

Pregnant or Parenting

Behind Bars

in Pennsylvania

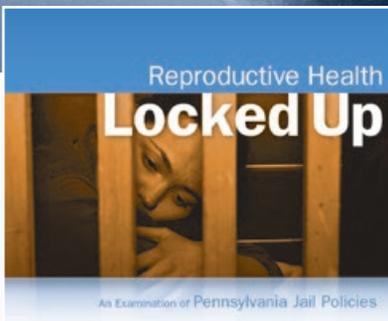


table of contents

Introduction	2 – 3
A Message from the Executive Director	4
Pregnancy	6 – 11
Medical attention when you first arrive	6
If you are not sure what to do about your pregnancy.....	7
If you choose to have an abortion	9
If you choose adoption for your baby.....	10 – 11
If you got pregnant because of sexual assault or rape	11
Parenting	12 – 15
If you choose to keep your baby.....	12
If the baby will be born after you leave jail	
If the baby will be born while you are in jail	
If you decide to choose a temporary caregiver for your baby	13
Talk to a Lawyer about your plans for your child.....	14 – 15
Resources	16 – 23
Appendices	24 – 30
Appendix A: If you are Pregnant in Jail: Information for clients	24 – 25
Appendix B: Abortion Providers in the Pennsylvania Area	26
Appendix C: Protect Your Rights: What You Should Do Now if You are Incarcerated and Your Child is in Foster Care or County-Paid Kinship Care	27 – 28
Appendix D: Form: Parental Appointment of Your Child’s Caregiver for 6 Months or Less	29
Appendix E: Form: Special Power of Attorney for Medical Care and Temporary Custody.....	30
Acknowledgements	31
Contact Us	32

To Download This Publication:

This complete publication is available on our website. You can also download individual forms included in the Appendix.

To download this document, go to: www.aclupa.org/iw

introduction



A woman who is in jail and pregnant or parenting faces many choices and responsibilities. The American Civil Liberties Union (ACLU) of Pennsylvania wrote this guide to help incarcerated women and the professionals who work with them.

This booklet has two main sections: **pregnancy** and **parenting**. Although no written guide can be all-inclusive, this guide tries to provide incarcerated and pregnant or parenting women with the information they most need. The appendix has materials that you may want to photocopy to give to women you work with:

- “If You Are Pregnant in Jail” can be used as a handout for a woman who needs to make a decision about her pregnancy.
- “Protect Your Rights” discusses legal issues for incarcerated parents.
- A map shows the locations of abortion providers accessible from Pennsylvania.

The appendix also has legal forms to help with child custody arrangements:

- Parental Appointment of Your Child’s Caregiver for Six Months or Less
- Special Power of Attorney for Medical Care and Temporary Custody

The ACLU hopes that this guide will assist social workers, health care staff, corrections officers, volunteers, family members, and others as they walk with each woman along her unique path of pregnancy and motherhood.



A Message from the Executive Director

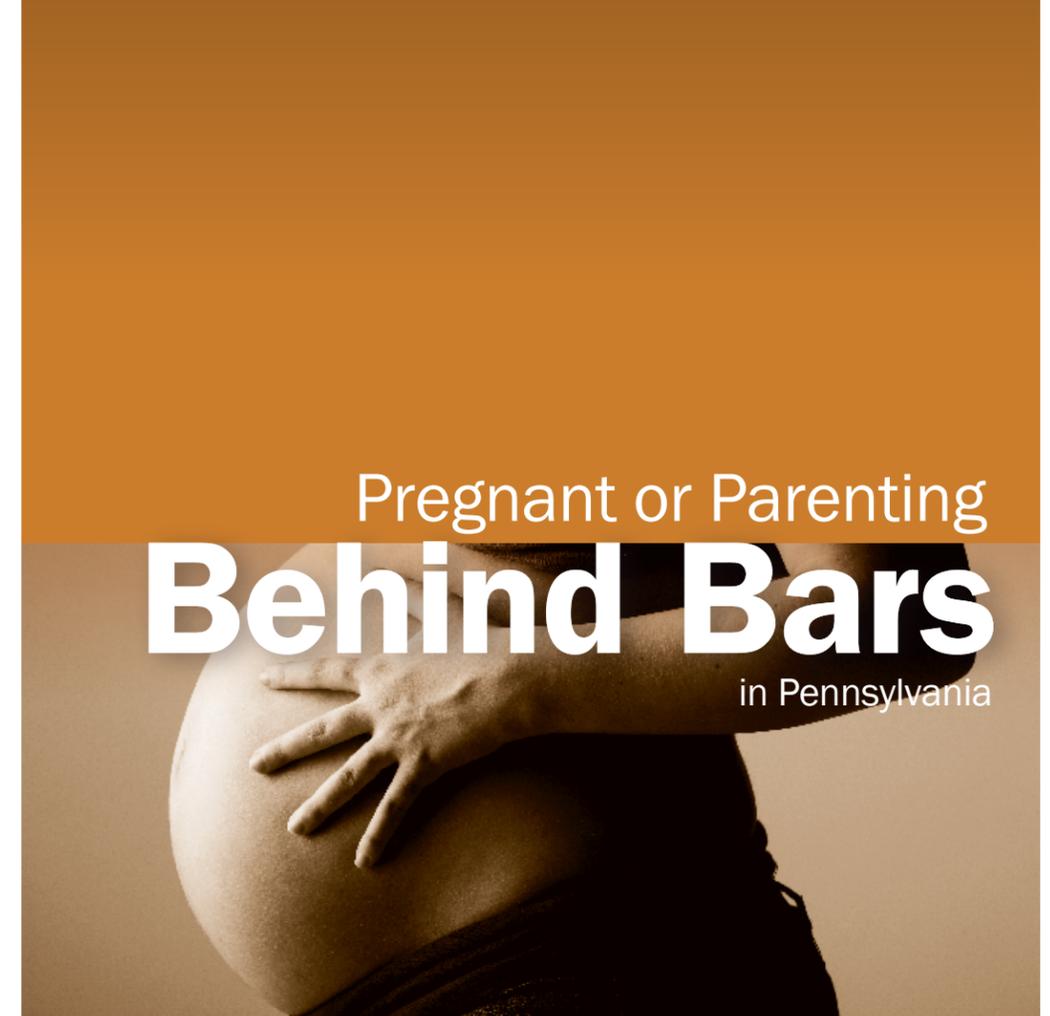


It is with great pleasure that we share the latest publication from the Clara Bell Duvall Reproductive Freedom Project concerning incarcerated women in Pennsylvania. This valuable resource continues the ACLU's mission to protect constitutional rights in every sphere of American society.

While incarceration rates for women have decreased nationally, and have held steady at the state level, Pennsylvania county jails tell a different story. In 2012 approximately 30,000 women entered Pennsylvania county jails. A judge in southwestern Pennsylvania recently said that 28% of the arrests in his county were women, a number he found alarming and indicative of the rising number of women behind bars. Because three-quarters of incarcerated women are of reproductive age (between the ages of 18-44), and an even greater share are mothers, pregnancy and parenting are natural concerns.

Being locked up presents a crisis for a woman and her family. Often at such a critical time, individuals find the motivation to make positive changes in their lives, for their own sake and for the sake of their families. With the resources and information provided herein, we hope to have a constructive impact on the lives of incarcerated women, their families, and their communities.

Reggie Shuford
Executive Director
June 2014



Reproductive Health Locked Up

Pregnant or Parenting Behind Bars

Being pregnant can be hard— even when you want a baby. It's harder when you are pregnant and in jail. The American Civil Liberties Union (ACLU) of Pennsylvania wrote this booklet to help you decide what to do about your pregnancy and who will care for your child. We also want you to know your rights under United States (federal) and Pennsylvania (state) laws.

This booklet has two sections:

1. Pregnancy
2. Parenting

pregnancy

Medical attention when you first arrive:

The law says jail health officials must give you a medical exam in the first 24 hours after admission to the facility. They have to give you a complete physical exam within 14 days after your arrest.¹ Ask for the results of your pregnancy test if no one tells you.

If you think you are pregnant but do not know for sure, tell prison officials. Within three days, you should get a physical medical exam and a pregnancy test to see if you are pregnant. Urine tests for pregnancy are not always given to all prisoners. If there is even a small chance that you might be pregnant, tell someone — an officer, social worker, health care provider, public defender or private attorney — so you can get all the care you need, including proper medical care and food.

If you have a medical condition that might hurt your pregnancy, then tell the medical staff. They need this information to give you the best care.

It is important that you tell medical staff if:

- There is a chance you could be pregnant (even a small chance)
- You have a medical problem that could make your pregnancy more difficult
- You use drugs (legal or illegal) or alcohol

¹E037 Pa. Code § 95.232.

If you are not sure what to do about your pregnancy:

It can be hard to decide what to do about your pregnancy. There is a lot to think about, and being in jail makes things more difficult. You have three options you can choose:

- abortion
- adoption
- parenting (keeping the baby)

If you want to talk to someone about your decision, ask the medical staff if you can meet with a pregnancy counselor to help you think it over. (See Pregnancy Counseling section in Resources at the end of this booklet for organizations that provide this service for free.)

Even if you are in jail, **you have the right to make your own decision about your pregnancy.**



Making Your Decision

To help you decide, ask yourself these questions:

- Will you still be in jail or a halfway house when your baby is born? How will your incarceration or probation affect your ability to be a mother?
- Do you have a drug or alcohol problem? If so, can you finish a rehab program if you have a baby to take care of? Can you handle both a baby and rehab?
- When you get out of jail, will you have a place for you and your baby to live?
- If you want to live with parents, relatives, or friends, have you told them about your pregnancy and asked them if you can move in?
- Will you have enough money to support you and your child? Where will you get it?
- What kind of relationship do you have with the baby's father? Has it changed since your arrest or pregnancy? Does he care about you and the baby? How will he be involved with your baby after he or she is born? Can you take care of a baby without his help?
- Does your baby's father have drug and alcohol or criminal justice problems? Will these problems keep him from helping you or being a good dad to your baby?
- Are you in a relationship with someone who threatens, hits, or abuses you?
- Are the opinions or feelings of your friends, family, and the baby's father important to you?
- Do you need to consider your religion or faith in making this decision?
- What do you think a parent should do for a child? What will a child need from you? What kind of home, education, and experiences would you like your baby to have? Can you give these things to your baby?
- What do you hope to do or have in your life? What dreams or plans do you have? How would a baby change these?

— Advice from Vicki Sirockman

Former director of Lydia's Place and expert in women's re-entry

If you choose to have an abortion:

Once your pregnancy is confirmed, you can decide this is not the right time in your life to have a baby. You are not alone in this decision. One in three women has an abortion at some time in their lives. If it is hard to decide, ask the medical staff if you can meet with a professional pregnancy counselor to help you. In Pennsylvania, you have the right to an abortion even while you are in prison or jail.² If you choose abortion, tell the medical staff or caseworker about your decision as soon as possible. **The sooner you tell the jail medical staff about your decision to have an abortion, the better.**

There are legal limits to abortion during later stages of pregnancy. Abortions are very safe, but the earlier you decide the better. You can have an abortion until the 24th week of pregnancy, but making arrangements take time.³ After 24 weeks you can only have an abortion if the pregnancy threatens your health, endangers your life, or if the fetus (baby) is not viable.⁴ However, it is harder to find doctors who do these later abortions, so talk to someone as soon as you can about your need for abortion care.

In Pennsylvania, you must pay for your abortion if you have the money. The law says the county (or state, if you are in state prison) must provide you with this medical care if you can't pay for it, and they must not delay your abortion because you can't pay.⁵ Also, you can't be charged for transportation.

Your jail will make arrangements with an abortion clinic. Under Pennsylvania law, like any other woman, you must have a counseling session 24 hours before your abortion.⁶ The abortion clinic provides this counseling.

See Appendix B for a map with more information about clinics in or near Pennsylvania.

If you have problems or need help, contact one of the organizations listed under Abortion in the Resources section of this booklet.

FACT:

If you are pregnant, you have the right to decide to continue your pregnancy or to have an abortion.

² *Monmouth County Correctional Institutional Inmates v. Lanzaro*, 834 F.2d 326 (3d Cir. 1987).

³ 18 Pa.C.S. § 3211(a).

⁴ *Planned Parenthood of S.E. Pa. v. Casey*, 505 U.S. 833, 846, 879 (1992).

⁵ *Monmouth County*, 834 F.2d at 350.

⁶ 18 Pa.C.S. § 3205(a).

If you choose adoption for your baby:

You can decide that putting your baby up for adoption is best. When you choose adoption, you have decided that this is not the best time for you to be a mother. You want to carry your baby until birth and then make sure the baby goes to a safe, loving family. It is not legal in Pennsylvania for birthparents to get payment of any kind for an adoption.⁷ While in jail, medical bills are covered. Once a woman leaves, it is legal for adoptive parents to pay for the delivery and hospital medical bills for the mother and the baby.⁸

You can decide to place your baby with a family you know, or with a licensed adoption agency. The choice is yours. If you choose to put your child up for adoption you are ending your parental rights forever.

Fathers have an equal say in an adoption. Both father's and mother's rights must be ended before the baby can be put up for adoption. *If* one parent wants the child to be adopted, the other parent can stop the adoption and take custody. If you don't know who the father is, you can make the decision, but there are legal requirements, and you will need a lawyer to help you.

When a court makes the adoption final, you are no longer the legal parent. The adoptive parent(s) have parental rights, and **they** are the baby's parents, not you. This is permanent and you can't ask for your baby back after the legal process is finished.⁹ In Pennsylvania, you have 30 days to change your mind after the baby is given to a family and before the court makes it final.¹⁰ In Pennsylvania, you also have the legal right to an "open" adoption.¹¹ In an open adoption you can choose the adoptive family for your baby— even from an adoption agency — and you can make a contract to see your baby from time to time. Not all agencies do open adoption, and not all families want an open adoption.

Tell the jail medical provider or caseworker about your plans for an adoption. They will help you make the necessary arrangements.

- You can give your baby to a family that you know or to someone that a relative or friend suggests. Tell the adoptive parent(s) to hire an attorney who knows adoption law. Together with the jail they can make the legal arrangements.
- Or, you can place your baby with an adoption agency. Ask the jail medical staff or caseworker to suggest adoption agencies in your area. Someone from the

⁷ 18 Pa.CS § 4305.

⁸ 23 Pa.CS § 2533(d).

⁹ 23 Pa.C.S. § 2711(c)(1).

¹⁰ 23 Pa.C.S. § 2711(c)(1).

¹¹ 23 Pa.C.S. § 2731-2742.

agency can visit you at the jail for counseling. If you want an open adoption, find out if they offer this kind of placement. Adoption agencies usually have many families waiting for babies. Agencies give free legal help for the adoption.

If you got pregnant because of sexual assault or rape:

Sexual assault is sexual contact between two or more people when at least one person does not consent. It is never your fault for being attacked. If you got pregnant because of sexual assault, or if you were sexually assaulted at any time, you can get free counseling. Pennsylvania has rape crisis centers for anyone who has been sexually assaulted or affected by sexual assault. You can also ask for help from the medical staff at the jail. The rape can occur before you entered jail or after. Remember that sexual assault is a crime, and victims of sexual assault have rights under Pennsylvania law. To find help for victims of sexual assault, see the "Sexual Assault" section in Resources at the end of this booklet.

Did you know?

Under the Healthy Birth for Incarcerated Women Act (Act 45) jail staff (corrections officers) can't put restraints on pregnant inmates (but see **exceptions** below) during:

- » any stage of labor
- » pregnancy-related problems
- » postpartum (after birth) period
- » during the trip to a medical facility after the first trimester of pregnancy
- » on a trip to a medical facility as a result of labor or pregnancy-related problems.

Exceptions

The only exceptions to this law are if the inmate is a substantial flight risk or if there is some other important medical or security issue that requires the use of restraints, or if the inmate is assaultive, attempts to flee or to harm herself or others.

Even with these exceptions, corrections officers must:

- » use as little restraints as possible
- » be present at all times
- » remove restraints at the request of any health care professional.

If you choose to keep your baby:

If the baby will be born after you leave jail...

If you are sure that you will be out of jail or a halfway house when your baby is born, you can make plans to parent (keep) your baby. If you will need to live in a halfway house or drug rehabilitation facility, ask your caseworker if she can find a place that lets you live there with an infant or young child. If you have other children, find out if your other children can live with you there, too.

If you will be released to your own home, make plans now with family members or friends so you can be ready to care for your baby after the birth. Find out where you will get health care for the pregnancy, the delivery, and pediatric care for the baby. Find out about local public health programs for prenatal (before birth) care, WIC (see Food in Resource section), and public assistance for help with your pregnancy and baby. If you take methadone during your pregnancy, follow medical advice to keep your baby safe and healthy. Ask the medical staff for help making these plans. Some jails will help you contact social and health programs that will help you after you are released from jail.

If the baby will be born while you are in jail... you need someone to temporarily take care of your baby until you get out.



If you decide to choose a temporary caregiver for your baby:

If you have to return to jail, a halfway house, or a drug program after your baby's birth, you may want to choose a temporary caregiver for your baby.¹² A temporary caregiver is a friend or family member who has agreed to care for your baby or child for a limited time (usually six months or less).

Call someone now! Find a temporary caregiver as soon as possible, in case your baby comes early. Choose someone you trust and who will provide a safe, loving home for your baby. Ask your jail's caseworker or medical staff to help you contact the caregiver. When you choose a caregiver, even if it is the baby's father, a relative, or a friend, **put it in writing.**¹³ You should sign a written agreement with that person (see *Appendix D for a sample you can use*). This will let everyone know that the relationship is temporary, not permanent (see *Appendix D and E*). And it will give that person the legal ability to make education and medical decisions for your baby.¹⁴ You must fill out a separate form for the baby and any other children you have. The temporary caregiver should take the completed form to your child's school, day care, and health care providers, who should keep a copy of the form.

This form must be signed by you and the temporary caregiver in front of a notary public. The jail can arrange for you to sign it in front of a notary. You and the caregiver can have it notarized together or separately. If done separately, you, the parent, must have it notarized first.

You can renew this arrangement. **Or, you can choose another caregiver if necessary and complete new forms with the new caregiver.** If you need help with these forms, ask a social worker or your public defender.

Keep track...

It's a good idea to keep track of the requests you make to prison officials and the information you give to them. Keep notes on when you spoke (or wrote) to a prison staff member, what you talked about, and what he or she said. You might need these notes if you need to follow up on your request.

¹² 23 Pa. CS §§ 5601-5616.

¹³ 23 Pa.C.S. § 5611.

¹⁴ 23 Pa.C.S. § 5623.

Talk to a lawyer about your plans for your child.

(See Resources section for help finding a lawyer.)

Here are some things the lawyer can help you do:

1. **File a custody or guardianship petition:** If your child's father or another person can care for your child, he or she can file a petition in Family Court. A Family Court hearing lets you change the custody of your child from you to the other parent (the father). This person will have responsibility for care and making decisions for your child. You can ask for a visiting plan for you and your child.
2. **Change a custody and visitation order:** If you alone have custody of your child, but want your child's father to have custody, he can file a petition in Family Court to change the custody order. Having a change in custody at a hearing gives your child's father responsibility for the care and making decisions for your child. You can ask for a visiting plan for you and your child.
3. **Placement in foster care:** If your child's father can't care for your child and you do not have someone else who can care for your child, you can contact your local county department of social services and ask to put your child in foster care. These agencies have different names in different parts of the state: Department of Human Services (DHS), Children & Youth Services (CYS), and Children, Youth & Families (CYF). If the department agrees, you must sign a voluntary placement agreement that lets your child be placed in temporary foster care. You can ask for a visiting plan for you and your child.

Public foster care agencies can't simply return your baby to you when you ask. The law says they must investigate if you are a fit parent. Even if the decision to place your child in foster care was your choice (voluntary), a public agency can end your rights if they say that you are an unfit parent because of criminal actions, mental illness, or drug or alcohol abuse. **If you put your child in foster care, it can be hard to get your child returned to you.** If you can't make plans to get the child back from foster care in a few months, you can lose your rights to be the baby's parent. **Think very carefully before choosing to place your baby in public foster care.** (See Appendix C: Protect Your Rights for more information.)

Get Legal Advice

It is always good to get legal advice before choosing any of these options. Ask your jail caseworker or the medical staff if there are free legal services in your county to help you if you can't afford a lawyer.

We hope this booklet helps you understand your options so that you can make the best decision for you, your pregnancy, and your future. You can ask the ACLU any questions you have about the information in this booklet.

Adoption

The Adoption and Safe Families Act (ASFA) is a law that says that if a child has been in foster or kinship care for 15 of the past 22 months, the child welfare agency in your county (DHS, CYS or CYF)* must file to terminate (end) parental rights (TPR) so that the child can be adopted (see Appendix C: Protect Your Rights for more information about this law). But the agency does not have to do this in certain situations, like if your child is living with a relative or if adoption is not a good idea for your child. This decision is made on a case-by-case basis. The most important thing to know about ASFA is that you do not have a lot of time to meet your goals and get your child back, so it is important that you start as soon as possible.

* This agency has a different name depending on where you live: Department of Human Services (DHS), Children & Youth Services (CYS), or Children, Youth & Families (CYF).

Termination of Parental Rights (TPR) is a legal decision a judge makes to forever end the parent/child relationship so that the child can be adopted. The adoptive parent then becomes the child's legal parent. Your parental rights can be ended voluntarily (meaning you agree) or involuntarily (after a hearing where you don't agree but the court decides).

Child custody in Pennsylvania is based on what is best for the child. The court will consider all facts that may affect the child's physical or emotional well-being. The court will give more attention to the safety of the child.



Abortion

CHOICE **215-985-3300 / 800-848-3367**

Hotline that answers questions and gives referrals for birth control, emergency contraception, sexually transmitted diseases (STDs) and HIV testing, family planning clinics, abortion clinics, pregnancy, prenatal care, insurance, and immunizations.

choice-phila.org

National Abortion Federation **800-772-9100**

Help finding a safe abortion clinic. Help with making a decision. Facts about abortion, adoption, and parenting.

prochoice.org

National Network of Abortion Funds

Help finding a local organization that can help pay for an abortion.

fundabortionnow.org

Adoption

Adoption Network Law Center **800-FOR-ADOPT / 800-367-2367**

For pregnant parents considering adoption.

adoptionnetwork.com

Child Welfare Information Gateway **800-394-3366**

For pregnant parents considering adoption and birth parents.

childwelfare.gov/adoption/birth/for

I Choose Adoption **866-355-7965**

For pregnant parents considering adoption.

ichooseadoption.org

PA 2-1-1: Need help with food, housing, employment, health care, and more? 2-1-1 is a FREE 3-digit telephone number for everyone. All Pennsylvania residents can get health, housing, and human services information in one place. 2-1-1 directs callers to the appropriate agency.

pa211.org

Birth Control

CHOICE **215-985-3300 / 800-848-3367**

Hotline that answers questions and gives referrals for birth control, emergency contraception, sexually transmitted diseases [STDs] and HIV testing, family planning clinics, abortion clinics, pregnancy, prenatal care, insurance, and immunizations.

choice-phila.org

Emergency Contraception Hotline **888-668-2528**

Emergency contraception is birth control that prevents pregnancy after sex, sometimes called “the morning after pill.” You can use emergency contraception right away - or up to five days after sex.

not-2-late.com

Domestic Violence

National Domestic Violence Hotline **800-799-SAFE / 800-799-7233**

Help for victims of domestic violence., available 24 hours a day, seven days a week.

thehotline.org

Pennsylvania Coalition Against Domestic Violence

To find help for victims of domestic violence.

pcadv.org

Food/Nutrition

SNAP (Supplemental Nutrition Assistance Program) **800-692-7462**

Food stamps.

www.dpw.state.pa.us/foradults/supplementalnutritionassistanceprogram

Apply on line at COMPASS: www.compass.state.pa.us

WIC (Women, Infants, and Children) **800-WIC-WINS / 800-942-9467**

WIC provides nutrition services, breastfeeding support, health care and social service referrals, and healthy foods to pregnant women, mothers, and caregivers of infants and young children.

pawic.com

Health Insurance for Adults

COMPASS

COMPASS is the simple and fast way to apply online for social services offered by the Commonwealth of Pennsylvania. It has an online application to apply for Medical Assistance, Children's Health Insurance Program (CHIP), food stamps, etc.

www.compass.state.pa.us

healthcare.gov **800-318-2596**

Federal health insurance

healthcare.gov

Healthy Beginnings **800-692-7462**

Medical Assistance for pregnant women or families with children through 18.

www.dpw.state.pa.us/foradults/healthcaremedicalassistance/healthybeginnings

Medicaid **800-692-7462**

Health care for people of low income or with disabilities.

cms.gov

Medicare **800-MEDICARE / 800-633-4227**

Health care for age 65 and over.

cms.gov

Health Insurance for Children

CHIP (Children's Health Insurance Program) **800-986-KIDS / 800-986-5437**

Information about CHIP, Medicaid.

chipcoverspakids.com

COMPASS

Use COMPASS to apply online for social services offered by the Commonwealth of Pennsylvania such as Medical Assistance, Children's Health Insurance Program (CHIP), and food stamps.

www.compass.state.pa.us

Health Services

CHOICE **215-985-3300 / 800-848-3367**

Hotline that answers questions and provides referrals for birth control, emergency contraception, sexually transmitted diseases (STDs) and HIV testing, family planning clinics, abortion clinics, pregnancy, prenatal care, insurance, and immunizations.

choice-phila.org

Find a Health Center **877-464-4772**

Find a health center, even if you have no health insurance.

findahealthcenter.hrsa.gov

Healthy Baby Line, PA Department of Health **800-986-BABY / 800-986-2229**

Love 'em with a Check Up program, referrals to dental care, breastfeeding information and support, newborn screening and newborn hearing screening programs.

www.helpinpa.state.pa.us

HIV/AIDS Counseling, Testing and Treatment **800-662-6080**

www.health.state.pa.us/hiv

PA Department of Public Welfare **800-692-7462**

Information about cash assistance, food stamps/SNAP, Medical Assistance, Low Income Home Energy Assistance Program [LIHEAP].

www.compass.state.pa.us

Suicide Prevention Lifeline**800-273-TALK / 800-273-8255**

Counseling for people thinking about killing themselves; help for victims of domestic violence. Available 24 hours a day, seven days a week.

suicidepreventionlifeline.org

Legal Help

ACLU (American Civil Liberties Union) of Pennsylvania

If you believe your rights have been violated.

For complaints in the eastern half of Pennsylvania: **877-PHL-ACLU / 877-745-2258**

For complaints in the western half of Pennsylvania: **877-PGH-ACLU / 877-744-2258**

aclupa.org/help

Mazzoni Center Legal Services (LGBT)**866-LGBT-LAW / 866-542-8529**

Mazzoni Center's Legal Services Department provides legal help to low-income lesbian, gay, bisexual and transgender (LGBT) individuals.

mazzonicenter.org/legal-services

National Clearinghouse for the Defense of Battered Women**215-351-0010 / 800-903-0111**

For battered women charged with crimes related to their battering.

Accepts collect calls from prisons and jails

125 S. 9th St. Suite 302 Philadelphia, PA 19107

ncdbw.org

PALawHelp.org

Referrals and legal information for civil (not criminal) legal problems.

palawhelp.org

Pennsylvania Institutional Law Project**215-925-2966**

Helps low income residents of prisons, jails, state hospitals, and state centers with legal needs.

pailp.org

Pennsylvania Legal Aid Network**800-322-7572**

Free legal help for people with low income and victims of domestic violence.

palegalaid.net

Women Against Abuse Legal Center**866-723-3014**

Help and information for women who have been abused, available 24 hours a day, seven days a week.

womenagainstabuse.org

Women's Law Project**215-928-9801**

Legal defense and information for women.

womenslawproject.org

LGBT

Gay, Lesbian, Bisexual, and Transgender Helpline**888-THE-GLNH / 888-843-4564**

Peer counseling, information, and local resources.

glbthotline.org

Mazzoni Center**215-563-0652**

Medical and other services for LGBTQ people in Southeastern PA. Referrals for health care providers in other parts of PA.

mazzonicenter.org

PA Diversity Network**610-432-5449**

News, information, advocacy, presentations, programs, events and other services in the Lehigh Valley. Referrals for services in other parts of PA.

padiversity.org

U.S. Department of Justice Civil Rights Division

877-218-5228

Special Litigation Section

202-514-6255

Takes reports of harassment, assault and prolonged isolation of LGBT individuals in custody.

950 Pennsylvania Avenue NW, Washington, D.C. 20530

[justice.gov/crt/complaint](https://www.justice.gov/crt/complaint)

Parenting

National Parent Helpline

855-4A PARENT / 855-427-2736

Emotional support for parents. Leave a message and someone will call back.

Pregnancy Counseling

Backline

888-493-0092

Pregnancy counseling options hotline.

[yourbackline.org](https://www.yourbackline.org)

CHOICE

215-985-3300 / 800-848-3367

Hotline that answers questions and gives referrals for birth control, emergency contraception, sexually transmitted diseases (STDs) and HIV testing, family planning clinics, abortion clinics, pregnancy, prenatal care, insurance, and immunizations.

[choice-phila.org](https://www.choice-phila.org)

National Abortion Federation

800-772-9100

Help finding a safe abortion clinic. Help with making a decision. Facts about abortion, adoption, and parenting.

[prochoice.org](https://www.prochoice.org)

Sexual Assault

National Sexual Assault Hotline

800-656-HOPE / 800-656-4673

Free, anonymous (private) counseling for victims of sexual assault and their families and friends.

[rainn.org](https://www.rainn.org)

Pennsylvania Coalition Against Rape

888-772-7227

Hotline to local rape crisis center. Provides emergency crisis intervention services to clients who need help in dealing with the trauma of sexual assault.

[pcar.org](https://www.pcar.org)

Other

Pennsylvania Prison Society

800-772-1213

Provides information and services to incarcerated people and their families.

[prisonsociety.org](https://www.prisonsociety.org)

Supplemental Security Income (SSI)

888-772-7227

A cash program for disabled adults.

www.ssa.gov/onlineservices/

Social Security Disability Insurance (SSDI)

800-772-1213

For workers who become totally disabled and cannot work for a year or more.

www.ssa.gov/onlineservices/

If You Are Pregnant in Jail

Information for clients

Step 1: Get A Pregnancy Test

Do you think that you are pregnant? Tell the medical people in jail now. You can get the health care you need.

Tell the medical people in jail if you have health problems. Tell them if you have used any drugs (legal or illegal) or alcohol while you are pregnant. You and your baby will need special care if you have used heroin or other opiates. If you tell the medical people now, they can give you better care.

Step 2: Think About Your Options

Keep the Baby: If you will still be in jail when the baby is born, you can keep your baby. You can choose a relative or friend to take care of your baby while you are in jail. Or you can also choose to put your baby in foster care while you are in jail. But if you put your child in foster care, that can make it harder to get your baby back when you leave jail. If you can't make plans to get your child back from foster care in a few months because you will be in jail longer, you can lose your rights to keep the baby. For more information please see flyer, "Protect Your Rights."

Adoption: If you want to put your baby up for adoption you can give the baby to someone you know or to an adoption agency. You can also choose an "open" adoption. This means you can choose the best family for the baby and you can have a contract so you can see the baby sometimes. Remember, if you put your baby up for adoption you end your rights to be the baby's parent. You can see the baby but you are not its legal mother anymore. This is a permanent decision.

Abortion: You can have an abortion while you are in jail.

Need Help?

It can be hard to decide what to do about your pregnancy. There is a lot to think about, and being in jail makes it harder. You can talk to a trained counselor at:

CHOICE (in Pennsylvania)
1-800-848-3367
NAF (US) **1-800-772-9100**

Step 3: Make A Decision And Make A Plan

Parenting: If you choose a relative or friend to take care of your baby while you are in jail, tell the jail's social worker. Ask them to help you fill out a child custody form with your baby's caretaker. Do this before the baby is born. Make sure to fill out the papers long before your baby is due, so you have plans ready before your baby comes.

Adoption: When you decide what kind of adoption works for you, ask the jail's social worker to help you fill out the right papers. Ask them to contact an adoption agency to help you.

Abortion: Tell the jail's medical department as soon as you decide. Do not wait. If you wait, it can be harder to get an abortion. If you can pay for an abortion you will have to pay for it. But, you have the right to have an abortion even if you can't pay for it.

If you believe your rights have been or are being violated, please contact us.

The ACLU of Pennsylvania has two offices that respond to complaints:

For the Eastern half of the state:

P.O. Box 40008 • Philadelphia, PA • 19106 • 1-877-PHL-ACLU (1-877-745-2258)

For the Western half of the state:

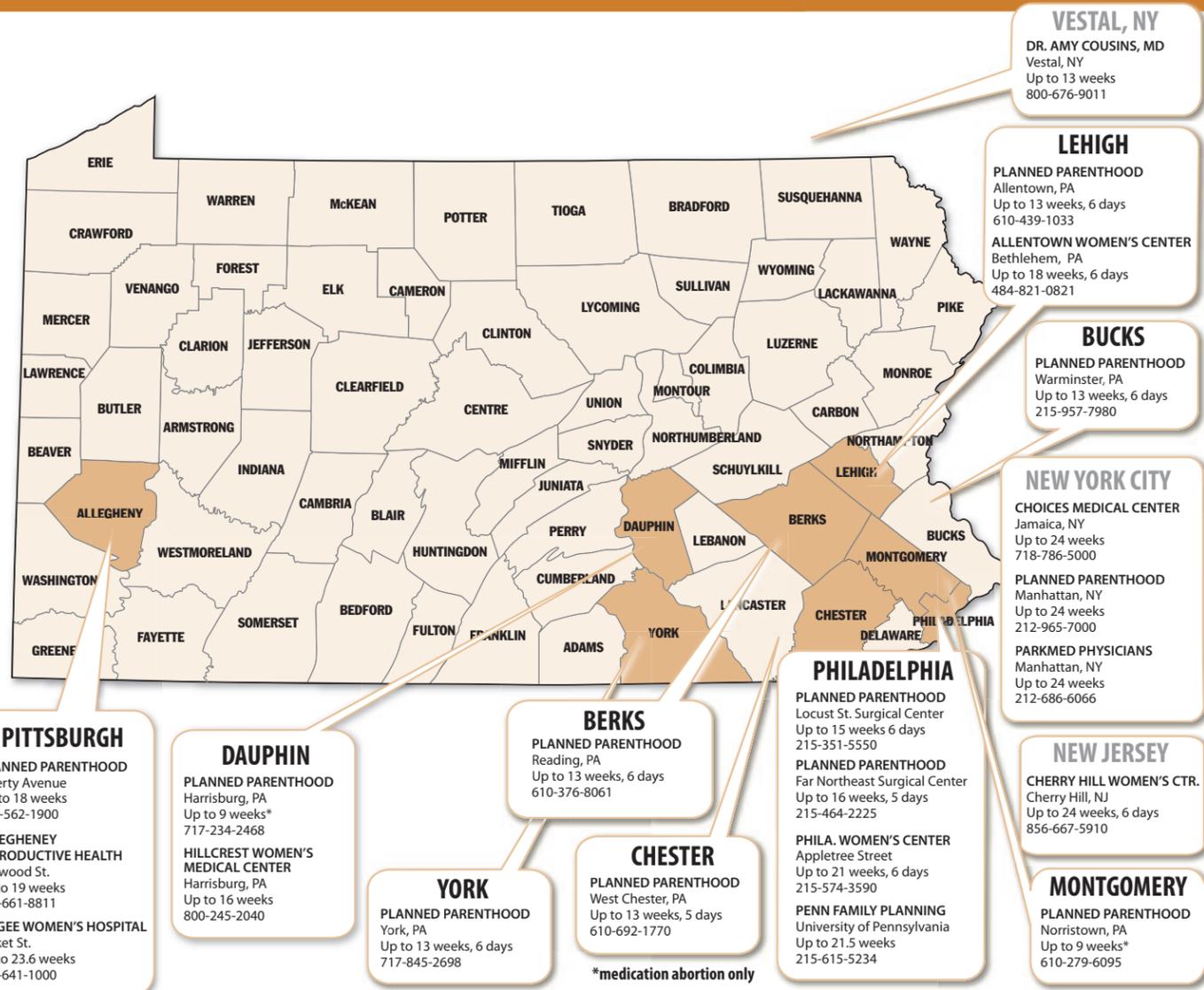
313 Atwood Street • Pittsburgh, PA • 15213 • 1-877-PGH-ACLU (1-877-744-2258)

When you call, be ready to leave your name and mailing address so we can answer as soon as possible.

If you need an answer sooner, a friend or family member may call our office for you.



ABORTION PROVIDERS IN THE PENNSYLVANIA AREA



NEED HELP? HAVE QUESTIONS?

CHOICE HOTLINE
215-985-3300

NAF HOTLINE
800-772-9100

CLARA BELL DUVALL PROJECT (ACLU)
215-592-1513



PROTECT YOUR RIGHTS

What You Should Do Now if You are Incarcerated and Your Child is in Foster Care or County-Paid Kinship Care

When your child is in foster care or kinship care, the law says you can't wait to act. You need to take steps now to protect your rights. Know your rights and responsibilities and stay involved with your child's life during your incarceration.

YOUR RIGHTS

If your child is in foster or kinship care, you have the **right** to:

Have a say in where your child is placed. If you have a safe relative or family friend who can care for your child, tell your Agency caseworker. The Agency must try to first place children with relatives.

Visit your child. Unless a judge said you can't, you have the right to regular, in-person visits with your child.

Know how your child is doing and where your child is living. The Agency must keep you informed about your child's health, education, and development. They must give you the address of where your child is staying, unless there is a documented reason not to.

Help make plans for your child. A Family Service Plan (FSP) will be made and you will be given goals to meet. The Agency must involve you in making the FSP, and you should have a say about what goals and supports will help your family.

Help to meet your goals. The Agency must make "reasonable efforts." That means that the Agency should help you stay in contact with your child and support you in meeting your goals.

An attorney. If you can't afford an attorney, you can request that the court appoint you one. Your attorney must communicate with you and represent your wishes in court.

Participate in court hearings. If you can't be taken to court for your hearing, ask to participate by phone.

Appendix C is continued on page 28.

YOUR RESPONSIBILITIES

If your child is in foster or kinship care, you have the **responsibility** to:

Make regular contact with your child. Have in person visits, send letters and ask for phone contact. You can also send cards and gifts, no matter the age of your child. Staying in touch is good for your child and shows the judge and the Agency that you care about your child.

Stay in touch with your children's workers. Make sure you have the names, phone numbers, and addresses of the Agency workers who work with your family. Let them know about the progress you are making and ask them for updates about your child.

Work on your Family Service Plan goals. Do everything you can to meet the goals you have been given while incarcerated. Tell the Agency and your attorney if goals on your FSP aren't possible in jail/prison.

Participate in court hearings. If you can't be there in person or by phone, ask your attorney to represent your wishes in court.

Stay in touch with your attorney. Tell your attorney about your progress on your FSP goals and any problems you are having. Be sure to give your attorney any papers you have that show you are working on your FSP goals. This information can be given to the court.

Help in planning for your child. Help to make educational, medical, and treatment decisions for your child. Stay informed about how your child is doing and what supports your child needs.

Your Parental Rights: What You Need to Know

The Adoption and Safe Families Act (ASFA) says that if a child has been in foster or kinship care for 15 of the past 22 months, the Children & Youth Agency must file to terminate parental rights (TPR) so that the child can be adopted. But, the Agency does **not** have to do this in certain situations, like if your child is living with a relative or if adoption is not a good idea for your child. This decision is made on a case-by-case basis by the court. The most important thing you can do to prevent losing your parental rights is to work on having a strong relationship with your child.

This document was prepared by the PA State Roundtable's Dependent Children of Incarcerated Parents Workgroup and supported by the following organizations.



pennsylvania
DEPARTMENT OF PUBLIC WELFARE



pennsylvania
DEPARTMENT OF CORRECTIONS

pennsylvania
BOARD OF PROBATION AND PAROLE



PARENTAL APPOINTMENT OF YOUR CHILD'S CAREGIVER FOR 6 MONTHS OR LESS

Filled Out by Parent (Do a separate form for each child)

I, (your name) _____, parent of (your child's name) _____, date of birth (your child's date of birth) _____, choose (caregiver's name) _____ to be the caregiver and the person able to make education and health care decisions, including consent for routine and emergency medical treatment, for my child. This gives the care-giver full authority for my child's education and health decisions from (start date) _____ to (end date) _____ unless I say so otherwise. The caregiver's phone number is _____.

The caregiver's address is _____.

When I was taken into custody, my home address was _____.

I expect to be in the following location (name of jail/prison) _____ and cannot be contacted directly by phone. My department identification number or book and case number is (your number or leave blank if unknown) _____.

There is no court order in effect that stops me from making this appointment.

Sign Here: _____ Date: _____

Filled Out by Notary

STATE OF PENNSYLVANIA

COUNTY OF _____ ss.:

On the _____ day of _____, 20_____, before me personally came _____, known to me to be the person described in and who signed the within document, and to me such person duly acknowledged that he/she executed same.

Notary Public: _____

Filled Out by Caregiver

I, (your name) _____, consent to assume the responsibilities and duties of an appointed caregiver (person in a parental relation) to this child.

Sign Here: _____ Date: _____

Filled Out by Notary

STATE OF PENNSYLVANIA

COUNTY OF _____ ss.:

On the _____ day of _____, 20_____, before me personally came _____, known to me to be the person described in and who signed the within document, and to me such person duly acknowledged that he/she executed same.

Notary Public: _____

SPECIAL POWER OF ATTORNEY FOR MEDICAL CARE AND TEMPORARY CUSTODY

This document allows a parent to appoint a caregiver for his or her child for 6 months or less. This could also be used if you want to appoint a caregiver for more than 6 months. This document allows a caregiver to make important decisions about your child's education, medical care, etc.

I, _____, presently incarcerated in the _____ County Jail and a parent of the child(ren) named herein and do hereby make, constitute and appoint _____, my true and lawful attorney for me and in my name, place and stead to perform all acts herein set down, as fully, for all intents and purposes, as I might or could if personally present, hereby ratifying and confirming all that my said attorney shall do or cause to be done virtue of this power to wit:

"To assume the care, custody and control of said child(ren) stand in loco parentis with respect to them, and to authorize medical dental and hospital care and treatment including but not limited to the administration of examinations, diagnostic tests and medications (including anesthetics) and the performance of surgery and all medical and dental care or treatment deemed necessary or desirable by duly licensed physician for the health and well being of my said child(ren) as named below and to execute all such consents, authorizations, releases and other papers as may be necessary in connection therewith, including registration in school and school activities."

Name: _____ Date of Birth: _____
SS#: _____ Relationship: _____

Unless sooner revoked or terminated by me or by operation law this Power of Attorney shall become null and void upon my release from _____ (Jail name)
_____. (Jail address)

Principal

Filled Out by Notary

I, _____, a Notary Public in and for said Commonwealth and County, have this day witnessed the signing of this document and verify that the principal signed of his own free will and accord.

Witnessed and signed this _____ day of _____, 20_____

Notary Public: _____

This publication began under the wise guidance of Vicki Sirockman, whose heart and insight about incarcerated women is as big as the moon. Three graduate interns from the University of Pennsylvania, Gwen Emmons, Alanna Tievsky, and Mike Garvey, made substantive contributions. Lisa Wildman, from Temple University's graduate program in social work refined, reworked, reworded, and revamped and never grew tired of making revisions.

We had legal help, lots of legal help. Alexa Kolbi-Molinas from the ACLU's Reproductive Freedom Project answered our questions with grace and patience. We could not ask for more. Our ACLU colleagues, Amy Fettig at the National Prison Project, legal fellows Alexandra Morgan-Kurtz and Jennifer Tobin, staff attorney Sara Rose, and associate director Sara Mullen rounded out the ACLU dream team. Kathleen Creamer, an attorney at Community Legal Services, has always been generous with her time and insights.

Anna Grosshans, a summer intern from Cornell University, created both the content and design of the map of abortion providers. Ben Bowens, on ACLU-PA's communications staff, produced beautiful graphics for drafts that were sent out for review. Nursing Professor Alison Colbert of Duquesne University, Jack Healy, and Ed McFadden of Chester County Prison, Commissioner Louis Giorla and Bruce Herdman of the Philadelphia Prison System, Karla Vierthaler of the Pennsylvania Coalition Against Rape, and readability specialist Rena Paradis contributed their valuable expertise.

Our executive director, Reggie Shuford, takes every opportunity to acknowledge, support and value our work. His belief in us brings out the best in everyone who made a contribution to this publication, and it shows on every page.

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Carol Petraitis, Director

Clara Bell Duvall Reproductive Freedom Project

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contact us

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duvall@aclupa.org

To File a Legal Complaint:

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For complete information about filing a complaint, go to: www.aclupa.org/complaint

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For the **eastern** half of the state:

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P.O. Box 40008

Philadelphia, PA 19106

877-PHL-ACLU (877-745-2258)

For the **western** half of the state:

ACLU of Pennsylvania

313 Atwood Street

Pittsburgh, PA 15213

877-PGH-ACLU (877-744-2258)

When you call, be ready to leave your **name, inmate number** and **mailing address** so we can answer as soon as possible. If you need an answer sooner, a friend or family member may call our office for you.

To Download This Publication:

This complete publication is available on our website. You can also download individual forms included in the Appendix.

To download this document, go to: www.aclupa.org/iw

“As the former warden of Riverside Correctional Facility and the current Commissioner of Prisons, I know that corrections officials face challenges helping inmates who are pregnant or who are parents. These issues are persistent and frequent as more and more women are behind bars. *“Pregnant or Parenting Behind Bars”* provides useful guidelines to consider in addressing these situations. I recommend it to corrections professionals, as well as anyone who works with criminal justice-involved women.”

Louis Giorla
Commissioner of Prisons, City of Philadelphia

“Being pregnant in jail or prison can be an overwhelming, logistically confusing, and isolating experience. This handbook by the ACLU’s Duvall Reproductive Freedom Project provides incarcerated pregnant women with easy-to-understand and crucial legal and logistical information – whether a woman chooses to terminate the pregnancy, continue the pregnancy, or place the baby for adoption. A book like this should be available to all pregnant incarcerated women across the country.”

Carolyn Sufrin, MD, PhD
Obstetrician Gynecologist, University of California, San Francisco
San Francisco County Jail

