

Advocacy Tool to Support Reproductive Health Care Access for Young People with Experience in Foster Care

This list of prompts was developed to help state advocates navigate the current state of affairs as it relates to access to reproductive care and abortion for youth in foster care. This list is intended to help advocates identify existing rights as well as the challenges in their states so that they can develop a plan for advocacy.

The first column provides a question or prompt. The second column provides information on available resources that may help you answer the question, and whether additional state law and policy research is needed. Note that some of these issue areas will not have answers as the law may not yet be clear. The third column provides a space for you to provide the response to the prompt. We hope that the answers and information you input in the third column will help guide your advocacy efforts.

At the end of the document we have included additional information and resources, including where to go to receive technical assistance.

Please note that the information provided in this resource does not, and is not intended to, constitute legal advice; instead, all information, content, and materials are provided for general informational purposes only.

Question	Potential Resource	Law or Policy in Your State
GENERAL ISSUES		
Is abortion legal/illegal in your state?	<p>This is a resource that provides state abortion policies: https://states.guttmacher.org/policies/</p> <p>This is a resource that describes state law on consent to reproductive care, including abortion: https://www.guttmacher.org/state-policy/explore/overview-minors-consent-law</p>	
Are there any laws that specifically protect a foster youth's right to abortion?	Requires state law research.	

<p>Are there any laws that require that youth in foster care are provided information and access to reproductive care?</p>	<p>Requires state law research.</p>	
<p>CONSENT, DECISION MAKING, AND ACCESS TO REPRODUCTIVE CARE, INCLUDING ABORTION</p>		
<p>What are the general requirements for consent for medical procedures?</p> <p>Who holds consent rights if parental rights are intact?</p> <p>Who holds consent rights If there is no parent with rights or the parents' rights are limited by court order, statute or rule?</p>	<p>Requires state law research.</p>	
<p>What is the law around minor's consent to abortion? Is parental consent required?</p>	<p>This is a resource that describes state law on minor's consent to reproductive care, including abortion: https://www.guttmacher.org/state-policy/explore/overview-minors-consent-law</p>	
<p>Are there any foster youth specific provisions on consent to abortion?</p>	<p>Requires state law research.</p>	
<p>Is parental notification required for an abortion?</p>	<p>Requires state law research.</p>	

<p>Is there a judicial bypass procedure?</p>	<p>The Judicial Bypass Wiki explains parental involvement laws and judicial bypass processes throughout the country.</p>	
<p>FUNDING</p>		
<p>What funding for an abortion is available and what abortion funds cover your state?</p>	<p>National Network of Abortion Funds: https://abortionfunds.org/need-abortion/. Funds can connect you with organizations that can identify clinics, funding and arrange for logistical needs.</p>	
<p>Can Medicaid be used to fund an abortion in any circumstances in your state?</p>	<p>Requires state law and policy research.</p>	
<p>TRAVEL</p>		
<p>What is the closest state(s) where abortion is legal¹?</p>	<p>This is a resource that provides state abortion policies: https://states.guttmacher.org/policies/</p> <p>State by State Guide to Abortion Laws and Clinics: https://www.abortionfinder.org/abortion-guides-by-state</p>	
<p>Are there any organizations that facilitate or support travel for an abortion?</p>	<p>National Network of Abortion Funds: https://abortionfunds.org/need-abortion/. Funds can connect you with organizations that can identify clinics, funding and arrange for logistical needs.</p>	

¹ This may depend on the stage of gestation.

<p>Are there any agency and placement rules that make traveling to another state especially burdensome?</p>	<p>Agency policy research is needed.</p>	
<p>WAITING PERIODS</p>		
<p>Is there a waiting period for an abortion in your state, if abortion is legal?</p>	<p>Mandatory waiting periods as of June 2022: https://www.kff.org/womens-health-policy/state-indicator/mandatory-waiting-periods/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D</p> <p>The abortion finder can be used to identify waiting periods in each state: https://www.abortionfinder.org/abortion-types/all-about-abortion</p>	
<p>If youth will need to go to another state for an abortion, what is the waiting period of the closest state?</p>	<p>This requires state law research.</p>	
<p>COUNSELING AND PROVIDING ASSISTANCE TO YOUNG PEOPLE</p>		
<p>Are there any state laws that create civil or criminal liability for counseling or helping someone get an abortion?</p>	<p>This requires state law research.</p>	
<p>How do bans on abortion and civil liability statutes interact with the ethical and licensing obligations that social workers</p>	<p>This requires state law and policy research.</p>	<p>This is an area where there is a lack of clarity.</p>

have, including mandated reporting obligations?		
How do bans on abortion and civil liability statutes interact with the ethical obligations' attorneys have?	This requires state law and policy research.	This is an area where there may be a lack of clarity.
Are there specific prohibitions on state employees or agencies supporting access to reproductive health care? Do any of these prohibitions apply to private providers working with young people?	This requires state law and policy research.	This is an area where there may be a lack of clarity.
Are there specific obligations on state employees or agencies supporting access to reproductive health care? Do any of these prohibitions apply to private providers working with young people?	This requires state law and policy research.	This is an area where there may be a lack of clarity.
YOUTH PLACED OUT OF STATE		
What number of youth are placed out of state? What states are they placed in? Are there placements that youth are in that are on the border between states?	This requires an examination of your state data.	
If youth are placed in a state that bans abortion, what access will youth in foster care have to travel to other states where abortion is legal? How will consent be handled?	This requires state policy research.	

<p>How will waiting periods for abortions in other states impact a youth's ability to travel?</p>	<p>This requires an analysis of the waiting periods in neighboring states.</p>	
<p>If youth are placed out of state in a state that has banned abortion, what access will a youth have to abortion in their home state where it is still legal?</p>	<p>This requires analysis and advocacy.</p>	
<p>What steps will or should child welfare agencies take before a youth is placed out of state to ensure that their reproductive rights are protected?</p>	<p>This requires analysis and advocacy.</p>	
<p>MEDICATION ABORTION (Abortion Pill)</p>		
<p>Will youth be able to purchase the abortion pill by mail if their state has banned abortion? If yes, what resources exist to cover the cost?</p>	<p>This chart provides information on medication abortion: https://www.guttmacher.org/state-policy/explore/medication-abortion</p> <p>Note pending case: <i>Alliance for Hippocratic Medicine v. U.S. Food and Drug Administration</i> (sent back to the 5th Circuit)</p>	

RESOURCES

State Law, Clinics, and Funding

State Law:

- [Judicial Bypass Wiki](#): Explains forced parental involvement laws and judicial bypass processes throughout the country
- **Interactive Map: US Abortion Policies and Access:**
<https://states.guttmacher.org/policies/>
- **State Law on Consent to Reproductive Care, Including Abortion:**
<https://www.guttmacher.org/state-policy/explore/overview-minors-consent-law>

Abortion Clinics and Funding:

- **State by State Guide to Abortion Laws and Clinics:** <https://www.abortionfinder.org/abortion-guides-by-state>
- **National Network of Abortion Funds:** <https://abortionfunds.org/need-abortion/>. Funds can connect you with organizations that can identify clinics, funding and arrange for logistical needs.

Clinics Providing Reproductive Health Care and Health Care:

- Find a Title X Family Planning Clinic: <https://opa-fpclinicdb.hhs.gov/>. Title X Clinics provide family planning services and preventive health services that benefit reproductive health, such as STI and HIV testing, HIV counseling, and HPV vaccines.
- Find a Community Health Center here: <https://findahealthcenter.hrsa.gov/>. These are community-based organizations that deliver comprehensive, culturally competent, high-quality primary health care services, regardless of patients' ability to pay, and charge for services on a sliding fee scale.

Getting Technical Assistance (TA)

If/When/How can provide legal TA to lawyers, advocates, service providers and those working with anyone seeking information about abortion on the following topics: access to clinical care, self-managed abortion, forced parental involvement laws and judicial bypass, birth justice, and mandated reporting for health care providers. **Use this form to submit a TA request:** <https://ifwhenhow.tfaforms.net/f/TA>

Helpline for Young People

The Repro Legal Helpline provides legal information or advice about the abortion laws in your state, including self-managed abortion, young people's access to abortion or judicial bypass, and referrals to local resources. **Individuals can call the helpline at 844-868-2812 or can use this secure online form:** <https://www.reprolegalhelpline.org/jb-contact-the-helpline/>.

Last Edited: July 25, 2023

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