

THE LOUISIANA PUBLIC BROADCASTING

Legal

EASE



TEEN PARENTS: Who's Legally Responsible?

Legal EASE

"Teen Parents: Who's Legally Responsible?"

Instructional Guide

*for program eight of the law-related education high
school video series produced by*

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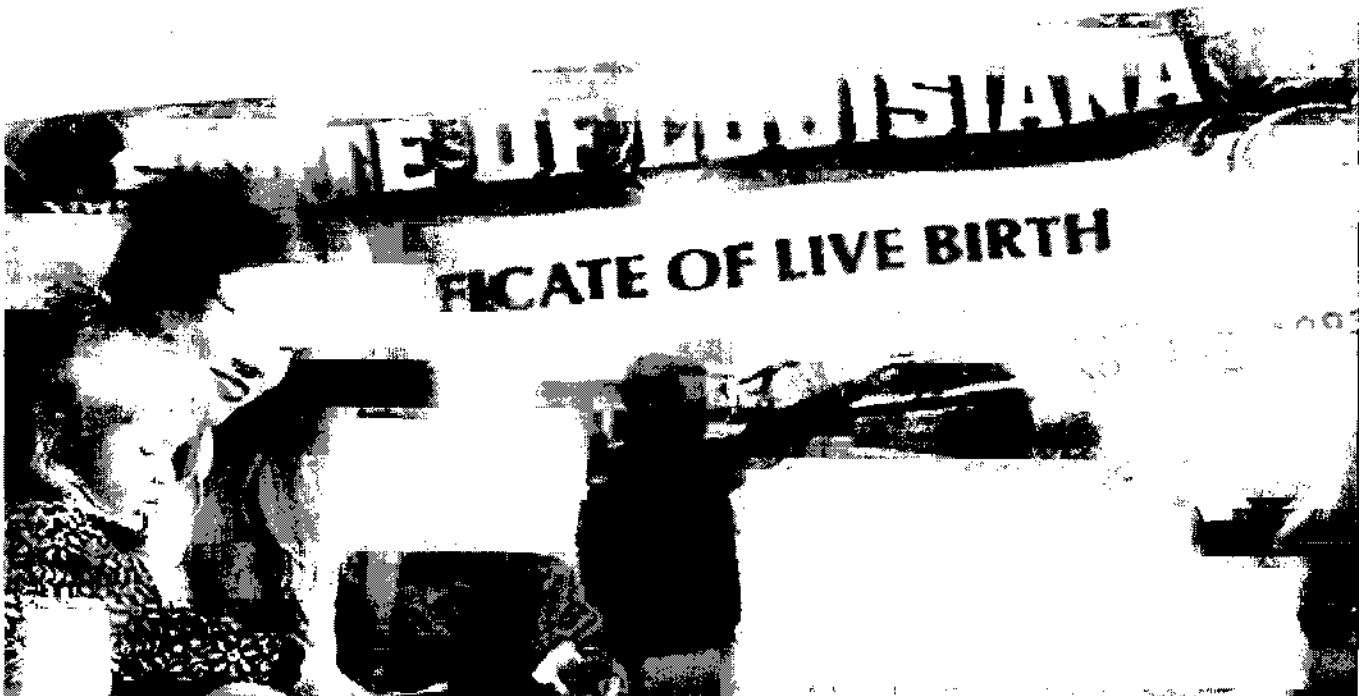
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Teen Parents: Who's Legally Responsible? is the eighth program in the **LegalEASE** series produced by Louisiana Public Broadcasting. It is a 20 minute long video which educates young viewers not only about the legal ramifications of having children at an early age, but also about the legal obligations parents of pregnant teens and teenage fathers face.

There are many consequences for teens and their parents when an unmarried minor finds out she is pregnant. This program follows the true stories of several teens who found themselves in this situation and who learned—the hard way in some cases—about legal consequences they never imagined.

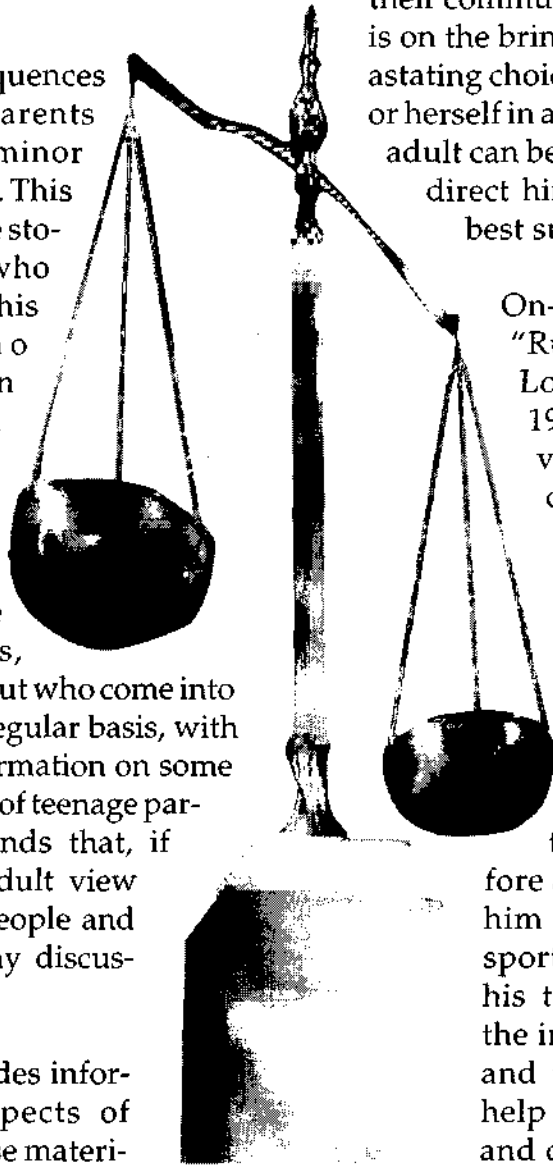
This guide is designed to provide adults who are neither social workers, counselors nor lawyers, but who come into contact with teens on a regular basis, with general background information on some of the legal consequences of teenage parenthood. LPB recommends that, if possible, an informed adult view this video with young people and engage them in a healthy discussion of the issues.

While **LegalEASE** provides information on various aspects of teenage parenthood, these materials are NOT intended to be a sole or complete source of information on any of the topics addressed. Adults viewing this video with teens should avoid giving legal advice to students and should steer discussions away from specific personal or family

references when inappropriate. Moreover, they are cautioned to recognize the limitations of their knowledge and ability to provide assistance best offered by a competent physician, counselor or attorney. Nonetheless, adults who work with teens should familiarize themselves with the wide range of supportive resources available in their communities. For a young person who is on the brink of making a potentially devastating choice or who already finds himself or herself in a difficult situation, a concerned adult can be a valuable resource person to direct him or her to those individuals best suited to provide critical help.

On-air program host is Durand "Rudy" Macklin, who came to Louisiana State University in 1976 and, as a freshman, was voted AP and UPI All-American. Macklin made the ALL SEC First Team during his sophomore, junior and senior years and led the LSU Tigers to the Final Four in Philadelphia in 1981. Macklin went on to play professionally for the Atlanta Hawks, the New York Knicks, and the Los Angeles Clippers before a career-ending injury forced him to retire from professional sports. He now devotes much of his time to counseling youth on the importance of physical fitness and to working with children to help prevent underage drinking and drug abuse.

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THE PROBLEM

Teen pregnancy has many implications for society. Teen mothers are less likely than older women to receive timely prenatal care; they are more likely to smoke and to have a low birthweight infant.' The 1997 study *Kids Having Kids* identified other consequences of teen pregnancy for the teen mother and the child. The implications of a child being born to a teen mother versus an older non-teen mother include:

- Children of teen mothers score lower on mathematics, reading recognition and reading comprehension. They are more likely to repeat a grade and to have behavior problems."
- Children of teen mothers are more likely to be victims of abuse and neglect and they are more likely to be placed in foster care during early childhood.^{1"}
- The son of a teen mother is 2.2 times more likely to be incarcerated at some point during his 20s.^{iv}
- The daughter of a teen mother is more likely to give birth as a teenager/
- The child of a teen mother has less chance of success as a young adult educationally, economically, and in terms of forming a family.^{vi}
- Teen mothers are more likely to spend more of their early years of parenthood as a single parent, to have lower paying jobs, and to rely on public assistance.TM

Louisiana has one of the highest percentages of births to teenage mothers of the 50 states. The rate increased between 1990 and 1996, and Louisiana's rank among the states rose. In 1990, Louisiana ranked fifth in the percentage of births to teenage mothers (17.6%) out of total

births in the state; by 1996, the state ranked third and the percentage had risen to 18.9%.TM

Birth rates for 15 to 19-year-olds declined significantly in all but three states between 1991 and 1996. Differences between the states largely reflect variations in the racial and ethnic make-up of state populations.

The vast majority of teen mothers today are unmarried. In 1960, 15% of births to teens aged 15-19 occurred outside of marriage, compared to 75% in 1994.^{ix} Teenagers account for about 30% of all non-marital births nationally .^x

The older the pregnant teen, the more likely she is to be close in age to the father of her child;^{xi} however, about a third of 15-year-olds become pregnant by men who are six or more years older than they are.^{xii}

Costs to the Parents

Not only are many teens emotionally unprepared for parenting, but they are also financially unprepared. Bearing and raising children is expensive. As estimated by Bank Rate Monitor xiii, a normal vaginal delivery, including doctor and hospital fees for a 48-hour stay, costs about \$6,380. A caesarean birth with a 72-hour stay is about \$10,640. In many instances, fees charged for child birth classes are extra.

The amount needed to care for a child during its first year of life easily amounts to thousands of dollars. The table on page 5 itemizes some of the expenses new parents can expect.^{xiv} Teens who find themselves financially responsible for a baby can be overwhelmed by the expense. Often their families lack the means to help them.

One major cost item missing from this table is **medical care**. Health care costs for infants are high, since they include well-baby care visits and

The Minimum First-Year Cost of Caring For a Baby

Layette (bibs, T-shirts, towels, receiving blankets)	\$ 400
Clothing	600
Shoes	50
Photographs	50
Stroller	140
Crib	200
Dresser	200
Formula ¹	1,045
Diapers	500
Toiletries (baby powder, shampoo, lotion, diaper cream)	24
Toys	24
TOTAL MINIMUM COST	\$ 3,409

¹This expense will not occur if the baby is breast fed the entire first year, but many women start supplementing with formula after three months. Giving the baby half breast milk and half formula costs about \$42 a month.

immunizations as well as visits for routine childhood illnesses. A separate estimate of first year costs placed the total needed at \$5,490. This was based on raising a child born in 1995 into a family with an annual income of less than \$33,700, with \$21,000 being the average income.^{xv}

If an infant must be placed in day care, the cost can range from \$75 or \$85 a week to over \$100 a week depending upon what part of the country you live in and whether or not you place your child in a privately-run day care

center, a church-run day care center or a home-based day care center.

The costs of raising a child gradually rise to approximately \$7,300 a year by age five and approximately \$15,800 a year by age 17. Also to be considered are after-school childcare expenses once the baby outgrows daycare, increased food and clothing costs as the child grows and expenses involving after school activities that require parents to purchase specific athletic gear, uniforms, band instruments and the like.

THE REALITY

The Legal Issues

Once a teen finds herself pregnant, several decisions must be faced. First of all, should she terminate the pregnancy or have the baby? If she chooses to have the baby, will she keep and raise the child herself, give the baby up for adoption, or let other relatives—hers or the birthfather's—raise the baby? Any of these decisions will raise numerous legal issues for the teen parent(s) to face and all have long term consequences for both the parents and their child. Discussed below are some of the major legal issues any pregnant teen should consider.

Obligations of the Mother

A mother has an obligation to provide financial support for a child. She is also liable for actions of the child while in her custody. For example, should the child injure another child while playing, the mother is responsible for paying for the injuries. These legal obligations arise by operation of law; these laws exist in every state.

A mother has an obligation to raise the child, provide a good home environment and make sure that the child attends school. A mother who fails in these obligations can find that the state can bring an action to remove the child from her custody. In cases of neglect or abuse, the removal of the child from the home may be permanent.

Once the baby is born, the first legal decision a teen mother must face is whether to name the father on the birth certificate. Putting the father's name on the birth certificate has consequences for the child, for the mother, and for the father.

From the mother's viewpoint, naming the father will help in legitimating the child. The father will have an obligation to financially support the child. The child will have a right to claim legal benefits through the father, such as Social Secu-

rity, insurance coverage, certain federal and state veteran's benefits, and the rights of inheritance.

On the other hand, naming the father on the birth certificate will give him not only legal obligations to the child, but also legal rights to the child. Once the father has been named on the birth certificate, the child cannot be put up for adoption without his consent or without a proper court order; in some states this type of proceeding may be lengthy.

A mother who decides not to name the father on the birth certificate does not necessarily eliminate either the father's rights or the fact that the mother might be asked for his name at a later date. For example, if a mother wants to seek welfare assistance from the state, the state may ask for the father's name before giving the assistance, and the state may sue the father for financial assistance on behalf of the mother and child.

Obligations of the Father

Most psychologists believe it is important for any child to know both parents. A child who does not know the identity of both of his parents may suffer from emotional problems.

A father may accept his paternity of the baby by legally acknowledging the child; the best way is to have his name placed on the child's birth certificate, but each state provides other mechanisms for acknowledgment after a child is born.

In Louisiana, a father may acknowledge a child by signing a legal document in the presence of a notary and two witnesses. Also in Louisiana, if the mother and father are married, the husband is automatically considered to be the father of the child. If the parents are unmarried, the mother may name the father on the birth certificate. If the person named doesn't think he is the father, he has the right to have a blood test to prove he is not the father.

THE REALITY

If the mother doesn't name the father on the birth certificate and the father wants to claim paternity, he can both acknowledge it legally and take a blood test to prove it. If the mother doesn't name the father on the birth certificate and the father refuses to acknowledge his paternity, the mother may take actions to prove that he is the father. In Louisiana, for example, the mother and two witnesses can establish paternity in a legal document. Once the suspected father has received the document, he has fifteen days to respond if he is in Louisiana and thirty days if he is outside of Louisiana. Other states have different rules.

In Louisiana and in some other states, a court may order that a father undergo medical tests to confirm his paternity, but this order is not lightly granted. In states that allow compelled medical tests to establish paternity, the standard is usually that the mother must first prove good cause as to the probability that this person is the father.

If a father refuses to acknowledge his paternity, and even if the mother does not desire to force him to do so when the child is born, the father is not free of obligations. Under Louisiana law, for example, if the father has not admitted paternity, the child or the mother may bring a paternity action for up to nineteen years after the child's birth. Check the law in your state.

A father of a child has the same legal obligations as a mother. He has an obligation to provide financial support for the child, including food, clothing and necessities of life. He is liable for actions of the child and must pay for any damages the child causes. If he has custody of the child he must provide a good home environment and make sure that the child attends school.

A father who wants to have legal rights to visit his child or even have joint custody must establish paternity first. If the father wants to have legal rights to see his child, he must also accept the legal obligations that come with paternity.

Once paternity is established, the father's obligations continue throughout the life of the father as well as the child. A father's financial obligations continue until the child reaches the age of majority (eighteen in Louisiana and most states). If the father dies, the child is entitled to inherit from the father's estate. Each state has its own rules on inheritance.

In Louisiana, if a father dies without a will, minor children are entitled to all of the father's money and property. Even with a will, in Louisiana a father must leave a substantial portion of his property to his minor child or children; this right in Louisiana is called "forced heirship." If the child is disabled or mentally handicapped, the rights of forced heirship may not end when the child reaches eighteen. Check the inheritance rights in your state.

In Louisiana, parents not only have obligations to their children, but children have obligations to their parents. For example, if a father has acknowledged paternity and, later in life, needs food, clothing, shelter or health care and has no money, his child is obligated to provide these things. Each state has different rules.

Obligations of Grandparents

When teenagers become parents, their own parents may have financial and legal obligations to their grandchildren. The rules vary from state to state, but in many states a parent of a minor (i.e. under the age of eighteen) not only has an obligation to support that minor, but also may have an obligation to support that minor's children.

In some instances, the grandparents' health insurance not only covers the medical care of their child, but it may also be possible to extend the coverage to include their grandchild, although it may not cover maternity costs for the teenage mother. Insurance coverage usually requires that the teen be a "dependent" of his or her parents, which usually requires that the teen and the baby live in the house.

THE REALITY

It is possible for a teen's parents to adopt their own grandchild, but this requires going through legal adoption procedures. Legal adoption in all states requires the consent of the mother and, if the father has admitted his paternity or if his name is on the birth certificate, the father's consent as well. Some states require an attempt be made to contact the father (even if he is not named on the birth certificate) before the adoption can be completed. Legal adoption also requires filing papers with the court and a court order. In most states, including Louisiana, grandparents can adopt the baby more easily than a non-relative, particularly if both teen parents voluntarily surrender their rights.

Grandparents can obtain legal visitation rights to their grandchildren in many states. The court must order this visitation, and the test in Louisiana and in most other states that allow this is the "best interest of the child." Even if the grandchild is adopted by a third person, Louisiana and some other states have special laws that allow grandparents limited visitation rights. In Louisiana, there is even a law that allows step-grandparents the right to seek visitation of their step-grandchild.

Adoption

Adoption means giving up all legal rights to the baby. It can forever eliminate a birth parent's right to see the child, know the child's new name, or even know in which state the child lives. It severs all legal rights and obligations concerning the child.

Each state has different rules concerning adoption. The easiest method of adoption is when both the mother and father give their consent voluntarily.

If the father has not acknowledged paternity, in order for the adoption to be legal in Louisiana and most states, the mother must name the father if she knows who he is. If the father still refuses to acknowledge his paternity, in Louisiana and in most states he must be served with legal papers and a court must render a legal judgment before

the child can be adopted. If the father is unknown or cannot be found, the court can terminate his parental rights so that the child may then be adopted.

In most states, the legal records concerning adoption are sealed. The baby's birth certificate is legally changed to name the adoptive parents as the parents. Neither the child nor the adoptive parents have a right to view these sealed records, and if an adopted child later in life wants to locate his or her birth parents, this can be difficult if not impossible.

In some states, "open adoptions" are a possibility. In an open adoption, the birth parents get to meet the adoptive parents before the adoption is completed.

About this Program

Teen Parents: Who's Legally Responsible? gives viewers a glimpse into four different birth situations and the long-term legal ramifications of each. Jason and his girlfriend were 17 when their baby daughter was born. They broke up shortly thereafter but verbally agreed to share custody. When the birth mother did not honor her commitment, Jason had to go to court to enforce his parental rights. Ricshanda was 17 when she had her baby. Although she was still a minor herself, her mother kicked her and the baby out of the house, despite that fact that it was against the law to do so. When 17-year-old Jessica had her daughter, the teen father wanted nothing to do with either of them. Jessica's mother offered to legally adopt the baby, but problems arose when the birth father unexpectedly changed his mind and decided he wanted custody after all. Nuncito and Daviette were 18 and unmarried when their baby was born prematurely. Since neither of them had finished school, held a job, or had insurance, they were totally dependent upon their parents for help. Through this program viewers will gain a better understanding of how the law impacts teen parents, their babies, and their families. In each case presented, those involved were confronted with legal issues they never anticipated having to face.

QUESTIONS FOR CLASS DISCUSSION

Do I have to name the father of my baby on the birth certificate?

No. The father, however, can sue to establish his paternity. If you apply for public assistance, the state may require you to name the father and can sue on your behalf for financial assistance from him.

Can my parents force me to place my baby for adoption?

No. The birth parent must surrender his or her parental rights, although the child can be removed by the state in cases of abuse or neglect. A court can terminate the father's rights if he cannot be located.

Does the father have to provide child support payments, even if we never married?

Yes. The father is obligated by law to provide financial support for his child. The amount of child support is generally based on the father's income. If the teen father is not financially able to provide support, his parents may be held liable.

As the birthfather, may I sue for custody of my baby?

Yes. You will have to establish paternity first through either the birth certificate or court action.

We don't have any money. Do our parents have to support us and the baby?

Parents have a legal obligation to support their minor children, but, depending upon the state, this does not mean that they must support their grandchildren. The best solution is for everyone to agree. If you expect your parents to support you, you may have to reside in their home. If they will not voluntarily support you, then it is possible in some states, including Louisiana, for minor children to sue their parents for support, but this requires getting a lawyer and going to court. When families go to court, family ties are broken and become difficult to mend. Lawsuits between children and their parents are so highly charged with emotion that both parties, regardless of the outcome, are seldom satisfied with the result.

Can grandparents be compelled to provide health insurance coverage for their grandchildren?

No. The obligation to provide support, even in the states that require it, does not extend to insurance.

My girlfriend wants me to admit that I'm the father. Can she force me to do this? If a father will not admit his paternity, most states allow methods to compel a declaration. In Louisiana, the mother and two witnesses can execute a legal document and file it with the court and the father must contest it in a timely manner after notice or else the law will consider him the father. If the father tries to evade service of the legal papers, it may be possible to declare him the parent as an "absentee."

In some instances, during a legal proceeding a court can compel a man to take a blood test to determine whether he is the father.

If I give a child up for adoption, do I have to pay for any support?

No. If you consent to an adoption, you have no more legal connection with the child. You cannot be forced to support the child. You also have no right to see the child.

Can the father of the child or his parents get custody of the child?

In most states, if the parents are not living together, the court can award "joint custody." That means that each parent gets custody of the child for part of the time. This is usually done through an agreement that the court ratifies. The test in most states is usually what is in the best interest of the child. Even if both parents do not share custody, the parent without custody can obtain visitation rights. If the parents cannot voluntarily agree to a visitation schedule, it can be ordered by the court.

Depending upon the state, grandparents may or may not have rights to obtain custody. In states that do allow grandparents to have custody, this normally requires consent of both parents and a court hearing. It is not unusual for a grandparent to adopt a grandchild in order to obtain custody; the usual adoption procedures must be followed, and this requires a court order as well.

RESOURCES AND END NOTES

"Baby Think It Over" educational program, on line at <www.btio.com>. This is the internet site of an educational program used for teen pregnancy prevention and parenting education.

Bender, David L., publisher, and Bruno Leone, executive editor. *Teenage Pregnancy, Opposing Viewpoints*. San Diego, California: Greenhaven Press, 1997.

Campaign for Our Children, on-line at <www.cfoc.org>. This is the internet site for a not-for-profit organization whose aim is to organize, manage and conduct programs designed to reduce the incidence of teenage pregnancies.

Lindsay, Jeanne Warren. *Teen Dads*. Buena Park, California: Morning Glory Press, 1993.

Maynard, Rebecca A., editor. *Kids Having Kids*. Washington, D. C: The Urban Institute Press, 1997.

National Center for Health Statistics, Centers for Disease Control and Prevention, on-line at <www.cdc.gov/nchswww>. By mail: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Centers for Disease Control and Prevention, National Center for Health Statistics, 6525 Belcrest Road, Hyattsville, Maryland 20782.

"Teen Pregnancy Prevention Initiative," on-line at <www.advocatesforyouth.org/pregnance.htm>. This is the internet site for this program which was established to meet the demand for information from various audiences on promising approaches to adolescent pregnancy prevention.

ⁱ "Teen Birth Rates Down in All States," Press Release, April 30, 1998, National Center for Health Statistics.

ⁱⁱ Maynard, Rebecca A., editor. *Kids Having Kids*. Washington, D.C.: The Urban Institute Press, 1997, p. 168.

ⁱⁱⁱ Ibid, p. 228.

^{iv} Ibid, p. 253.

^v Ibid, p. 264.

^{vi} Ibid, p. 11.

^{vii} Ibid, p. 7.

^{viii} 1997 U.S. *Statistical Abstract of the United States*, United States Census Bureau, Table 98. <www.census.gov/statab/ranks/pg07.txt>

^{ix} "Teen Non-marital Births," *Trends in the Well-Being of America's Children and Youth, 1997 Edition*. Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, 1997, p. 1 <aspe.os.dhhs.gov/hsp/97trends/intro-web.htm>

^x Ibid.

^{xi} "Trends in Adolescent Pregnancy and Childbearing," Office of Population Affairs, U.S. Department of Health and Human Services, 1998, p. 1. <www.hhs.gov>

^{xii} Ibid

^{xiii} "Price of Parenting," Diapers and Dollars Archive, America On-Line Money Whiz, July 17, 1998, based on a 1996 survey published by the Health Insurance Association of America. <www.thewhiz.com/thewhiz@home/1998/04/980429.asp?web=wloa>

^{xiv} "Baby's Bottom Line," MoneyMinded. <www.moneyminded.com/familygo/birth/97bcos13.htm>

^{xv} "Price of Parenting," Diapers and Dollars Archive, America On-Line Money Whiz, July 17, 1998, based on information from the Family Economics Research Group, U.S. Department of Agriculture. <www.thewhiz.com/thewhiz@home/1998/04/980429.asp?web=wloa>