

“I change myself,  
I change the world.”

—Gloria Anzaldua





If you are reading this handbook, it's because it was designed specially for you: a young woman who is pregnant and in foster care – and most likely you've already made the decision to raise your child yourself.

Having a baby is overwhelming and scary, but also exciting and amazing – everyone feels this way. There are many things to think about and to plan for so that you and your baby are ready for the future. Most importantly, you need to know that you have rights when it comes to having, taking care of, and being responsible for your baby. You are your baby's strongest advocate. An advocate is a person who argues for what is in someone else's best interest, and as a parent, it is your responsibility to advocate for the rights and best interest of your baby.

Even though there is a lot to think about before the baby is born, planning in advance and thinking about what your life will be like once the baby arrives will help you feel more in control and you'll have a more positive experience. Your caseworker is a resource for you because she/he knows about programs, available opportunities, and how the child welfare system can work for you.

It is still important for you to know your rights when it comes to your baby. This handbook provides you with information on your parental rights as a mother even though you, yourself are in foster/state care. The following topics are covered:

- Custody
- Placement
- Temporary foster care for your baby
- Placement with your baby

- What to do if you are separated from your baby
- How your parental rights can be terminated
- Places to go for help

This handbook includes national information that applies to you. For specific information and resources in your state, go to our website:

[www.TheNationalCrittentonFoundation.org](http://www.TheNationalCrittentonFoundation.org)









These issues involve legal rights, so contact a free lawyer through the legal services information provided in this handbook. You may also get in touch with the juvenile court to request a lawyer. Remember to check our website [www.TheNationalCrittentonFoundation.org](http://www.TheNationalCrittentonFoundation.org) for state specific legal information and other resources.

## **CUSTODY**

There are different types of custody: guardianship, legal custody, and physical custody. For teens in the foster care system, a child welfare agency or the court usually has legal custody of you (meaning the court makes decisions for you), and physical custody is held at the same time by your foster parents, or biological parents (who cares for and provides for you). A guardian is a person who has legal

authority and a duty to care for the interests of another person.

Legal custody means that you are the one who makes decisions about and are legally responsible for your baby. It also means that you are responsible for caring, controlling, and providing for your baby. A court can terminate custody and give these responsibilities to a government agency, like a child welfare agency, or to parents, like in divorce or adoption. If custody is terminated, you can still have parental rights, and the state has to meet specific requirements for terminating those rights (see *Grounds for Terminating Your Parental Rights*).

From the moment your baby is born, you, the mother, have legal custody and you have the right and responsibility to act on your baby's behalf.

As a new mother, you will have to consider what life will be like after the baby is born, so you should know that there are different options depending on what you want for your baby.

If you have decided to keep custody of your baby, it is important that you let your caseworker and the court know right away. **IMPORTANT: You should keep track of required court appearances and call the court if you cannot make it to a scheduled appearance.** This can help to set up a positive record of you with the court, and it will keep you informed about what is happening with your baby's custody issues.

## **PLACEMENT WITH YOUR BABY**

You have the right to demand to be placed with your baby, and it is the state's responsibility to comply, but there may not be places available. It is your lawyer's job to see

that you are placed with your baby. Keeping you and your baby apart (starting at the hospital after you give birth) may be illegal.

## **TEMPORARY FOSTER CARE**

This option allows you to sign a voluntary agreement to hand over custody for only a certain amount of time. When the separation is over and you are ready to care for your baby, your baby will be returned to you. You should definitely talk to a lawyer before signing any agreement involving custody of your baby.

## **VOLUNTARY PLACEMENT AGREEMENT**

A Voluntary Placement Agreement is a document used to determine whether or not you have legal custody of your baby.

**IMPORTANT:** If you sign this document, you will most likely lose all custody of your baby, even if you want to regain custody of your baby after you turn 18. Call the Legal Services

number in the helpline section for a list of places where you can receive free legal help.

## **IF YOU AND YOUR BABY ARE SEPARATED**

A very important step is to talk to a lawyer because she/he might be able to:

(1) File a writ of habeas corpus against the child welfare or foster care agency, demanding that your baby be returned to you (this is to request that someone not be held anymore, and specific legal requirements must be met first);

(2) Seek relief from a court regarding your foster care placement;

(3) Argue to the court that you have a right to be placed with your baby;

(4) Argue that so long as you have legal custody, not placing you and your baby together could mean that the state won't get federal money to care for the baby.









Parenting is the hardest job there is, and everyone feels pressured and stressed and needs support at times. You love your baby and want to do what's best for her/him, so when you feel overwhelmed and frustrated, it's okay to ask for help from family, friends, and agencies that are there to help you. Get the support you need, because it's possible for your parental rights to be terminated. Losing your parental rights is more serious than losing custody. If you lose your parental rights, you will no longer be able to make any decisions on behalf of your baby or have any say in what happens to your baby.

These are the most common ways a state can show that your parental rights should be terminated :

- You have abused or neglected your baby over a period of time;

- You have abused or neglected other children in your household;
- You have abandoned your baby;
- You have long-term mental illness or mental problems;
- You have problems making decisions because of your use of drugs or alcohol;
- You have not financially supported your baby;
- You have not maintained contact with your baby;
- You have given up your parental rights to another child in the past;
- You have been convicted of a felony involving violence against the child or another family member;
- You have been convicted of a felony when the jail sentence is so long that it will have

a negative impact on your baby;

- Your baby has been in foster care for 15 out of the past 22 months;
- Terminating your parental rights is in the best interest of the baby.

There are exceptions: even if your baby has been in foster care for 15 out of the past 22 months, your rights may not be terminated if:

- Your baby has been placed under the care of a relative;
- The state agency has documented a compelling reason to believe that terminating your parental rights is not in the best interest of your baby;
- You have not been provided with the services required by the service plan – the goal of it should be to reunite you with your baby.

## LEGAL HELP

For questions about custody, child support or other legal issues, you should contact your local Legal Aid office. You may be able to qualify for a free lawyer through this service. You can get information about your local office by contacting Legal Services Corporation at [www.lsc.gov](http://www.lsc.gov) or (202) 295-1500.









## **National Help Lines**

### **THE NATIONAL CRITTENTON FOUNDATION**

(866) 449-2217

### **ALCOHOL & DRUG REFERRAL LINE**

(800) 821-4357

### **THE NATIONAL DOMESTIC VIOLENCE HOTLINE**

(800) 799-SAFE

### **THE NATIONAL RUNAWAY SWITCHBOARD**

(800)-RUNAWAY

### **LEGAL SERVICES**

(202) 295-1500

### **TEEN DATING ABUSE HELPLINE**

(866) 331-9474

## Helpful Websites

### **THE NATIONAL CRITTENTON FOUNDATION**

[www.TheNationalCrittentonFoundation.org](http://www.TheNationalCrittentonFoundation.org)

### **CHILD WELFARE INFORMATION AND RESOURCES**

[www.childwelfare.org](http://www.childwelfare.org)

### **LEGAL SERVICES**

[www.lsc.gov](http://www.lsc.gov)

### **THE NATIONAL RUNAWAY SWITCHBOARD**

[www.1800runaway.org](http://www.1800runaway.org)

### **PARENTS AS TEACHERS**

[www.parentsasteachers.org](http://www.parentsasteachers.org)

### **THE SEARCH INSTITUTE**

[www.search-institute.org](http://www.search-institute.org)

## **The Crittenton Family of Agencies**

### **FLORENCE CRITTENTON SERVICES OF ARIZONA**

Phoenix, AZ • (602) 274-7549

### **CRITTENTON SERVICES FOR CHILDREN & FAMILIES**

Fullerton, CA • (714) 680-9000

### **FLORENCE CRITTENTON SERVICES**

San Francisco, CA • (415) 567-2357

### **PARENT PATHWAYS, FLORENCE CRITTENTON SCHOOL/HUMAN SERVICES, INC.**

Denver, CO • (303) 321-6363

### **CHILDREN'S HOME SOCIETY OF FLORIDA**

Winter Park, FL • (321) 397-3000

### **CRITTENTON CENTER**

Sioux City, IA • (712) 255-4321

### **CRITTENTON CENTERS**

Peoria, IL • (309) 674-0105

### **FLORENCE CRITTENTON SERVICES OF TOPEKA, INC.**

Topeka, KS • (785) 233-0516

### **FLORENCE CRITTENTON HOME AND SERVICES, INC.**

Lexington, KY • (859) 252-8636

**CRITTENTON WOMEN'S UNION**

Boston, MA • (617) 259-2900

**FLORENCE CRITTENTON SERVICES OF  
BALTIMORE, INC.**

Baltimore, MD • (410) 366-4333

**FLORENCE CRITTENTON SERVICES OF  
GREATER WASHINGTON**

Silver Spring, MD • (301) 565-9333

**SAINT LUKE'S HEALTH SYSTEM,  
CRITTENTON CHILDREN'S CENTER**

Kansas City, MO • (816) 765-6600

**FLORENCE CRITTENTON HOME AND SERVICES**

Helena, MT • (406) 442-6950

**FLORENCE CRITTENTON SERVICES**

Charlotte, NC • (800) 448-0024

**WHITE SHIELD CENTER**

Portland, OR • (503) 239-1248

**YOUTH SERVICE, INC.**

Philadelphia, PA • (215) 222-3262

**FLORENCE CRITTENTON PROGRAMS OF  
SOUTH CAROLINA**

Charleston, SC • (843) 577-0770

**PARTNERSHIP FOR FAMILIES, CHILDREN  
AND ADULTS**

Chattanooga, TN • (423) 697-7130

**THE FLORENCE CRITTENTON AGENCY, INC.**

Knoxville, TN • (865) 602-2021

**DEPELCHIN CHILDREN'S CENTER**

Houston, TX • (713) 582-7129

**CRITTENTON SERVICES, INC.**

Wheeling, WV • (800) 280-2229

