

KNOW YOUR RIGHTS

— 2015 —



Guide for Pregnant Teens and Young Parents in NYC

HEALTHCARE

If you are under 18 **and** fall into one of the following categories, then you can consent to any and all medical treatment confidentially, without involving or having to tell your parent(s):

- Minors who are pregnant or have had children;ⁱ
- Emancipated minors: minors who are living on their own and are financially independent of their parentsⁱⁱ (you can request a “letter of emancipation” from a youth legal services organization to show to a healthcare provider, school official or employer); and
- Minors who are or have been married.ⁱⁱⁱ

All young people can consent on their own to the following confidential services:

- Pregnancy tests and pregnancy options counseling;^{iv}
- Pregnancy/prenatal care;^v
- Abortion services;^{vi}
- Contraceptive care and counseling, including emergency contraception (which you can get at a pharmacy regardless of your age);^{vii}
- STI testing and treatment;^{viii} and
- In some cases, mental health and substance abuse treatment.^{ix}

Regardless of your age, to receive healthcare confidentially you must always be able to provide informed consent. You can only provide informed consent when you understand the nature and purpose of the medical treatment.

Anti-LGBTQ Discrimination: It is against the law for hospitals, clinics, doctors’ offices, dentists’ offices or therapists who are open to the public to refuse to treat LGBTQ people, or to treat you differently because you are lesbian, gay, bisexual, transgender or queer.^x

All healthcare that you consent to must be kept confidential, including personal information about you and your partner. However, if a healthcare provider believes you are being abused, they may break confidentiality to report this information. If you have questions about this, please contact us.

PUBLIC SUPPORT PROGRAMS

Welfare/TANF: If you live on your own and are under a certain income level then you may qualify to receive government funds through Welfare/Temporary Assistance for Needy Families (TANF). If you live with your parents, welfare eligibility is based on total family income.^{xi}

- If you would like to receive Welfare/TANF, you may be required to seek child support from the child’s other parent. If you believe that seeking child support from this person puts you or your family in danger you may be eligible for a waiver, meaning you may not have to follow this requirement.^{xii}



Affordable Childcare: If you are receiving Welfare/TANF, you may be required to work, look for work or attend employment trainings. (You will be guaranteed childcare assistance while working, looking for work or attending employment trainings.)^{xiii}

Medicaid: Medicaid is a government-funded health insurance program for people with low incomes. If you are living on your own and are financially independent, you may be eligible for Medicaid.^{xiv}

If you are a pregnant minor, you may be eligible for The Prenatal Care Assistance Program based on your income (including if you are undocumented).

TITLE IX PROTECTIONS

Title IX is a federal law that protects every student from sexual harassment or gender-based harassment in schools that receive federal funding, which includes harassment or bullying based on pregnancy or parenting status.

Staying in School: If you are a pregnant student, it is illegal for schools to exclude you from participating in school or any school activities.^{xv} Schools *may* create special programs or classes for you, but they cannot force you to participate in them, and those special programs must be as good as those offered to other students. In addition, a school must excuse absences because of pregnancy or childbirth for as long as recommended by a healthcare provider. When you return to school, you must be allowed to return to the same academic and extracurricular status as before.

Bullying and Harassment: It is illegal for you to be discriminated against, bullied or harassed because you are pregnant in school.^{xvi} Your school cannot ignore if you are harassed because they are uncomfortable that you are pregnant or because they are uninformed about the law.



IMMIGRANT / UNDOCUMENTED YOUNG PARENTS

Undocumented young parents in New York City have the right to get certain services, benefits and programs. NYC generally requires city employees to protect the confidentiality of a person's immigration status and other kinds of personal information.^{xvii}

ID: All people, regardless of immigration status are eligible for a New York City ID called "IDNYC." It can be used to access city programs and services, interact with NYPD and open certain bank accounts.^{xviii}

Healthcare: All immigrants, regardless of documentation status, are eligible for Child Health Plus, Medicaid for Pregnant Women and Medicaid for the treatment of an Emergency Medical Condition.^{xix}

If Immigration and Customs Enforcement (ICE) comes to your door, you have Constitutional rights. If they don't have a warrant, you can:

- Refuse to speak with them, answer questions or sign any documents based on your Fifth Amendment Rights;
- Refuse to allow them to enter your home based on your Fourth Amendment Rights; and
- Refuse to allow them to search your belongings based on your Fourth Amendment Rights.

TO LEARN MORE

The **New York Latina Advocacy Network (NY LAN)** is an extension of the National Latina Institute for Reproductive Health (NLIRH), serving as the voice and advocacy presence in New York. The NY LAN works with activists throughout New York City to organize our communities around issue-based campaigns that impact our families and our lives.



Want to learn more, take action or join our special events for young families? Let us know!

PHONE: (212) 797-4742

EMAIL: Angy@Latinainstitute.org

FACEBOOK: [Fb.me/NLIRHNYLAN](https://www.facebook.com/NLIRHNYLAN)

TWITTER: [@NYLatinas](https://twitter.com/NYLatinas)

The **New York Civil Liberties Union (NYCLU)** is one of the nation's foremost defenders of civil liberties and civil rights. Founded in 1951 as the New York affiliate of the American Civil Liberties Union, we are a not-for-profit, nonpartisan organization with eight chapters and regional offices and nearly 50,000 members across the state. Our mission is to defend and promote the fundamental principles and values embodied in the Bill of Rights, the U.S. Constitution and the New York Constitution, including freedom of speech and religion, and the right to privacy, equality and due process of law for all New Yorkers.



PHONE: (212) 607-3300

WEBSITE: www.nyclu.org

FACEBOOK: [Fb.me/NewYorkCivilLibertiesUnion](https://www.facebook.com/NewYorkCivilLibertiesUnion)

TWITTER: [@NYCLU](https://twitter.com/NYCLU)

ADDITIONAL RESOURCES

Callen-Lorde Community Health Center | (212) 271-7200

Provides sensitive, quality healthcare and related services targeted to New York's lesbian, gay, bisexual, and transgender communities-in all their diversity-regardless of ability to pay.

The Door | (212) 453-0222

Offers healthcare and legal services for young people ages 12–21.

Mount Sinai Adolescent Health Center | (212) 423-3000

Offers medical and mental healthcare, family planning and parenting classes.

Women, Infant and Children Program (WIC) | (800) 522-5006

Provides low income pregnant, breastfeeding and non-breastfeeding women, infants and children up to the age of 5 years old with supplemental foods and nutritional education.

DOE Referral Centers for High School Alternatives and LYFE Programs | (917) 521-3639

Alternative programs for young families through education that also link students to social services and healthcare services.

Atlas: DIY | (347) 599-1641

Serves as a cooperative empowerment center for immigrant youth and their allies. They provide legal services, language classes, college preparation programs and more.

Immigration Equality | (212) 714-2904

Offers free legal services for LGBTQ people and HIV-affected people.

Families for Freedom | (646) 290-8720

Serves as a New York-based multi-ethnic human rights organization by and for families facing and fighting deportation. Deportation Hotline: (646) 290-5551

Independence Inn | (718) 827-8465

Offers women ages 16–21 residence and food while they pursue their GED/high school diploma or work. Supports residents with skills building, resumes, cover letters and supports with obtaining TANF and NYC subsidized child care.

Inwood House | (212) 742-2710

Offers housing and other services for young parents and their families.



ENDNOTES

- i N.Y. Pub. Health Law § 2504(1) (Lexis, 2015).
- ii NYeHealth Collaborative Privacy & Security and New York Dept. of Health, Barriers to the Exchange of Pediatric Health Information, 7 (2010), http://www.nyehealth.org/wp-content/uploads/2012/05/Barrier-to-Exchange_pediatric_white-paper_2010.pdf (last accessed Sept. 29, 2015) (“When minors consent to their own medical treatment, they are then entitled to confidentiality of those records; providers may not disclose information about minor-consented treatment to parents or guardians unless they first obtain the minor’s consent to do so.”). New York only grants married emancipated minors statutory authority to consent to their own healthcare. N.Y. Pub. Health Law § 2504(1). (McKinney 2001). However, New York case law supports the claim that unmarried emancipated minors also have this right. See, e.g. Gittleman v. Gittleman, 438 N.Y.S.2d 130, 132 (App. Div. 2d Dep’t 1981).
- iii N.Y. Pub. Health Law § 2504(1) (Lexis, 2015).
- iv N.Y. Pub. Health Law § 2504 (Lexis, 2015).
- v Id.
- vi Planned Parenthood v. Casey, 505 U.S. 833, 899-900 (1992), and its progeny of cases require parental consent laws to have an expeditious and confidential judicial bypass procedure. New York has made no provision for such a bypass procedure. Therefore, although no New York statute explicitly allows minors to have an abortion, minors in New York may get abortions without parental consent.
- vii N.Y. Comp. Codes R. & Regs. tit. 14, § 27.6(a)(1)-(3) (2015); see also Guttmacher Institute, *State Policies in Brief, Minors Access to Contraceptive Services*, (May 1, 2015): 2, http://www.guttmacher.org/statecenter/spibs/spib_MACS.pdf.
- viii N.Y. Pub. Health Law § 2305, (Lexis, 2015).
- ix N.Y. Mint. Hyg. § 33.21 (Lexis, 2015).
- x Patient Protection and Affordable Care Act, Pub. L. No. 111-148, 124 Stat. 119 § 155; N.Y. Exec. Law § 296 (Lexis, 2015); N.Y.C. Admin. Code § 8-107(4).
- xi N.Y. Soc. Serv. § 349 (Lexis 2015).
- xii New York State Office of Temporary and Disability Assistance, Temporary Assistance Source Book, (2011); 3-10; 9-12, <https://otda.ny.gov/programs/temporary-assistance/TASB.pdf>.
- xiii N.Y. Comp. Codes R. & Regs. tit. 18, § 415.2(a)(1)(i)-(iii) (2012), <http://ocfs.ny.gov/main/childcare/regs/415%20Child%20Care%20ServicesA.pdf>.
- xiv New York State Department of Health, Medicaid Reference Guide (2011); 560, https://www.health.ny.gov/health_care/medicaid/reference/mrg/other-eligibility-requirements.pdf.
- xv Office of Civil Rights, *Supporting the Academic Success of Pregnant and Parenting Students Under Title IX of the Education Amendments of 1972*, DEPT. OF ED., (2013), <http://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf>, (last accessed Sept. 29, 2015).
- xvi New York State Dignity for All Students Act, 2010 N.Y. ALS 482, (Lexis, 2015).
- xvii Office of the Comptroller, *Immigrant Rights and Services Manual*, City of New York (2015), http://comptroller.nyc.gov/wp-content/uploads/documents/immigrant_rights_and_services_manual.pdf
- xviii Id.
- xix Office of the Mayor, *Health Coverage and Care for Immigrants*, City of New York, http://www.nyc.gov/html/hia/html/home/home_immigrants.shtml, (last accessed July 22, 2015).