protective orders share the same procedures and penalties as protective orders for family violence. If the application is filed against a minor, that minor's parents or legal guardian will also be served notice of the final protective order hearing. If the minor's partner is three years older than she, the partner or respondent may have to face a prosecutor or judge who may want to pursue charges of **statutory rape**, if suspicions about sexual contact are confirmed.

14 year-old Miranda was raped by a student from school. They had dated, but never had sex, and the boy always seemed angry about that. He raped Miranda two months after they had broken up. Miranda does not know if the boy will try it again, but she is afraid of what he will do if she reports the assault. He is fifteen, and she will have to attend school with him for the next three years. What can Miranda do in addition to making the rape report to the police?

⁷⁶ Zachary memo: pg.10

⁷⁷ "Dating Violence against Adolescent Girls", Journal of the American Medical Association, 2001.

⁷⁸ Ibid.

⁷⁹ "Love Doesn't Have to Hurt" American Psychological Association, 2004

⁸⁰ *Id.*.

⁸¹ TEX. FAM. CODE ANN. § 71.0021 (Vernon 2005).

⁸² *Id.* at § 82.002 (Vernon 2005).

Sexual Assault

Since September 2003, another new form of a protective order was introduced into law: one to protect a victim of sexual assault or aggravated sexual assault, regardless if there has been a previous relationship with the offender.⁸³ A teenager is also eligible to apply for this type of protective order if she fears further harm from the offender. The youth seeking protection must consider how much her family or household will support her in her allegations that there was an actual sexual assault, a situation that can become unbearable in certain families when there is deep negative stigma attached to anything to do with sex.

Again, an adult is required to file the application on behalf of the minor.⁸⁴ Sexual assault protective orders share the same procedures and penalties as protective orders for family violence. If the application is filed against a minor, that minor's parents or legal guardian will also be served notice of the final protective order hearing. Prosecutors and advocates will have to keep a cautious eye out for those applications filed by a parent or legal guardian on behalf of a minor who will not claim an incident of sexual contact as a sexual assault when it was in fact, lawful, consensual sex. (For more information on the right to consensual sex for teens, see page 30.)

Emergency Protective Orders

An emergency protective order (EPO) may be issued against an individual 17 years-old or older that has been accused of committing family violence or stalking. This type of protective order is called the "Magistrate's Order for Emergency Protection" and is issued at the time of arraignment or before during an appearance before the magistrate before the defendant is released on bond.⁸⁵ The judge **may** independently issue such an order, or a request can be made by the victim, or on behalf of the victim, by a legal guardian, peace officer or prosecutor, to have the order issued.⁸⁶ However, a magistrate **shall** issue an EPO if the offense results in "serious bodily injury"⁸⁷ to the victim or when the accused used or showed the victim a deadly weapon during the alleged assault.⁸⁸ The order is good for at least 31 days and may stay in effect up to 91 days.⁸⁹ This time allows the victim to decide whether to pursue a final protective order. This order also supersedes a pre-existing child custody or visitation order and remains in effect until the time period of 31-91 days ends or a final protective order is issued.⁹⁰

An EPO cannot be issued against a minor 16 years-old or younger. Since a minor taken into custody appears at a detention hearing and not at arraignment, there is no way the minor can be "magistrated" as set out in the Texas Code of Criminal Procedure. However, there can be a no contact order issued as part of the conditions of release of the minor. Until there is a provision inserted into the Juvenile Justice Code, an EPO cannot apply to a minor under the age of 17 years.

⁸³ TEX. CRIM. PROC. ANN. Art. 7A (Vernon 2005).

⁸⁴ TEX. FAM. CODE ANN. § 82.002 (Vernon 2005).

⁸⁵ TEX. CRIM. PROC. ANN. Art. 17.292(a) (Vernon 2005).

⁸⁶ *Id.*

⁸⁷ TEX. PEN. CODE ANN. § 1.07(46) (Vernon 2005).

⁸⁸ TEX. CRIM. PROC. ANN. Art. 17.292(b) (Vernon 2005).

⁸⁹ *Id.* at Art. 17.292(j) (Vernon 2005).

⁹⁰ *Id.* at Art. 17.292(f) (Vernon 2005).

Q & A for Youth: Protective Orders

What is a protective order?

A protective order is a court order from a judge that makes one person stay away from another. The order can make someone who has hurt an adult or teenager to keep away from that person's home, school or place of work.

When should someone consider a protective order?

A minor can ask for a protective order against her partner, parent, or household member who is hurting her or against an individual who has committed a sexual assault against her.

What is the difference between a protective order and a restraining order?

A protective order is enforceable by the police. This means that if someone violates a protective order, the police can be called to come immediately and help someone be safe from the person ordered to stay away. The person violating the protective order can be arrested immediately and risks serving time in jail. A restraining order is not enforceable by the police. If someone violates a restraining order, one must ask a judge for a hearing to decide if the person did violate the restraining order. If a victim of physical or sexual abuse is looking for immediate protection, a protective order can be more helpful.

How does a minor get a protective order?

To get a protective order, a minor can call the victim assistance office in her county to get information on how to file her application. When filing the application, she will have to give a sworn statement called an "affidavit" describing recent acts of abuse and when they happened. The application must be filed in the county where the minor lives or the county where the violence happened. It must also be filed by an adult on behalf of the minor. Some counties insist that the person filing the application be a relative of the minor; however, this is not legally required. Any adult can file on behalf of the youth.

How long will this take?

A judge will make a decision whether to grant a temporary protective order (TPO) after receiving the application. The TPO will state that the person accused of physical abuse or sexual assault (the respondent) must stay away from the minor until the final hearing. If the TPO is granted, a hearing will be set within two weeks. The respondent will be told this and given the opportunity to provide reasons and evidence why a final order should not be granted. After this formal hearing, the judge will decide whether a protective order should be granted. These orders normally last from one to two years.

What can a protective order mean to a minor?

A protective order can give the minor some time to find a safe place to live away from her abusive parents. If she has been living with an abusive partner, she may decide to return home to her family. She may decide if another adult should have legal guardianship of her until she turns 18 years of age. She can also use this safe time away to consider filing for emancipation from her parents. A judge can help the minor by deciding where she can live and if her parent or legal guardian needs to pay any type of child support to her.

Youth in SAPCRs: Suits Affecting the Parent-Child Relationship

A law suit is filed regarding the custody, visitation, and financial support of a **minor** either in a private action, usually between her parents or within the family, or by the state. In either type of legal proceeding, there are ways for **youth** to attempt to have a say in the outcome.

Legal Representation of Minor

When the state (usually DPRS) seeks termination of parental rights or establishes a **managing conservator** based on alleged abuse or neglect, an **attorney ad litem** (AAL) is required to represent the objectives and wishes of the minor. The AAL shall "take any action consistent with the child's interest".⁹¹ The AAL is defined as having "undivided loyalty, confidentiality and competent representation".⁹² The rules that describe the responsibilities of the AAL are the result of legislative mandates that stem from complaints regarding poor representation of youth when the state intervenes in a family. Some of the claims described lawyers who never met with their minor clients, even when the clients were mature teenagers. Standard practices for attorneys who represent children tell these lawyers to provide the same effective and **confidential** representation to minors as they would to adult clients.

Since 1997, a **guardian ad litem** (GAL) must also be appointed to a minor. A GAL is a person who represents the best interests of the minor.⁹³ Although not highly encouraged, an attorney can serve in both roles.⁹⁴ When an attorney serves both roles, the hope is that the youth's interests are not in conflict with the attorney's view of what is in the best interest of that youth.

Powers and duties of individuals serving as GALs are set out in the law and include the right to access medical, psychological, and school records and provide that GALs shall interview a child who is at least 4 years of age.⁹⁵ The GAL shall consider the child's "expressed objectives of representation without being bound by those objectives."⁹⁶ A new mandate in effect since September 2003 states that if the minor has a separate GAL (in other words the AAL is not serving as the GAL) and that individual happens to be an attorney, the GAL must agree to not represent the minor as her lawyer and to not provide legal services.⁹⁷

In order to further clarify the roles of GAL and AAL, a new measure was also passed allowing the court to appoint an **amicus attorney** to represent the best interests of a minor in private custody cases. Having the same access to records and interviews as an AAL, an amicus attorney is not bound by the minor's wishes.⁹⁸ The attorney may not disclose confidential communications with the client unless she "determines that disclosure is necessary to assist the court regarding the best interests of the child."⁹⁹ Such an attorney is appointed at the judge's discretion.

⁹¹ TEX. FAM. CODE ANN. § 107.003(1)(G) (Vernon 2005).

⁹² *Id.* at § 107.001(2).

⁹³ TEX. FAM. CODE ANN. at § 107.001(5) (Vernon 2005).

⁹⁴ *Id.* at (5)(d).

⁹⁵ *Id.* at § 107.002(b)(1)(A).

⁹⁶ *Id.* at § 107.002(a)(3).

⁹⁷ *Id.* at § 107.002(c)(4).

⁹⁸ *Id.* at § 107.005(a) (Vernon 2005).

⁹⁹ TEX. FAM. CODE ANN. § 107.005(c).

Minor's Choice of Managing Conservator

13 year-old Sam has been dealing with the custody battle between his parents for over 6 months. He is not entirely sure that everyone is hearing his point of view regarding where he should live. How can Sam get the judge's attention regarding what he thinks is best for him?

Along with having opportunities to have recommendations for the best interests of the minor to be heard in court and at times, a minor's wishes being represented by her own attorney, a youth of 12 years of age or older also has opportunities to express preference for which parent or adult will choose where she will live. The youth can file a request in writing indicating the name of the person she chooses, and the judge will take the information into consideration.¹⁰⁰ A minor may also have the opportunity to be interviewed by the judge in chambers in when a nonjury trial takes place.¹⁰¹ When the decision of who will be named the **managing conservator** is being contested, a party to the law suit can make a request for the minor to be interviewed, and the request **shall** be honored by the judge if the minor is at least 12 years of age; however, a minor under 12 years of age **may** be interviewed.¹⁰² The interview can also become part of the court's record.¹⁰³

Possession & Visitation Orders

15 year-old Sarah has been watching her parents argue over her and her little sister for weeks before the final divorce hearing. She feels okay living with her mom and likes her dad enough to want to visit him, but she thinks that as soon as her dad marries the woman he is dating now, she won't want to see him as often. Is there anything Sarah's mom can do take make sure that Sarah can decide when she wants to see her dad as she grows older?

In terms of affecting the visitation rights of a minor, one of the measures highly suggested to help families is including language in the **standard possession order** that the parents may alter the possession times of the minor as long as any new plan is made in advance and both parents are in agreement about each visitation period outside those set in the court order. The realities of abiding by the standard visitation schedule set in the Texas Family Code¹⁰⁴are different for a 7 year-old as compared to a 17 year-old. Unfortunately for many teens, there is no legal age allowing a minor to opt out of the possession order, until age 18. Typically, no parent can afford to hire an attorney to modify or change the agreement when faced with a teen unwilling to abide by the visitation order.

¹⁰⁰ *Id.* at § 153.008 (Vernon 2005).

¹⁰¹ *Id.* at § 153.009(a),(b) (Vernon 2005).

¹⁰² *Id.*

¹⁰³ *Id.* at § 153.009(f).

¹⁰⁴ *Id.* at §§ 153.193-317 (Vernon 2005).

Removal by DPRS

If there is a **SAPCR** stemming from an investigation regarding abuse or neglect and the decision for immediate intervention is made, reasonable efforts must be taken to identify the best way for the minor to be safe: either the removal of the minor from the home or the removal of the perpetrator or abuser. "Reasonable efforts" by DPRS include assessing the safety of the minor's home after removal of the abuser and exhausting all options in terms of placing a minor with relatives or family friends, especially in situations concerning the removal of a *teenager*. If no options remain, DPRS will attempt to place the minor in foster care. However, if DPRS acted too quickly in placing the minor in foster care, the foster care may lose reimbursement funding. Upon immediate removal, the minor shall not be housed in a jail, juvenile detention facility, or other secure detention facility.¹⁰⁵ During all proceedings that may ultimately lead to the termination of the parental rights, the youth shall be present.¹⁰⁶ There is a one year deadline for the final decision to be made in removal proceedings, with the possibility for one short extension¹⁰⁷.

The permanent order for removal shall contain measures assuring that a minor 16 years of age or older will receive services that will help her transition into independent living.¹⁰⁸ For instance, the Preparation for Adult Living (PAL) program has helped thousands of foster care youth in Texas with such transitions since 1986. If a minor "ages out" of the system by turning 18 years old while still in foster care, this new adult is allowed more assistance in terms of funding for room and board for a period of time, transitional Medicaid until age 21, and free tuition at a state university. However, the Texas Runaway Hotline frequently receives calls from minors who have left court-ordered permanent substitute living arrangements, including foster care, which they felt were entirely unworkable. Recognizing this issue, DRPS caseworkers also assess the autonomy of 16 or 17 year olds who may be more suitable for emancipation proceedings. (For more information on emancipation, see page 26.)

¹⁰⁵ *Id.* at § 262.108 (Vernon 2005).

¹⁰⁶ *Id.* at § 263.302 (Vernon 2005).

¹⁰⁷ *Id.* at § 263.401(a).

¹⁰⁸ *Id.* at § 263.306(10).

Texas Family Code § 151.001. RIGHTS AND DUTIES OF PARENT

- a) A parent of a child has the following rights and duties:
- (1) the right to have physical possession, to direct the moral and religious training, and to designate the residence of the child;
 - (2) the duty of care, control, protection, and reasonable discipline of the child;
 - (3) the duty to support the child, including providing the child with clothing, food, shelter, medical and dental care, and education;
 - (4) the duty, except when a guardian of the child's estate has been appointed, to manage the estate of the child, including the right as an agent of the child to act in relation to the child's estate if the child's action is required by a state, the United States, or a foreign government;
 - (5) except as provided by Section 264.0111, the right to the services and earnings of the child;
 - (6) the right to consent to the child's marriage, enlistment in the armed forces of the United States, medical and dental care, and psychiatric, psychological, and surgical treatment;
 - (7) the right to represent the child in legal action and to make other decisions of substantial legal significance concerning the child;
 - (8) the right to receive and give receipt for payments for the support of the child and to hold or disburse funds for the benefit of the child;
 - (9) the right to inherit from and through the child;
 - (10) the right to make decisions concerning the child's education; and
 - (11) any other right or duty existing between a parent and child by virtue of law.
- (b) The duty of a parent to support his or her child exists while the child is an unemancipated minor and continues as long as the child is fully enrolled in an accredited secondary school in a program leading toward a high school diploma until the end of the school year in which the child graduates.
- (c) A parent who fails to discharge the duty of support is liable to a person who provides necessaries to those to whom support is owed.
- (d) The rights and duties of a parent are subject to:
- (1) a court order affecting the rights and duties;
 - (2) an affidavit of relinquishment of parental rights; and
 - (3) an affidavit by the parent designating another person or agency to act as managing conservator.
- (e) Only the following persons may use corporal punishment for the reasonable discipline of a child:
- (1) a parent or grandparent of the child;
 - (2) a stepparent of the child who has the duty of control and reasonable discipline of the child; and
 - (3) an individual who is a guardian of the child and who has the duty of control and reasonable discipline of the child.

Unaccompanied Youth

Roughly 100,000 young Texans run away from home each year.¹⁰⁹ Each **youth** who chooses to not return home is faced with the struggles of how to continue one's education, obtain housing, contract for services or property, receive health care and provide for oneself on a daily basis without becoming a part of the juvenile justice system.¹¹⁰ A recent study on **runaway** youth and teens who were kicked out of their homes showed that over one-third reported sexual abuse in the home, approximately one-half reported physical abuse and over two-thirds reported that at least one **parent** abused drugs or alcohol.¹¹¹

Runaway Laws

It is important to first understand how unclear the laws are regarding runaways in general. In Texas, one can report a missing **minor** as a runaway if the teen is 16 years of age or younger.¹¹² Upon receiving the report, law enforcement has the right to search for the minor and return her to her custodial parent, legal guardian or agency if applicable. The Juvenile Justice Code recognizes that a "child" is one under the age of 17, indicating that the runaway law does not apply to 17 year-olds.¹¹³ However, the Texas Penal Code contains laws regarding charges that can be brought up on persons found to be "**harboring a runaway**" for housing a minor 17 years-old or younger.¹¹⁴ In fact, the Texas Government Code allows certain places to be deemed "safety zones" for runaways under the age of 18.¹¹⁵ Yet, the Texas Penal Code states that not only can a 17 year-old be charged as an adult in criminal proceedings, but is legally able to consent to sex¹¹⁶, bringing further confusion about the status of a 17 year-old in Texas.¹¹⁷

Jessica has had it with her parents. They are fighting with each other all the time. They yell at her when she is not home right after school and ignore her as soon as she is. When she is sick, her parents will not take her to the doctor. She needs new clothes, but they will not buy her any. She wants to get a job to pay for her own things, but her parents say that they will take all the money she makes as "rent." She is turning 17 soon. When she does, can Jessica leave home for good?

Unable to make a runaway report on a 17 year-old, parents are often told by law enforcement that they may report their child as a "missing person". This gives the police the right to find the minor and return her to her parents as a missing person. However, law enforcement is not consistent throughout the state regarding their interpretations of

¹⁰⁹ Statistics from the Texas Youth & Runaway Hotline, a department of the Texas Department of Protective and Regulatory Services, October 2004

¹¹⁰ "Alone without a Home: A State-by-State Review of Laws Affecting Unaccompanied Youth", National Law Center on Homelessness & Poverty in conjunction with the National Network for Youth, pg. 1, 2003

¹¹¹ MacLean, M.G., Embry, L.E., & Cauce, A.M., "Homeless Adolescents' Paths to Separation from Family: Comparison of Family Characteristics, Psychological, Adjustment, and Victimization. *Journal of Community Psychology*, 27(2), 179-187.

¹¹² TEX. FAM. CODE ANN. § 51.03(b)(3) (Vernon 2005).

¹¹³ *Id.* at § 51.02 (Vernon 2005).

¹¹⁴ TEX. PEN. CODE ANN. § 25.06 (Vernon 2005).

¹¹⁵ TEX. GOV'T CODE ANN. § 2165.254 (Vernon 2005).

¹¹⁶ TEX. PEN. CODE ANN. §22.011(c)(1) (Vernon 2005).

¹¹⁷ Memorandum: "Legal Status of 17 year-old Runaways in Texas" Katie Hatzivramidis, law clerk for Jane's DUE PROCESS, Inc., November 18, 2003.

these laws. Often, many peace officers do not want to be involved in a dispute between a parent and a 17 year-old and will choose not to take a missing person report. However, other departments interpret that a 17 year-old can be called in as a runaway, and will pursue that individual. Another source of confusion stems from the Texas Code of Criminal Procedure requiring law enforcement to investigate a “missing” child if the child’s well-being is believed to be in danger.¹¹⁸ However, a recent state attorney general opinion gives law enforcement the right to take an unemancipated 17 year-old into custody in the effort to return her home as a “missing child” and use force if necessary¹¹⁹ even if her well-being is not in danger.

Nonetheless, a parent must first make a report that a teen has run away or is missing for the police to get involved. Some parents choose not to report anything when a teen leaves home without their permission, especially when she is forced to leave home even though her parents are still legally responsible for her until she turns 18 years of age and continues while she completes her public high school education. To make matters much worse for some of these youth, parents have been known to kick a teen out of her home and then later turn her into the **authorities** as a “runaway”. It is in the best interest of any minor who is planning to leave the home of her custodial parent or guardian to contact local law enforcement and inquire about the policies and practices of responding to reports of missing or runaway youth.

16 year-old Chandra is not sure if it is safe for her to remain at home. She is the youngest child and the only one left at home with her mother, whose break-ups with boyfriends always seem frightening. One man actually came to her bedroom at night claiming he forgot in which room her mother was sleeping. Chandra has always been close to her grandmother. Once, Chandra’s mother agreed that her daughter could go live with her grandmother, but she has also threatened to call the police if Chandra ever left home. How can Chandra’s grandmother not get into trouble for taking her in?

A minor may decide to live with another adult relative or friend as long as she has the permission of her parent or legal guardian.¹²⁰ The parent or legal guardian would still be responsible for providing financial support to the minor and ensuring that she is receiving adequate clothing, food, shelter, health care, and education. If her parents do not give their permission and the teen chooses to live in the different household anyway, the adult relative or friend could be charged with interference with child custody¹²¹ or harboring a runaway.¹²²

There are **affirmative defenses** against being prosecuted for aiding a runaway by offering housing, but these defenses do not prevent an arrest from occurring. For instance, although a grandparent or adult brother or sister may not be prosecuted for taking in a runaway, the police may arrest them first and ask questions later. Good-hearted friends and neighbors may find themselves in volatile situations when trying to protect a youth who is hiding from abusive parents and unwilling to make an abuse report or threatening to run off again if the authorities are contacted. Notifying the minor’s parent, legal guardian or law enforcement within 24 hours of learning that the

¹¹⁸ TEX. CRIM. PROC. CODE ANN. § 63.009 (Vernon 2005).

¹¹⁹ Texas Attorney General Opinion. No. JC-0229 (2000) John Cornyn Administration

¹²⁰ TEX. FAM. CODE ANN. § 151.001(a)(1) (Vernon 2005).

¹²¹ TEX. PEN. CODE ANN. § 25.03 (Vernon 2005).

¹²² *Id.* at § 25.06 (Vernon 2005).

teenager has been reported as a runaway is another affirmative defense that may help those assisting a minor.¹²³ If finances are not a problem, an adult can file for temporary legal guardianship of the minor to begin the court process of allowing the minor to stay.

Advocates should also become familiar with **status offenses** of juveniles. A status offense is one committed by a youth that only applies to minors and not adults. These offenses include running away from home, being **truant** from school and breaking a **curfew** ordinance (which is easy to do when one lives on the streets).¹²⁴ If a minor is deemed as being a **child in need of supervision**, she may be taken into custody by law enforcement to be returned to the parent, legal guardian or juvenile facility with a warning.¹²⁵ The “intervention” by the court may result in a fine, restitution, social services and/or treatment to be received by the minor. If the minor is detained, the court proceedings must be held within two working days.¹²⁶ The court may order a physical or mental health examination at any time.¹²⁷ The youth has a right to remain silent during the arrest and questioning phase and is entitled to legal representation.¹²⁸ If the minor lacks a parent or legal guardian, a **guardian ad litem** shall be appointed, and often serves as the minor’s legal counsel.¹²⁹ A teen who is 17 years of age or older can still face intervention by the authorities for acts violating the Texas Juvenile Justice Code committed before turning 17.¹³⁰

However, laws that allow youth to be taken into custody can be detrimental to the youth if safety issues are not assessed. If an unaccompanied teen is forced into the juvenile justice system, she may see this as an infringement on her rights and respond with hostility. It seems difficult for some advocates to understand, but the choice to receive help from others involving an adult is more respected than when a minor is involved. National youth advocates urge that runaway youth not be taken into custody or returned home without their permission unless in immediate danger. If they agree to be taken into custody, they should not be held for very long and not housed with delinquent youth.¹³¹

Emergency Shelter

16 year-old Zac is trying to find a safe place to go while waiting for his older brother to return from working out of state. His brother told Zac that he could stay with him if things got worse at home with their dad. Zac’s brother left home at 16 because their dad used to engage in physical fights with him. Now Zac is having the same problems. Zac has been trying to wait until his brother gets back into town, but his dad started pushing him around 2 days ago and Zac knows it is about to get worse. Can Zac get temporary shelter services at a family violence shelter until his brother returns?

¹²³ TEX. PEN. CODE ANN. § 25.06(c)

¹²⁴ TEX. FAM. CODE ANN. §51.02(10) (Vernon 2005).

¹²⁵ *Id.* at §51.03(b) (Vernon 2005).

¹²⁶ *Id.* at §54.01 (Vernon 2005).

¹²⁷ *Id.* at §51.20 (Vernon 2005).

¹²⁸ *Id.* at §51.09 (Vernon 2005).

¹²⁹ *Id.* at §51.11 (Vernon 2005).

¹³⁰ *Id.* at §51.02(B) (Vernon 2005).

¹³¹ “Alone without a Home: A State-by-State Review of Laws Affecting Unaccompanied Youth”, National Law Center on Homelessness & Poverty in conjunction with the National Network for Youth, pg. 20, 2003.

Another issue that has been unclear to many advocates relates to the recent changes in Texas law regarding teens and emergency shelter. As of June 2003, there is no legal requirement for a minor to have the **consent** of a parent or legal guardian to receive emergency shelter.¹³² An emergency is defined as an “immediate danger to the physical health or safety of the minor or the minor’s child or children”.¹³³ The shelter or care given to the minor may not continue after the 15th day without: 1) the minor’s permission or 2) the minor has qualified for specified government sponsored financial assistance and is on the waiting list for housing assistance. For the minor to give consent to continue shelter after 15 days, she must be at least 16 years old, living apart from her parents or legal guardians and managing her own finances OR is unmarried and pregnant or parenting (not required to be at least 16). Allowing youth to access emergency shelter allows Texas facilities to comply with the rules set by federal law for agencies to receive certain government funding.¹³⁴ Each center must also develop written guidelines regarding eligibility and screening for services. These services should not discriminate based upon social economic status, ability to pay for services, gender or sexual orientation.¹³⁵

Domestic violence shelters are uniquely qualified to respond to the needs of a teen in a family or dating violence situation, especially if the minor is pregnant or parenting. However, some shelters have their own requirements of whether or not a parent or legal guardian has to be involved in the decision for a minor to be allowed to receive emergency shelter that may not be in compliance with these codes. Often, there is confusion with agency policies about notifying a parent that the minor is receiving agency services due to licensure requirement concerns with the belief that there is a legal requirement to obtain parental consent. Advocates should be knowledgeable about which local agencies are following the federal and state laws regarding minor’s access to emergency services in making referrals.

Right to Consent to Health Care

17 year-old Julie has to see a doctor about the chest cold that won’t go away. She has been living with friends for the last couple of years while finishing high school and working. She feels very confident that she is able to pay any medical bills. Can Julie go to a doctor on her own without her parents’ involvement?

In Texas, a minor can give permission for her own medical, dental, psychological, and surgical treatment if the teen is 16 years of age or older and lives on her own (not with her parent or legal guardian and is financially self-supporting).¹³⁶ There is no requirement that the minor must have consent of the parent or legal guardian for her to live on her own and there is no minimum period of duration of the youth’s status as self-supporting, regardless of the source of income.

A minor of any age may also self-consent to the diagnosis and medical treatment relating to pregnancy, drug or chemical dependency and any infectious, contagious, or communicable diseases that are required by law to be reported to state agencies, such

¹³² TEX. FAM. CODE ANN. §§ 32.201 & 32.202 (Vernon 2005).

¹³³ *Id.* at § 32.201(b)

¹³⁴ 42 TEX. ADMIN. CODE § 379.605 (U.S. Code, Title 42, Public Health and Welfare, Chapter 110, Family Violence Prevention and Services

¹³⁵ *Id.* at § 379.607 (Vernon 2005).

¹³⁶ TEX. FAM. CODE ANN. § 32.202 (Vernon 2005).

as HIV and AIDS.¹³⁷ Further, a youth of at least 16 years of age, may consent to admittance into a treatment facility licensed by the Texas Department of Mental Health and Mental Retardation (MHMR) or a chemical dependency treatment center operated by MHMR.¹³⁸

A youth may also continue to receive health care during a school year in which the parent or legal guardian signed a blanket consent form that allows the student to obtain services from a public school-based health center, even after the minor has left the parent or legal guardian's home.

However, although a minor may legally have the right to consent to medical care as she is living apart from her parents or legal guardians and is financially self-supporting, there may be times that a medical **provider**, such as a hospital emergency room, is required to contact a parent or legal guardian regarding treatment of the minor due to hospital insurance guidelines, regardless of the fact that the minor is paying the bill. This situation may occur more often in a privately funded hospital rather than in a public one. It is unfortunate that accessing health care is one of the main obstacles for unaccompanied youth. Many turn to emergency rooms as health problems become severe, not knowing where they will stand in terms of providing payment, giving consent or obtaining confidentiality.¹³⁹

Right to Education

Texas has a compulsory school attendance law which requires a child to attend school who is at least 6 years of age (or enrolled in 1st grade prior to age 6) and not yet 18 years of age. A 16 or 17 year-old minor is not required to attend school if she has already obtained a high school diploma or enrolled in a course in preparation for the high school equivalency examination.¹⁴⁰ A minor who is at least 17 years old is exempt from compulsory school attendance if she is attending such a course and meets one of the following conditions: 1) has the permission of her parent, 2) is under court order, 3) has established a separate residence or 4) is homeless. Also, a minor who is at least 16 years-old is exempt from compulsory attendance if she is participating in the high school equivalency examination course under the recommendation of a public agency, court order or while enrolled in a Job Corps training program.¹⁴¹

A person who is at least five years old and under 21 years old on the first day of September of any school year is eligible to enroll in public school.¹⁴² A youth under the age of 18 years may enroll in school after establishing residence for the purpose of attending public school separate and apart from the student's parent or guardian and not for the primary purpose of participation in extracurricular activities.¹⁴³ However, the school is not required to admit a youth if she has engaged in conduct or misbehavior within the preceding school year that has resulted in her removal or expulsion, or if she has engaged in delinquent conduct or was convicted of a crime for which she is on probation or other conditional release.¹⁴⁴

¹³⁷ *Id.*

¹³⁸ TEX. HEALTH & SAFETY CODE ANN. § 462.022 (Vernon 2005).

¹³⁹ "Alone without a Home: A State-by-State Review of Laws Affecting Unaccompanied Youth", National Law Center on Homelessness & Poverty in conjunction with the National Network for Youth, pg. 83, 2003

¹⁴⁰ TEX. EDUC. CODE . § 25.085

¹⁴¹ TEX. EDUC. CODE . § 25.086

¹⁴² TEX. EDUC. CODE ANN. § 25.001 (Vernon 2005).

¹⁴³ *Id.* at § 25.001(b)(4)

¹⁴⁴ *Id.*

When she was 5 years old, Veronica’s uncle molested her. She told her parents, but they did not believe her. Veronica’s parents decided to move out of state during her sophomore year in high school, but she refused to go with them because she did not want to leave her school. She lived with friends for a while and then in the summer lived out of her car. The 16 year-old thinks she will be able to live with friends again during the school year, but her parents refuse to enroll her for her junior year. Can Veronica enroll herself in school?

For unaccompanied youth, the federal McKinney-Vento Act of 2001 guarantees that minors can enroll in school if they are considered “homeless”.¹⁴⁵ The act affects a minor living in a shelter, motel, abandoned building, car, on the street, temporary foster care, with an adult who is not a legal guardian, or with friends or relatives housing the youth, sometimes as a runaway. A homeless youth may continue to attend the last school she was enrolled in, regardless if she still lives in the school district, and receive assistance with transportation, obtaining free or reduced-fee meals and participation in school activities.¹⁴⁶ Part of the federal act mandates that each school district appoint a liaison that is responsible for enrollment, transportation and other issues affecting unaccompanied youth who wish to continue their education.¹⁴⁷

A youth may also want to consider taking classes to study for the GED (General Equivalency Diploma), which is the equivalent of a high school diploma. Instead of getting a regular high school diploma by attending classes, the GED requires a student to take a large test. The GED has five sections: Mathematics, Science, Social Studies, Writing Skills, and Interpreting Literature and the Arts. A student must pass all sections of the test. The GED is available in English, Spanish, French, large-print, audiocassette, and Braille. Most students are eligible to take the GED classes if they are 16 or 17 years-old.¹⁴⁸ A student may take the GED if she meets a set of requirements set by the State Board of Education. While the GED is the equivalent of a high school diploma, it requires a less difficult academic program than a regular high school diploma.

Emancipation

At the age of 18, a person legally becomes an adult. Before the age of 18, a minor can also be given the rights of an adult by getting married, serving in the military or having a judge grant her the rights to become emancipated. Technically, Texas does not have an **emancipation** law. Instead, it has a law called “Removal of Disability of Minority,” in the Texas Family Code.¹⁴⁹ A minor must be at least 16 years of age to apply for emancipation. She may apply in a local court for some or all types of legal restrictions on minors to be removed for being under the age of 18 and not legally considered an adult.¹⁵⁰ She may ask to be allowed to make contracts, such as sign her own lease or enroll herself in school. If granted, a minor can act as a legal adult and make certain decisions on her own without her parents.

¹⁴⁵ 42 U.S.C. §11434A (2006).

¹⁴⁶ Pamphlet from the Texas Homeless Education Office, 2005 & 42 U.S.C. 11434A (2006).

¹⁴⁷ 42 U.S.C. 11434A (2006).

¹⁴⁸ TEX. EDUC. CODE ANN. § 25.086 (Vernon 2005).

¹⁴⁹ *Id.* at § 31.001 (Vernon 2005).

¹⁵⁰ *Id.* at § 31.006 (Vernon 2005).

Emancipation is a rare legal proceeding. Judges typically do not like the idea of a minor “divorcing” herself from her parents or legal guardian. The legal action, one which judges are cautious when considering, can result in the termination of the parental rights. However, instead of a full emancipation, a judge may consider granting a partial one, for instance, allowing a minor to live apart from her parents and enroll herself in school, but ordering the parents or legal guardian to still provide health care coverage for the minor.¹⁵¹

Randy’s 17th birthday is coming up very soon. He’d like to move out of his home as his parents are heavy into drugs. His dad just lost his job and has started stealing from Randy with the money Randy earns from his own lawn care business. Is Randy a good candidate for emancipation?

One of the reasons why this legal action is so underutilized is that not only do most people not know about this legal remedy for minors escaping abusive or neglectful homes, but it is often difficult for a minor to meet the requirements for filing the petition. If 16 years of age, the youth must already be living on her own without the assistance of any adult. If the minor is 17 years of age, she is allowed to file the petition if she is still living with her parent or legal guardian, as long as she has a plan about where she will be living on her own without adult assistance. She must be financially self-supporting (source of which is legitimate) and prepared to submit a monthly budget of income and expenses. She must demonstrate to the judge that she is able to take care of herself and does not have to rely on any other person to aid in her financial independence. She must have good reasons why the legal obligation of her parents taking care of her must end. The concern is that if the minor’s life situation should change and the people she would normally rely upon are suddenly absent, she may be forced to return to living or relying on her parent or legal guardian.

A minor must meet all of the following requirements before applying for emancipation:

1. Must be a resident of Texas (at least 6 months living in the state);
2. Must be at least 16 years of age;
3. Must already be living apart from the parent or legal guardian
(This is not a requirement if the minor is 17 years of age);
4. Must be self-supporting and managing personal financial affairs;
5. Must be able to prove that it is in the best interest of the minor for the parent or legal guardian to no longer be financially or legally responsible for the minor.

It is also important to know that it is not always necessary for a teenager to file for an emancipation action to live safely on her own. Some teenagers are able to escape parental abuse or abandonment by living with friends or relatives with the agreement that their parents will still enroll them in school and take care of health care needs without a court order. Texas also allows certain minors to obtain life insurance policies when no parent or legal guardian is available, if another relative or guardian may help with the application for the policy.¹⁵² However, teenagers who are in need of the right to contract, which enables teens to lease an apartment, buy a car, obtain insurance, open

¹⁵¹ *Id.* at § 31.005 (Vernon 2005).

¹⁵² TEX. INS. CODE ANN. §§ 1104.003 & 1104.004 (Vernon 2005).

bank accounts, or apply for certain social services, are more likely interested in emancipation actions.

A teenager may also become a legal adult by getting married. Anyone 16 years of age or older and younger than 18 years of age must have at least one parent or legal guardian's consent to marry.¹⁵³ A consent form is signed at the county clerk's office in the county in which the minor wishes to marry. If at least one parent or legal guardian will not consent, a teenager under the age of 18 has a right to ask for a hearing to get a judge's permission to marry.¹⁵⁴ This legal action is similar to filing for emancipation. The most usual reason for a youth requesting to marry before the age of 18 is pregnancy. However, some judges feel uncomfortable granting petitions to marry pregnant youth, explaining that the challenges involved with becoming a teen parent should not be further compounded by being married as a teenager.

¹⁵³ *Id.* at § 2.102 (Vernon 2005).

¹⁵⁴ TEX. FAM. CODE ANN. § 2.103 (Vernon 2005).

Q & A for Youth: Emancipation

What is emancipation?

Technically, Texas does not have an emancipation law. Instead, it has a law called “Removal of Disability of Minority” in the Texas Family Code. A minor must be at least 16 years old to apply for emancipation. She may apply in a local court to gain certain rights that adults have. For example, she may ask to be allowed to sign her own lease or to enroll herself in school. If granted, a minor can act as an adult and make certain decisions on her own without her parents.

Why would someone consider emancipation?

If a teenager’s parents threaten to kick her out or abuse her, she can consider emancipation. By being emancipated, a minor may safely leave a family violence situation to live on her own. The teen’s parents may agree with her leaving if they know that they will not have to be legally or financially responsible for their daughter. Some teens choose to live with relatives or friends before finding living situations that they can afford on their own without any adult help before they ask the court to become legal adults. Some seek protective orders in order to be allowed to live somewhere safe until they are able to find their own places to live.

What can emancipation mean to a minor?

Once a minor has been emancipated, she is responsible for her own care. She must have a place to live, maintain a job or other source of monthly income, get health care, and be responsible for her own food and clothing. The minor is also responsible for debts or payments for any property damage. If she has not yet received a high school diploma or the equivalent GED, she must remain in classes until she turns 18. An emancipated minor may no longer be considered a juvenile in criminal courts.

What is required for a minor to apply for emancipation:

1. Must be a resident of Texas (at least 6 months living in state);
2. Must be at least 16 years of age;
3. Must already be living apart from parent or legal guardian;
(*This is not a requirement if the minor is 17 years of age*);
4. Must be self-supporting and managing all personal financial affairs;
5. Must be able to prove that it is in the best interest of the minor for the parent or legal guardian to no longer be financially or legally responsible for the minor.

How does a minor get emancipated?

To apply, a minor, at least 16 years old, must file a petition in the county where she lives. This petition asks for the removal of disability of minority. At least one parent or legal guardian should “verify” the petition, which means that the parent must agree that the information is true. If the parent or legal guardian will not verify the petition, the minor may sign the petition, swearing it is true, before a notary public. The petition is filed with the county’s district clerk. There is a fee to file the petition. A hearing is usually set on the first Monday, 20 days after the petition has been filed.

What if she can’t pay the fee to file for emancipation?

If the minor can not afford to pay for the petition, she can ask to have the fee waived (permission to not pay). To waive the fee, the minor can fill out a form stating that she

cannot afford the extra expense of the court process on top of her share of the living expenses, such as rent, utilities, health care, education, clothing, and food. The amount of the fee depends on the county in which she files the petition.

Who has to be involved?

Each living parent or legal guardian, who still has legal responsibility of the minor, will be served notice (told of the legal action by the court). Each parent or legal guardian has the right to sign a waiver, a form that states that she or he is not interested in stopping the minor from becoming a legal adult and will agree to the judge's decision on whether the minor should be emancipated.

However, each parent has a right to appear at the hearing and bring a lawyer for representation. If the minor knows that her parent will fight the emancipation, she may want to have a lawyer.

The judge will appoint someone called a "guardian-ad-litem" to interview the minor applicant. The guardian-ad-litem is a lawyer who checks the facts in the signed statement by the minor or her parent about why emancipation is in her best interest and makes a recommendation to the judge on whether the emancipation order should be granted. The guardian-ad-litem is usually a lawyer who does not represent the minor but represents what is in the best interests of the minor to the judge. If this person does not agree with the teen's opinion that the teen should be emancipated, the guardian ad litem will tell the judge so.

What will happen at the hearing?

At the hearing, a judge may grant limited or full emancipation. For example, one form of limited emancipation may give the minor the right to make her own decisions about housing, education, and personal finances. In this case, the minor's parents would be responsible for her health care, insurance, and other financial assistance. Or the judge may grant full emancipation, meaning that the teenager is responsible for all issues with money, medical care, and enrolling herself in school until she graduates or turns 18.

It is also important to know that it is not always necessary for a teenager to file for an emancipation action to live safely on her own. Other teenagers can escape parental abuse or abandonment by living with friends or relatives with the agreement that their parents will still enroll them in school and take care of health care needs without a court order. Teenagers who feel that they will not be able to sign a contract such as a lease to rent an apartment or apply for certain social services are more likely interested in emancipation actions.

Rights of Pregnant and Parenting Minors¹⁵⁵

Recent research shows that approximately 50 to 75% of women abused before pregnancy are abused during pregnancy.¹⁵⁶ Many advocates are familiar with the stories battered women tell of how after experiencing emotional and economic abuse in relationships, the physical abuse did not begin until they became pregnant, especially if the pregnancy was unplanned. Pregnant **minors** have an elevated risk of violence from their partners compared to pregnant adults.¹⁵⁷

Pregnant teens make the same assertions of abuse regarding their **parents**. Many talk about how threats of violence are made by parents and **legal guardians** towards them regarding teen pregnancy.¹⁵⁸ In families where appropriate behavior and discipline seem to be within the norm, many **youth** claim that when the issue of an unintended pregnancy appears, parents and legal guardians can become very different people. This is especially true for youth raised in cultures that attach negative stigma to pre-marital sex and "illegitimate" pregnancies - these pregnant youth face not only potential parental abuse but abandonment and ostracism as well.

Studies show that up to 37% of all pregnant teens experience physical violence while pregnant.¹⁵⁹ Since youth are afforded constitutional rights regarding reproductive choice, it is important that advocates be made aware of the forms of legal relief available to pregnant minors trying not to be harmed by a parent or partner while faced with deciding whether to continue or end an unintended pregnancy.

Right to Consensual Sex

The State of Texas requires that any adult who thinks that a minor has been abused or neglected tell the authorities.¹⁶⁰ During the 2001 Texas Legislative session, a small change was made into the law regarding the reporting requirements that affect professionals. Under the child abuse reporting law, professionals have up to 48 hours to report suspected or alleged acts that adversely affect the physical, emotional, or mental well being of a minor.¹⁶¹ However, the offenses of indecency with a child,¹⁶² sexual assault,¹⁶³ and/or aggravated assault¹⁶⁴ were added into the language, which has complicated the definition of legal sex for minors considerably.¹⁶⁵

¹⁵⁵ This section contains information also available in a booklet, "The Rights of Pregnant Teenagers in Texas," Jane's DUE PROCESS, Inc., June 2004, also co-written by the author, Diana Philip.

¹⁵⁶ Saltzman, L. E., Johnson, C.H., Gilbert, B.C., and Goodwin, F. "Physical Abuse Around the Time of Pregnancy" An Examination of Prevalence and Risk Factors in 16 States. *Maternal and Child Health Journal*, Vol. 7, pg 31-42, 2003.

¹⁵⁷ Krulewitch, C., Pierre-Louis, M.L., deLeon-Gome, R., Guy, R., and Green, R. "Hidden from View: Violent Deaths Among Pregnant Women in the District of Columbia, 1988-1996", *Journal of Midwifery and Women's Health*, Vol 46, pg. 4, 2001.

¹⁵⁸ "Third Annual Report", Jane's DUE PROCESS, Inc., February 2004

¹⁵⁹ McFarlane, J., Parker, B., Soeken, K., Bullock, L. "Assessing for Abuse during Pregnancy, Severity and Frequency of Injuries and Associated Prenatal Care" *Journal of American Medical Association*, Vol. 267 (23) pg. 3176-8, 1992

¹⁶⁰ TEX. FAM. CODE ANN. § 261.101(a).

¹⁶¹ *Id.* at § 261.101(a)-(b).

¹⁶² TEX. FAM. CODE ANN. § 261.001(1)(E); TEX. PEN. CODE ANN. § 21.11 (Vernon 2005).

¹⁶³ TEX. FAM. CODE ANN. § 261.001(1)(E); TEX. PEN. CODE ANN. § 22.011(a)(2) (Vernon 2005).

¹⁶⁴ TEX. FAM. CODE ANN. § 261.001(1)(E); TEX. PEN. CODE ANN. § 22.021(a)(1)(B), 2(B) (Vernon 2005).

¹⁶⁵ Memorandum: "Texas Child Abuse Reporting Requirements", Laura Goodson, law clerk for Jane's DUE PROCESS, Inc., December 10, 2002.

The definition of indecency with a child is very important to teens under the age of 17 because they are still considered to be children under this law. Any minor under the age of 17 that has sexual contact, even with someone her own age, could be considered abused, and that sexual activity must be reported. However, professionals hesitate to make some reports, focusing on the lack of physical, emotional or mental harm in such contact rather than the fact that sexual contact, albeit consensual between two minors, less than 3 years apart in age, has occurred.

Blake and Ursula have been dating for over 6 months. Ursula is 17 years old, and Blake is 21. Blake's friends say that he could get into trouble with the cops if he has sex with Ursula. Blake thinks that no one should be worried about anything since Ursula is consenting to the sexual contact. Can Blake get in trouble for having sex with Ursula?

Since the Texas Penal Code addresses criminal acts regarding sexual contact with minors to affect those under the age of 17, it appears that it is safe to say that 17 is the age of consent to sex in Texas. However, any teen over 13 and under 17 who agrees to sexual contact in a relationship (including touching to arouse either person) can be considered to be in a sexually abusive relationship only because of her age. Such a relationship must technically be reported to the authorities and investigated. If law enforcement finds no reason to prosecute the incident as abuse, the matter is usually dropped. This is because Texas law provides affirmative defenses to sexual contact with a minor 14 years or older, but no defenses exist for when an individual is actually arrested for having such contact. This is another situation when law enforcement is allowed to arrest first and ask questions later. Examples of cases in which there have been known prosecutions include: when the minor is younger than 14 years of age; when the sexual partner is three years and a day older than the minor; when the sexual contact occurred under force or threat of physical or emotional harm; or when the sexual partner is a convicted sex offender.¹⁶⁶

Right to Health Care

15 year-old Andrea thinks she might be pregnant. She wants to go to the family doctor to find out but is worried that the doctor will tell her parents about her request for a pregnancy test. Andrea wants to go to a family planning clinic to learn about her options in case she is pregnant, as she doesn't want to involve her parents in any decision she will make unless she knows first what she wants to do. Can Andrea go to a clinic and request a pregnancy test and counseling without her parent's involvement?

An unemancipated teenager, of any age, whether or not she is living apart from her parent or legal guardian, may give permission for hospital, medical, or surgical treatment for anything having to do with a pregnancy.¹⁶⁷ This treatment may include ultrasounds, sonograms, amniocentesis, fetal surgery, Caesarian Section (C- Section), gestational diabetes screening, and other pregnancy-related blood tests.

¹⁶⁶ TEX. PEN. CODE ANN. §§ 22.021(2)(B); 21.11(b).

¹⁶⁷ TEX. FAM. CODE ANN. § 32.003(a)(4) (Vernon 2005).

A minor is able to give consent for an abortion but must first comply with the state law requiring that the physician seek consent from the minor's parent or legal guardian at least 48 hours before the procedure.¹⁶⁸ However, there is a legal mechanism that allows a minor to see a court order to have an abortion without parental involvement under certain grounds (see page 37 for more information on **judicial bypass**). No physician will perform an abortion on a minor patient unless the minor consents to the procedure, so no one can legally force a minor to have one. Likewise, no parent, legal guardian, or partner may legally force a minor to continue a pregnancy against her better judgment.

However, parents can be very influential in the minor's pregnancy decision, especially since they are legally responsible for ensuring that their children receive adequate health care. Some abusive families will coerce their teen daughters to continue their pregnancies, only to kick them out of the home shortly before or after delivery as a form of punishment. Others try to force their daughters to have abortions to eliminate the need for the parents to provide any pre-natal and delivery health care. One of the biggest pieces of misinformation passed from adults to youth is that teenagers under 18 automatically become legal adults once they are pregnant. Many parents become quite upset once they realize they are still responsible for caring for the pregnant or parenting minor until she turns 18. Furthermore, a parent or legal guardian of a minor cannot force a minor parent to give her child up for adoption.

Right to Education

It is important to know that most youth factor in their desire to continue their education when faced with the decision of how to respond to an unintended pregnancy. A student cannot be forced to leave school because she is pregnant, is a parent, or has had an abortion. Under federal law, any school, public or private, that receives federal funds may not discriminate based on pregnancy or because a student is a parent.¹⁶⁹ A student may not be excluded or kept out of any educational program because she is pregnant or a parent.¹⁷⁰ Educational programs include special classes, like Honors or AP, and extracurricular activities, like band or Latin Club.

A student has the right to be a part of physical education (gym class) or school sports teams. A school cannot keep a student from playing because she is pregnant, parenting, or has had an abortion. A student may sit out from activities if her doctor decides she should not be active because of a medical condition. If the student is healthy and able to participate, she is allowed to be a part of all school activities like varsity soccer, intramural basketball, and dance team.

Many honor societies have rules against having sex before marriage. An official school organization may not use pregnancy as the only way of deciding who has had sex before marriage. If a school organization does not ask all members who have had sex to leave, then it cannot keep pregnant and parenting students from participating. For example, the National Honor Society cannot keep pregnant and parenting students from joining NHS. A student cannot be kept out of NHS or expelled because she is pregnant or has had a baby. A student also may not be penalized because she has had or plans to have an abortion.

¹⁶⁸ TEX. FAM. CODE ANN. § 33.002(a)(1) (Vernon 2005).

¹⁶⁹ 20 U.S.C. § 1681(2006).

¹⁷⁰ 34 C.F.R. § 106.40 (2006).

Rebecca is a 16 year-old honors student in her public high school. She just found out that she is pregnant and is considering having an abortion. Rebecca is afraid that she will be forced to quit her high school and attend an alternative school for pregnant and parenting teens that does not offer the classes she needs to apply for college. Can Rebecca be forced to quit attending her high school?

A school may not force a student to participate in special programs for pregnant or parenting students. A student can not be forced to attend an alternative school just because she is pregnant or a parent. If a student chooses to go to an alternative school or join a special program for pregnant and parenting students, her education in the special program must be of the same quality as the education she receives in her regular school.

The bottom line is that a pregnant student has the right to stay in her regular school. Unfortunately, support in having her remain in school can be lacking. Family planning advocates are familiar with the scenario of a parent refusing to re-enroll a pregnant or parenting student as a means of punishment. Faced with a situation such as this one, the student has a right to inquire about self-enrollment. If she has been kicked out of her home for being pregnant, she has a right under federal law to enroll as a “homeless” youth.¹⁷¹ (For more information about the rights of an unaccompanied youth to education, see page 25.)

Some school districts may receive extra money from the state for pregnancy-related services. This extra money is given to the school district to help it meet the special needs of every pregnant student attending classes. Pregnancy-related services include childcare, counseling, transportation, and health care. The school district is required to provide the pregnant student with home-based instruction, if medically necessary, while the student is pregnant and during the recovery period after delivery.

Legal Remedies for Reproductive Choice

Facing an unintended pregnancy for a teenager is compounded significantly when threats regarding parental abuse or abandonment have been made, as well as fear of violence from the male involved in the pregnancy. A minor has to evaluate how realistic it will be for her to continue her pregnancy and become a teen parent amid abuse, instability, and dysfunction.

A parent or legal guardian cannot force a pregnant minor in his or her care to have an abortion, to continue a pregnancy, or to put her baby up for adoption. It is important that no matter the choice made by the pregnant minor, she has to make it clear to everyone that the decision she is making is her own. For a pregnant minor who feels that her parent or legal guardian may harm or abandon her for her pregnancy decision, she has a right to seek legal help. Each minor should know her legal options while considering her pregnancy options. It is not a choice for a teenager to have an abortion to escape family violence, nor is it a choice for a teenager to be forced by abusive parents to carry a pregnancy to term.

¹⁷¹ 42 U.S.C. § 11431(2006).

Lily is 17 years-old and pregnant. She watched her father punch her older sister in the stomach after he learned that she was pregnant at 16. Her sister was also thrown out of the home and told not to return. Her sister's baby now has serious health problems. Lily is too afraid to tell her father that she is pregnant. Can Lily leave home to find a safe place to raise her baby?

If a minor chooses to carry her pregnancy to term and become a parent, she is legally under the care of her parent or legal guardian until she turns 18.¹⁷² If she feels that it is not in her best interest to remain at home due to an abusive environment, she may choose to leave with her parents' consent. If she cannot get her parents' consent, she has the option to leave and seek a protective order.¹⁷³ (For more information about protective orders, see page 12.) It is best for her to have an idea of where she can stay while the final order is pending and after it is granted. The protective order may be the first step towards filing for emancipation,¹⁷⁴ which is a legal action allowing her to become a legal adult after she establishes herself as self-supporting. (For more information about emancipation, see page 26.)

After a baby is born, the teen has the rights of being a parent to her child and is responsible for the financial support, housing, food, clothing, education, and health of that child.¹⁷⁵ (For more information about the rights of a parent in Texas, see page 20.) The minor parent who is raising the child may get child support from her baby's other parent.¹⁷⁶ This includes male teens that decide to raise their child. Parents can apply for child support through the state's attorney general's office. A request for child support can also start the process of finding out the identity of the father if that information is unknown by having a court order a paternity test.¹⁷⁷ Otherwise, information listed on the birth certificate is taken by the state to be true.

It is also important to know that Texas has a "Baby Moses/Safe Haven" law. This law allows a parent to leave a baby under 60 days old in a safe place and not return for the baby without fear of being charged with a crime. Safe places include hospitals, emergency clinics and fire stations.¹⁷⁸

Only the pregnant minor can decide to give the child up for adoption. She cannot be forced by anyone, including her parents, legal guardian, or partner, to place the child for adoption. The legal process of pursuing an adoption as a minor mother is the same as for an adult mother. The mother and the father of the child must consent to the adoption. Even if the mother is not sure who the father is or if he lives out of state, there must be a good faith effort to involve him in the adoption.¹⁷⁹ If a teen is choosing adoption and feels that she needs to leave her home for fear of not being able to carry to term due to safety issues in her home, she may seek services through an adoption agency. The adoption agency may place her in a teen maternity home where she can receive medical care and legal services to help her handle the adoption process. However, some of these teen maternity homes may require parental consent. It is in the best interest for advocates to know not only which emergency shelters will follow the law

¹⁷² TEX. FAM. CODE ANN. §151.001(b) (Vernon 2005).

¹⁷³ *Id.* at § 71.005 & 71.006 (Vernon 2005).

¹⁷⁴ *Id.* at § 32 (Vernon 2005).

¹⁷⁵ *Id.* at § 151.001 (Vernon 2005).

¹⁷⁶ *Id.* at § 154.001 (Vernon 2005).

¹⁷⁷ *Id.* at § 159.701 (Vernon 2005).

¹⁷⁸ *Id.* at § 262.302 (Vernon 2005).

¹⁷⁹ *Id.* at § 160 (Vernon 2005).

to allow pregnant youth living in domestic violence situations to self-consent for emergency care, but which maternity homes will allow them to self-consent to all services.

Amy is pregnant and afraid her parents will find out. She is not ready to be a parent at age 15. Amy's boyfriend is 17 years-old and is supportive of any decision she makes about her pregnancy. Amy is afraid that her parents will force her to continue the pregnancy, although they have made it clear in the past that if she did become pregnant as a teenager, they would kick her out of her home. Can Amy have an abortion without her parents' knowledge?

Teenagers under 18 years of age are required **notification** of and written **consent** by at least one parent or legal guardian prior to an abortion being performed in Texas.¹⁸⁰ This law does not apply to a legalized adult, one who has married, divorced, widowed or been emancipated under the age of 18.¹⁸¹ This law applies to an orphaned youth, a minor who has given birth in the past as well as a teen whose pregnancy is the result of a sexual assault.

If a pregnant minor decides to have an abortion, state law requires that the doctor tell one parent or legal guardian at least 48 hours before the abortion.¹⁸² The parent can be told in person or by the phone. If notification cannot be done in person or by phone, it can be done by a certified letter with restricted delivery. Restricted delivery means that the letter can only be delivered to the person to whom the letter is addressed.¹⁸³

The law changed in 2005 requiring written consent by a parent or legal guardian for the minor to have the abortion. The guidelines for how to this written consent is obtained by clinics has yet to be established officially by the Texas Department of Health. For now, clinics are using consent forms they have individually developed which a parent or legal guardian can complete, but must have notarized before submitting to the clinic.

However, for some pregnant teens, telling a parent or legal guardian of their decision to have an abortion can cause abuse, homelessness, or abandonment. If a minor is unable or unwilling to tell her parent or legal guardian about her decision to have an abortion, the minor may request a **judicial bypass** from the court.¹⁸⁴

A judicial bypass is a court order that allows a judge to give permission for the physician to perform the abortion on a minor without notification to the parents or legal guardian. A court hearing must be set and a decision made by the judge within two business days of the application being filed.¹⁸⁵ There is neither a filing fee, nor an attorney's fee for the minor.¹⁸⁶ Legal representation is mandatory, so if a teen does not have a lawyer, one will be appointed for her.¹⁸⁷ The case can be filed in any county in Texas.¹⁸⁸ For a judicial bypass order to be granted the minor must prove one of three grounds: 1) she is mature and well-informed enough to make the decision on her own, 2) notification of the parent

¹⁸⁰ TEX. FAM. CODE ANN. § 33.002 (Vernon 2005), Tex. Occupation Code § 164.052(19)

¹⁸¹ *Id.* at § 33.003(c)(2) (Vernon 2005).

¹⁸² *Id.* at § 33.002(a)(1)

¹⁸³ *Id.* at §33.002(b)

¹⁸⁴ *Id.* at § 33.003 (Vernon 2005).

¹⁸⁵ *Id.* at § 33.003(h)

¹⁸⁶ *Id.* at § 33.003(n)

¹⁸⁷ *Id.* at § 33.003(e)

¹⁸⁸ *Id.* at § 33.003(b)

or legal guardian is not in her best interests or 3) notification may lead to potential physical, emotional or sexual abuse.¹⁸⁹

¹⁸⁹ *Id.* at § 33.003(i)

Q & A for Youth: Judicial Bypass

What is a judicial bypass?

A judicial bypass is an order from a judge that allows a minor to have an abortion without telling her parent or legal guardian. To get a judicial bypass, a judge must decide that the minor meets at least one of the following “grounds” (reasons):

- The minor is mature and sufficiently well informed about her pregnancy options to make the decision without a parent or legal guardian being involved.
- It is not in the minor’s best interest for the parent or legal guardian to be notified.
- Notification of a parent or legal guardian could lead to physical, sexual or emotional abuse of the minor.

The hearing is completely confidential. A confidential hearing means that no one will know the minor’s name, what she says, or even that she filed an application. If the teenager thinks that she might know someone who works at the courthouse or that someone will see her going into the courthouse, she has a right to file her application in any county in Texas.

Child Protective Services *cannot be called* because of something said in the hearing, even if the minor reports physical or emotional abuse. However, if the pregnancy is the result of a sexual assault, the judge will order that a police report be made.

How can a pregnant minor get a judicial bypass?

To apply for a judicial bypass, a teenager can call the local district clerk’s office or family planning clinic to get information on how to file her application with the court. The pregnant teen with the help of any adult will fill out a simple form. The form explains that the “applicant” (the minor) is pregnant, less than 18 years of age and has not been declared a legal adult through emancipation or marriage. It also asks which of the three grounds (explained above) she is filing her application under. The application can be filed in any county in the State of Texas for an abortion performed by a Texas physician.

How long does it take?

Once an application has been filed, there has to be a hearing and a decision made by 5:00 p.m. on the second business day. The minor must have a lawyer present for the hearing. If she does not have a lawyer, the court will appoint one for her. The hearing and lawyer provided are free. There are no fees to pay for the application to be accepted or for a hearing to be held.

If the judge agrees that the minor meets at least one of the three grounds required, the judicial bypass waiver will be granted. The teenager can take the order to an abortion clinic to have her abortion without her parents being notified. However, if a judge does not agree that she is able to meet at least one of the grounds required, the judge has a right to deny the waiver. The minor’s lawyer can then explain to her that she has the right to appeal the decision with a higher court or ask for a new hearing to begin again.

Resources

LEGAL SERVICES

The following legal aid organizations provide help with emancipation, protective orders, education, child support, housing issues, adoption and other family law issues:

Legal Aid of Northwest Texas
2212 Arlington Downs Road
Arlington Downs Centre, Suite 102
Arlington, Texas, 76011
(800) 955-3959
<http://www.texaslawhelp.org/>

Texas Rio Grande Legal Aid Inc.
300 South Texas Boulevard
Weslaco, TX 78596
(800) 369-0574
<http://www.trla.org/>

Lone Star Legal Aid
414 East Pillar Street
P.O. Box 631070
Nacogdoches, TX 75963-1070
(800) 354-1889
<http://www.lonestarlegal.org/>

These three legal organizations serve various counties in Texas. To find the legal aid office that serves a particular county of residence, look in the yellow pages for any of the above names or visit the above listed websites or view <http://www.texasatj.org> to find the list of all legal aid services available in the county (just click on "Find Legal Assistance" and then on "County Listings").

American Civil Liberties Union (ACLU)
1(512) 478-7309 (information line)
P.O. Box 12905
Austin, TX 78711-2905
<http://www.aclutx.org>

Services Provided: *Legal representation for public school discrimination, civil liberties violations and reproductive rights. Each region of the state has its own chapter. The website contains information about how to submit a request for help in writing to the correct ACLU chapter.*

Jane's DUE PROCESS, Inc. (JDP)
1(866) www-jane
1(866) 999-5263 (24 hour toll-free hotline)
1(512) 444-7891 (office line)
P.O. Box 3478
Austin, TX 78764

<http://www.janesdueprocess.org>

Services Provided: *JDP's primary purpose is to give legal help to pregnant minors seeking to make a decision about whether or not to continue an unexpected pregnancy. The agency trains lawyers throughout Texas to help minors with judicial bypass, emancipation, equal education claims, and family violence issues. All services are free. The 24-hour hotline and website are available to answer questions about legal issues pregnant minors are facing. Emancipation forms are available for youth to download and use to file petitions with the court.*

National Law Center on Homelessness & Poverty

1(202)638-2535

1411 K Street NW, Suite 1400

Washington DC 20005

<http://www.nlchp.org>

Services Provided: *This national organization serves as the legal arm of the national movement to ensure equal access for homeless youth to access education and social services provided by federal law.*

Texas Civil Rights Project (TCRP)

1(512) 474-5073 (office line)

1405 Montopolis Drive

Austin, TX 78741

<http://www.texascivilrightsproject.org>

Services provided: *Legal representation for public school discrimination and civil rights violations. Statewide agency.*

Texas Office of the Attorney General (OAG) – Child Support Division

1(800) 252-8014 (information line)

<http://www.oag.state.tx.us>

Services Provided: *This state agency can help you find a missing parent who owes child support, establish who the father is through paternity tests, decide on the amount of child support used to care for the child, and make sure the custodial parent receives the payments.*

Women's Advocacy Project (WAP)

1 (800) 777-FAIR (General Legal Hotline)

1 (800) 374-HOPE (Family Violence Legal Line)

P.O. Box 833

Austin, TX 78767

<http://www.women-law.org>

www.myspace.com/teenjusticeinitiative

Services Provided: *This organization has trained attorneys who can answer questions about how to file an emancipation petitions and protective order applications in Texas and what to do if problems with people at the courthouse not taking a minor seriously take place. They can also help you if you are interested in learning more about how to file a protective order against someone who has recently harmed you (your boyfriend or parent) and you want this person to stay away from you after you find a safe place to stay. They can also represent young people seeking protective orders in the Austin area.*

EDUCATION

Texas Homeless Education Office (THEO)

The University of Texas at Austin

Charles A. Dana Center

2901 N. IH35, Room 2.200

Austin, TX 78722

1 (800) 446-3142

<http://www.utdanacenter.org/theo>

Services Provided: This statewide organization assists with homeless youth to enroll in public school and helps with school nutrition program eligibility guidelines, transportation provisions, and special education considerations.

The Texas Education Agency has the following departments to contact for more information about what pregnant and parenting students should be offered in encouraging them to receive a full public school education:

Life Skills Program (Previously 'Pregnancy, Education & Parenting')

1 (512) 463-9073

<http://www.tea.state.tx.us/pep>

Pregnancy Related Services

1(512) 463-9283

<http://www.tea.state.tx.us/interagency/prs.html>

General Education Diploma (GED) Unit

1 (512) 463-9292

<http://www.tea.state.tx.us/ged/>

The following national organizations can give more information about youth rights to education:

National Honor Society (sponsored by the National Association of Secondary School Principals)

1 (703) 860-0200

1904 Association Drive

Reston, VA 20191

<http://www.nhs.us/>

U.S. Department of Education

Office of Civil Rights

1(800) 421-3481 (national hotline)

<http://www.ed.gov/index.jhtml>

FAMILY VIOLENCE & SEXUAL ASSAULT

Child Protective Services (Texas Department of Family and Protective Services)
1 (800) 252-5400 (hotline)

Services Provided: *If a minor is a victim of abuse by a parent or caregiver, any adult or minor can report the abuse to child protective services to ask for help or intervention.*

National Domestic Violence Hotline

1 (800) 799-SAFE (national hotline)

<http://www.ndvh.org>

Services Provided: *This national hotline can help youth find shelter away from an abusive parent or partner and give youth the time and safety needed to decide to file an emancipation application or a protective order. Once youth are accepted into a shelter, on-site caseworkers may be able to help with receiving counseling, housing, health care, and legal services. A special teen hotline is coming soon.*

National Network for Youth

1319 F Street NW, Suite 401

Washington DC 20004-1106

<http://www.nn4youth.org>

Services Provided: *This national membership organization focuses its work through public policy and education to ensure that youth, disadvantaged by family abuse, conflict, neglect and disconnection, become contributing citizens.*

The Rape, Abuse & Incest National Network (RAINN)

National Sexual Assault Hotline

1(800) 656-HOPE (national hotline)

<http://www.rainn.org>

Services Provided: *This national hotline can help youth find answers to questions about rape or incest. They can help youth identify local rape crisis centers and refer youth to counseling, legal help and other services.*

Texas Runaway Hotline

1 (888) 580-4357 (HELP) (toll-free hotline)

<http://www.texasrunaway.org>

Texas Youth Hotline

1 (800) 210-2278 (toll-free hotline)

<http://www.texasyouth.org>

Services Provided: *These hotlines can help youth find shelter in Texas away from an abusive parent or partner and to give time and safety needed to decide if it is in the best interests to file an emancipation application or a protective order. Texas law no longer requires parental consent for a minor to be accepted into an emergency shelter. These hotlines may also help youth locate counseling and social service agencies that can connect youth to job training, housing, health care, and projects to encourage them to complete their high school education.*

TEEN PARENTING

Girlmom

<http://www.girlmom.com/>

A politically progressive web site for teenagers who are already mothers.

Teen Parents

<http://www.teenparents.org/>

This site contains comprehensive fact sheets for teen parents including information on welfare, emancipation, and consent requirements for medical treatment, but not abortion. This is a national site so not all the laws are the same for Texas.

The following state agencies provide medical, financial and social services:

Texas Health and Human Services Commission (HHSC)

1-800-252-8263 (Client hotline for Medicaid/CHIP)

211 (For information about THHSC in your community)

<http://www.hhsc.state.tx.us/>

Services provided: This state agency provides financial help, food and medical care through the Food Stamps, TANF and Medicaid programs. Call the toll-free number or visit the web site to locate the office available in each county.

Your Texas Benefits (Texas Health and Human Services Commission)

<https://www.yourtexasbenefits.com>

Services Provided: This web site lists local HHSC offices and also explains some of the eligibility requirements in applying for state assistance programs.

Children's Health Insurance Program (CHIPs)

1(800) 647-6558 (information line)

1-877-KIDS-NOW (application line)

<http://www.hhsc.state.tx.us/chip/index.html>

Services Provided: Offers health insurance for children for families that earn too much money to qualify for the Medicaid program.

Texas Department of Family and Protective Services

1(800) 862-5252 (child care licensing information line)

http://www.dfps.state.tx.us/Child_Care/Search_Texas_Child_Care/

Services Provided: Identifies licensed day-care centers in each county.

Department of State Health Services- Division for Family and Community Health Services

1-800-252-8023

<http://www.dshs.state.tx.us/mch/default.shtm>

Services Provided: Offers information about various Department of State Health Services relating to certain maternity services; infant, child and adolescent health care

General Information (about health services and social services in Texas)

211

ADOPTION

Adoption.com

<http://directory.adoption.com>

Find agencies, attorneys and adoption professional in each state. View profiles of prospective adoptive parents.

Child Welfare Information Gateway (formerly the "National Adoption Information Clearinghouse")

<http://www.childwelfare.gov/>

Web site contains several links to other sites to provide a comprehensive resource on all aspects of adoption.

Medline Plus Health Information

<http://www.nlm.nih.gov/medlineplus/adoption.html>

Provides updated articles about adoption in the U.S. and abroad.

ABORTION

National Abortion Federation

1(202) 667-5881

1755 Massachusetts Ave

NW Suite 600

Washington, DC 20036

<http://www.prochoice.org>

Services Provided: Web site has information about adoption, abortion and parenthood. Includes links to local resources.

Pregnancy Options Workbook (Ferre Institute)

<http://www.pregnancyoptions.info/pregnant.htm>

Comprehensive on-line workbook to help one in decision making regarding pregnancy options.

The following organizations assist with funding for abortions, especially when using Crime Victims Compensation is not an available option:

The Lilith Fund

1(877) 659-4304 (toll-free statewide hotline)

P.O. Box 684949

Austin, TX 78768-4949

<http://www.lilithfund.org>

Services Provided: Financial assistance for abortion services in Texas.

National Abortion Federation

1(800) 722-9100 (national hotline)

<http://www.prochoice.org>

Services Provided: Financial assistance for abortion services throughout the U.S.