



TEXAS CENTER
FOR THE JUDICIARY

2018 Child Welfare Judicial Conference

Teen Pregnancy in CPS cases: What Texas Judges Need to Know
Hon. Darlene Byrne, 126th Civil District Court
November 13, 2018

Teen Pregnancy is a Fact in Every CPS Courtroom.

- Texas had the 4th highest rate of teen births nationwide in 2016 (DSHS center for health stats)



Teen birth rates are generally higher:

- Among older teens
- Among girls in poorer areas
- Among Hispanic and Black girls
- In rural counties
- Among girls who already had a baby
- Among girls with a history of trauma/adverse childhood experiences



Texas is #1 in Repeat Teen Births

- Teens who have had one baby have a greater likelihood of repeat pregnancy.
- More than 19% of teen births in Texas are to girls who have already had at least one baby – the highest in the nation.
- In some Texas counties, the proportion is higher than 30%.



Foster Youth

- Foster Youth face many significant hurdles and almost always have a history of trauma.
- Foster Youth may be more likely to have a baby intentionally – a baby represents love and belonging.
- A high percentage of Foster Youth report initiating sexual activity by the age of 13.



Foster Youth

- The teen birth rate among foster youth is roughly DOUBLE that of the general population.
- There is a great deal of misinformation around the right of foster youth to access and consent to contraception.



Can we really serve at-risk youth without addressing Teen Pregnancy?

- Teen Pregnancy is associated with:
 - Higher Poverty Rates
 - Lower levels of educational attainment
 - Worse health and behavioral outcomes among children
 - Children of teen parents are more likely to experience teen pregnancy themselves

Texans Care for Children Report (April 2018)



- But, what can a Judge DO?

- Isn't it SOMEONE ELSE's job to handle this issue?

- When You Decide Toolkit (NCJFCJ)



Judges can... Make sure everyone in your courtroom has accurate information about the availability of contraception and consent laws.

- Host free trainings – Offer CLE Credit for Lawyers
- Example: "How to talk about sex in a non-traumatizing way"
- Offer a display rack of free pamphlets / brochures



There is a LOT of MISCONCEPTION and CONFUSION about availability of contraception and consent laws.

- FACT: Youth of childbearing age may consent to their own contraception if they are covered through Medicaid – and virtually all youth in foster care are eligible for Medicaid



Foster Children’s Bill of Rights

- Texas Family Code § 263.008
 - (b) It is the policy of this state that each child in foster care be informed of the child's rights provided by state or federal law or policy that relate to:
 - (3) medical, dental, vision, and mental health services, including the right of the child to consent to treatment;



PAL Curriculum

- Self-study Packet includes a 1-hour learning component and says “You will learn about the importance of safe sex, birth control, and how they affect your body and lifestyle.”
- Requires youth to visit or call a local health clinic.
- Refers youth to plannedparenthood.org and says click on “birth control” to read about options and choices.
- Refers youth to stayteen.org
- Suggests “Discuss information with your foster parent or caregiver”



What does DFPS Handbook say?

- 11221 Contraceptive Services
- CPS October 2017
- A youth may request contraceptive services through his or her physician or other family planning services provider. The decision to provide a minor with contraception and to obtain the appropriate consent, if applicable, is the healthcare provider's responsibility. The caseworker must not attempt to prohibit the youth from seeking contraceptive services.



Judges can... pull together community members to collaborate and problem solve.

- Travis County Example – Feb. 2017 Brainstorming and Education Day with National Campaign
- Find out who else in your area is working on this issue and get to know them!
- Cardea, Planned Parenthood, Texas Campaign



Judges can... connect teens with existing evidence-based programs.

- Make sure teens are connected with / enrolled in programs that offer evidence-based curricula regarding preventing teen pregnancy.
- Train foster parents, foster care workers, and CASA on how to refer youth to programs and clinics.



Evidence-Based Programs Implemented with Youth in Foster Care and Juvenile Justice



Judges can... review existing data and collect more data!

- TX Fam Code Section 264.017 requires publication of data on teen pregnancy and parenting in foster care
- How many teen pregnancy cases are in your court?
- “Gaps-analysis” in Travis County
 - Which services / providers exist?
 - Where are services gaps?



Judges can...Make sure each teen in your courtroom has identified a HEALTHY ADULT

- Who can talk to the youth and provide them with information about their rights and options on reproduction, contraception, etc.



References / Sources for more info:

- NCJFCJ
- Texans Care for Children
- Texas Campaign to Prevent Teen Pregnancy

