

What Are My Reproductive Rights?

A Lesson Plan from *Rights, Respect, Responsibility: A K-12 Curriculum*

Fostering responsibility by respecting young people's rights to honest sexuality education.

NSES ALIGNMENT:

Students will be able to:

PR.12.CC.6 – Compare and contrast the laws relating to pregnancy, adoption, abortion and parenting.

TARGET GRADE:

High School – Lesson 9

TIME: 50 Minutes

MATERIALS NEEDED:

- White board and markers
- 8 (or more) computer or tablets with Internet access
- "What Are My Reproductive Rights?" Scenarios 1-4 (two copies of each scenario)
- "Reproductive Rights Research Guide" (one per student)
- "What Are My Reproductive Rights?" Answer Key
- California Minor Consent Laws cards (one per student)

ADVANCE PREPARATION FOR LESSON:

- Review the websites on the "Reproductive Rights Research Guide," along with the scenarios, so you are prepared for the class discussion.

LEARNING OBJECTIVES:

By the end of this lesson, students will be able to:

1. Apply existing laws relating to reproductive decision-making and rights to scenarios in which teens face an unplanned pregnancy and are weighing their options. [Knowledge, Skill]
2. Describe at least three inherent rights teens have relating to their sexual and reproductive decision-making. [Knowledge]

A NOTE ABOUT LANGUAGE:

Language is really important and we've intentionally been very careful about our language throughout this curriculum. You may notice language throughout the curriculum that seems less familiar —using the pronoun "they" instead of "her" or "him," using gender neutral names in scenarios and role-plays and referring to "someone with a vulva" vs. a girl or woman. This is intended to make the curriculum inclusive of all genders and gender identities. You will need to determine for yourself how much and how often you can do this in your own school and classroom and should make adjustments accordingly.

PROCEDURE:

STEP 1: Say, "Today we are going to be talking about what your legal rights are, as teens, when it comes to pregnancy and pregnancy options. If someone your age has an unplanned pregnancy or has a partner that becomes pregnant, we encourage communication with parents, caregivers, and trusted adults to help them find a safe and healthy solution."

However, teenagers in California have laws that protect their choices and their confidentiality in the case of pregnancy whether parents are involved with decisions or not. We're going to start by looking at some of these laws, and then we'll look at some implications of these laws."

Divide the class into eight groups and have each group gather around one of the computers in the classroom.

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Note to the Teacher: *The more computers the better for multiple students from each group to help with the research; feel free to ask students to bring in tablets or even use smart phones if it is permitted at your school.*

Give each group one of the "What Are My Reproductive Rights?" scenarios and each student in each group a copy of the "Reproductive Rights Research Guide."

Explain that the scenario will have some guiding questions. Tell them that they will have fifteen minutes, as a group, to come up with the answers to their questions, which they will be able to find online on the sites listed on the "Reproductive Rights Research Guide." Tell them that once they are done, they will need to discuss what they found as a group and be ready to present and defend their opinions with the larger class.

Answer any questions and ask students to begin their work. As they are doing their research, walk around the room to see whether they have any questions and are doing their work correctly. (18 minutes)

STEP 2: After 15 minutes, have the groups come back together. Go through *Scenario 1*, discussing each of the questions. Ask students from both groups with the first scenario for their reactions to the legal aspects and whether they agree. Ask who else can and should play a role in the situation, and why they should or should not do so.

Go to *Scenario 2* and go through students' responses, again asking what they thought about the situation and whether they agree with the laws. After a few minutes of discussion, continue with the remaining scenarios and do the same. (15 minutes).

STEP 3: Say, "All of these scenarios demonstrated just some of the laws relating to reproductive rights. Some of you agreed with these laws, and some of you didn't. What I'm going to ask you to do now is pretend, in your same small groups, that you are members of Congress, and you want to create a Bill of Rights relating to teens and pregnancy, abortion, and/or adoption. What would it look like?"

On the white board, write: "When it comes to pregnancy and parenting, teens have the right to..." Instruct students to write this same sentence stem on the back of their scenario, and together, come up with five rights that they think are critical for teens. Tell them they need to specify any important characteristics—is gender a factor? Age? Relationship status?

Say, "For example, you might decide that teens have the right to receive financial support from the government if they or their partner becomes pregnant, chooses to carry the pregnancy to term, and become a young parent."

Tell students they will have about 8 minutes in which to come up with this list. (10 minutes)

STEP 4: After about 8 minutes, ask volunteers from each group to share one response from their lists. As they read them, record responses on the board. As you go around the class, ask groups to indicate whether they had a similar right listed and place a check mark for each time it was listed on another group's list.

Once you are finished, ask students to take a look at the list on the board and the number of check marks. Discuss the outliers, or those that did not have many—or any—check marks

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next to them. Refer to the "What Are My Reproductive Rights" Answer Key if needed for clarifying the answers to any questions.

Say, **"No matter how you feel about any of these rights, or the laws governing them, the fact is that laws exist relating to whether, when, and sometimes even how we as human beings can reproduce. There are unique laws that specifically pertain to all of you who are under the age of 18. The best thing you can do is to hold on to this list of organizations as a reference, so that if you are in a situation where you need to choose what to do about a pregnancy, you know what your rights are."** (7 minutes)

STEP 5: Explain that you are going to distribute a *California Minor Consent Laws* card to each student and that the card contains information on the legal rights of minors to access sexual health services in California. As you distribute a card to each student and students examine the card, say **"In California, any student of any age may legally and confidentially obtain birth control, including condoms, without notifying or getting permissions from parents or guardians if they do not wish to. Anyone of any age may also consent to their own pregnancy care, including pregnancy testing, pre-natal care, and abortion. Minors 12 years and older may also consent to their own STI and HIV testing and treatment without notifying parents if they do not wish to. This includes being able to consent to their own HPV vaccine as well as accessing PrEP medication for HIV prevention.**

In addition, students in California may also leave school during school hours to attend a sexual health care appointment for any of these reasons. If a student wishes to pursue this option, please talk with the School Nurse or Counselor to arrange this appointment." Remind students to talk with a parent, caregiver, or trusted adult if possible if they need any of these services; however, if they need to seek care without telling their parent/guardian they are legally able to do so.

RECOMMENDED ASSESSMENT OF LEARNING OBJECTIVES AT CONCLUSION OF LESSON:

The computer-based activity will fulfill Learning Objective 1 and the small group activity and subsequent discussion will fulfill Learning Objective 2.

HOMEWORK:

None.

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Scenario 1

Damien and Kyra are both 16 and live in California. Kyra gets pregnant, decides she is too young to be a parent, and does not want to carry a pregnancy to term if she's not going to parent the baby. She does not want to place the baby for adoption because she doesn't think she would be able to deal with knowing that her baby was out there in the world if she is not going to raise it herself. Damien is really against abortion and tells her he would raise the baby if she didn't want to; but Kyra refuses. Things get heated, and they break up.

Using the following websites, please answer the questions listed below:

- **Adoption and Father's Rights** – www.legalmatch.com/law-library/article/adoption-and-fathers-rights.html
- **Father's Rights and Abortion** – <http://family.findlaw.com/paternity/fathers-rights-and-abortion.html>
- **Sex, Etc.** – <http://sexetc.org/action-center/sex-in-the-states>
- **Unmarried Fathers and Adoption** – <http://family.findlaw.com/paternity/parental-rights-unmarried-fathers-and-adoption.html>

1) What are Damien's rights as one of the people involved in the creation of the pregnancy?

2) Can he stop Kyra from having an abortion?

3) What does Kyra need to do in order to get an abortion in her home state, California?

4) If Kyra does decide to have an abortion, what are her options for paying for it?

5) If Kyra chooses to place the baby for adoption, can Damien stop her so he can raise the baby?

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Scenario 2

Amanda lives in California, is 14 years old, and pregnant. Her mother and father know about the pregnancy and are willing to support their daughter and her boyfriend Daniel, who is 16 years old and wants to support Amanda and be an active part in this baby's life. His parents are equally as supportive as Amanda's. Amanda's P.E. teacher tells her she cannot be a part of class, because he is concerned about how exercise will affect her pregnancy. Instead, she has to sit in the gym and do homework. She also was recently told by the Vice Principal that if she continues missing school because of her pregnancy, she will be suspended and could even be required to repeat that year of school. Amanda has tried to explain that her pregnancy is challenging, and she brings in doctors' notes every time she has to go to an appointment. She is trying to stay healthy and follow her doctor's advice on how to take care of herself while she is pregnant.

Using the following websites, please answer the questions listed below:

- **Medical Care During Pregnancy**– <http://kidshealth.org/en/parents/medical-care-pregnancy.html>
- **National Women's Law Center: Pregnant and Parenting Students' Rights** – <https://nwlc.org/resources/pregnant-and-parenting-students-rights-2/>
- **Pregnant or Parenting? Title IX Protects You From Discrimination At School** – www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201306-title-ix.html
- **Title IX: Pregnant and Parenting Students' Rights** – www.nwlc.org/sites/default/files/pdfs/pregnantandparentingstudentrightsonepager_6.14.12.pdf

- 1) What are Amanda's rights in this situation? Does the state she lives in matter?
- 2) Is the school right to be concerned about her safety?
- 3) Should she be shown special treatment because she is pregnant?
- 4) Since Daniel is the father, should he be allowed to miss school in order to join her at her doctors' appointments? Does he have a legal right to do so?
- 5) What are some things that Amanda can do to stay healthy while she is pregnant?

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Scenario 3

Claire, a teenager in California, has had several boyfriends, but she has always been careful in the past to protect herself from pregnancy and STIs. She is on the pill, and in the past she typically did not have sex unless her partners used condoms. She was getting over being sick recently and was on antibiotics, and she didn't know that they can reduce the effectiveness of the pill. She has had several sexual partners since then, and when her partners said that they didn't feel like they needed to use condoms with her anymore, she agreed—and then she found out a few weeks later that she was pregnant. But by whom? Claire has decided she wants to keep the baby, and wants to be sure the biological father helps out financially.

Using the following websites, please answer the questions listed below:

- **Are You Eligible for Child Support? –**
<http://family.findlaw.com/child-support/are-you-eligible-for-child-support.html>
- **Father's Rights and Abortion –**
<http://family.findlaw.com/paternity/fathers-rights-and-abortion.html>
- **Fathers' Rights and Adoption –** <http://family.findlaw.com/paternity/parental-rights-unmarried-fathers-and-adoption.html>
- **Legal Significance of Paternity –**
<http://family.findlaw.com/paternity/legal-significance-of-paternity.html>
- **Medical Care During Pregnancy–**
<http://kidshealth.org/en/parents/medical-care-pregnancy.html>

1) How can Claire legally find out who the father is?

2) Can that person refuse to pay child support if he never wanted to be a father and assumed she was taking care of pregnancy prevention by being on the pill?

3) Can one of her boyfriends who is not the biological father claim paternity and take custody of the child?

4) If several weeks into her pregnancy Claire changes her mind, even after finding out who the father is and getting him on board, can she still get an abortion? Can the father actually force her to have one, or keep her from getting one?

5) What are some things that Claire can do to stay healthy while she is pregnant if she decides to have the baby?

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Scenario 4

Samantha, who is a sophomore in a California high school, is 8 months pregnant and she still can't decide what to do. She has not told her former partner, parents, friends, teachers, or anyone else that she is pregnant. She has been dressing in very loose clothing that hides her pregnancy and she's usually very shy anyway so keeping to herself hasn't seemed to cause anyone to be suspicious of her circumstances. And her parents are rarely home and don't seem to take much interest in her these days. She can feel cramping now and again and she knows her baby will be born very soon. She's scared and just can't think about what to do, and she's worried that when the baby comes she still won't have made a decision.

Using the following websites, please answer the questions listed below:

- **California's Safely Surrendered Baby Law** – www.babysafe.ca.gov
- **Guttmacher Institute: An Overview of Abortion Laws** – www.guttmacher.org/statecenter/spibs/spib_OAL.pdf
- **Guttmacher Institute: Minors' Rights as Parents** – www.guttmacher.org/state-policy/explore/minors-rights-parents
- **Medical Care During Pregnancy**– <http://kidshealth.org/en/parents/medical-care-pregnancy.html>
- **Title IX: Pregnant and Parenting Students' Rights** – www.nwlc.org/sites/default/files/pdfs/pregnantandparentingstudentrightsonepager_6.14.12.pdf

1) Can Samantha legally obtain an abortion now if her health is not at risk?

2) What would Samantha have to do if she wanted to put her baby up for adoption? Would she have to tell her parents if she chose this option?

3) Would Samantha be able to stay in high school if she chose to keep her baby and raise it herself? What rights would she have to assist her in graduating from high school?

4) If Samantha had her baby privately and knew that she could not keep it or take the steps to arrange for an adoption, what else could she do to ensure that her baby would receive proper medical care and be placed in a home with a family that could take care of it?

5) What are some things that Samantha can do to keep her and her baby healthy while she is pregnant if she decides to have the baby?

Reproductive Rights Research Guide

Adoption and Fathers' Rights

www.legalmatch.com/law-library/article/adoption-and-fathers-rights.html

California's Safely Surrendered Baby Law

www.babysafe.ca.gov

FindLaw: Are You Eligible for Child Support?

<http://family.findlaw.com/child-support/are-you-eligible-for-child-support.html>

FindLaw: Fathers' Rights and Abortion

<http://family.findlaw.com/paternity/fathers-rights-and-abortion.html>

FindLaw: Unmarried Fathers and Adoption

<http://family.findlaw.com/paternity/parental-rights-unmarried-fathers-and-adoption.html>

Guttmacher Institute: An Overview of Abortion Laws

www.guttmacher.org/statecenter/spibs/spib_OAL.pdf

Guttmacher Institute: Minors' Rights as Parents

www.guttmacher.org/state-policy/explore/minors-rights-parents

Legal Significance of Paternity

<http://family.findlaw.com/paternity/legal-significance-of-paternity.html>

Medical Care During Pregnancy

<http://kidshealth.org/en/parents/medical-care-pregnancy.html>

National Women's Law Center: Pregnant and Parenting Students' Rights

<https://nwlc.org/resources/pregnant-and-parenting-students-rights-2/>

Pregnant or Parenting? Title IX Protects You From Discrimination At School

www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201306-title-ix.html

Sex, Etc.: Sex in the States

<http://sexetc.org/action-center/sex-in-the-states>

Title IX: Pregnant and Parenting Students' Rights

www.nwlc.org/sites/default/files/pdfs/pregnantandparentingstudentrightsonepager_6.14.12.pdf

TIPS...

FOR YOUTH:

- KNOW your health rights and USE your health rights! REFER to this card when you visit your health care provider.

FOR PROVIDERS:

- Help youth understand consent and confidentiality at the beginning of each visit.
- A youth is more likely to disclose sensitive information when he/she has time alone with the provider to discuss concerns.
- Even when the youth presents with a non-sensitive issue such as a headache, there may be underlying issues (ex. need for an STI screening) which may only surface if the youth is provided with confidential care.
- In most cases, for services under minor consent, access to a minor's records is only allowed with written consent of the minor.

This card does not constitute legal advice or representation. Please visit www.teenhealthlaw.org for more information. For additional copies of this card, please visit www.ahwg.net or call 415.554.8429.

Adapted from National Center for Youth Law materials. www.teenhealthlaw.org Revised 01/2011

California Minor Consent Laws



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CALIFORNIA MINOR CONSENT LAWS		Can provider tell youth's parent/guardian?
Services youth can receive without permission from their parent/guardian		
Birth Control <i>Except Sterilization</i>	Minors of any age	No Parental notification allowed only with consent of minor
Pregnancy (Prev, Dx, Tx) <i>Including inpatient care</i>	Minors of any age	
Abortion	Minors of any age	
STIs, Contagious and Reportable Diseases (Dx & Tx)	Minors 12 yrs or older	
HIV Testing	Minors 12 yrs or older and assessed as competent to give informed consent	Yes In most cases, an attempt to notify parent/guardian must be made. ^{1,2}
Sexual Assault Care	Minors of any age	
Alcohol/Drug Counseling by Federally Assisted Treatment Program <i>Including inpatient care</i>	Minors 12 yrs or older ^{3,4}	No Parental notification allowed only with consent of minor
Alcohol/Drug Counseling by Non-Federally Assisted Treatment Program	Minors 12 yrs or older ^{3,4}	Yes An attempt to notify parent/guardian must be made, except when provider believes it is inappropriate ⁶
Outpatient Mental Health Treatment	Minors 12 yrs or older ⁵	

¹ The law allows for some exceptions to parental notification. These exceptions include suspecting the parent of assault and certain cases of rape.

² Sexual assault requires a child abuse report in which case youth should be advised that parents may be notified by law enforcement or child protective services.

³ Parent/guardian can consent over the minor's objection.

⁴ Parent/guardian consent is required for methadone treatment.

⁵ In the opinion of the provider, the minor must be "mature" enough to participate intelligently.

⁶ For services provided under new minor consent law, Health and Safety Code 124260, enacted 1/1/11, providers must consult with the minor before deciding whether to involve parents.

Key:

Pre= Prevention, Dx= Diagnosis, Tx= Treatment, STIs= Sexually Transmitted Infections

DEFINITIONS (w/ regard to minor consent)

Confidentiality: the provider can only share patient information with permission of patient. *Note:* Exceptions include reporting child abuse and insurance billing.

Consent: giving permission to receive health services; or giving permission to share patient information with others.

Notification: the provider is required to tell a minor's parent/guardian that he/she received a specific health service. *Note:* Notification does not mean access to medical records.

Sexual assault: for the purposes of minor consent alone, sexual assault includes but is not limited to acts of oral sex, sodomy, rape, and other violent crimes of a sexual nature that occur without permission.

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