

Aspiranet

~ February 2024 ~ Monthly Regulation Topic

~ Foster Youth Sexual Health Education Act (SB 89) ~

In July 2017, California adopted SB 89 into law requiring comprehensive sexual health education for youth in foster care and related training requirements for foster parents, social workers and judges. For foster families approved after 2017, this information may be a refresher, for others this may be new information.

This law requires the following topics are covered:

- The rights of youth and young adults in foster care related to sexual and reproductive health care and information, and confidentiality of sensitive information.
- The use of the reasonable and prudent parent standards by foster parents.
- The responsibility of social workers and foster parents to make sure youth and young adults in foster care can obtain sexual and reproductive health services and information.
- Guidance about how to talk with youth and young adults about healthy sexual development, reproductive and sexual health.
- Information about current contraception methods and providing youth and young adults in foster care with appropriate referrals for information and healthcare services.

Sexual and Reproductive Health Care Rights for Youth in Foster Care:

Youth in foster care have the right:

- To access to age-appropriate, medically accurate information about reproductive and sexual health care, the prevention of unplanned pregnancy and treatment of sexually transmitted infections.
- At any age, to consent to or decline services regarding contraception, pregnancy care, and perinatal care, including, but not limited to, abortion services and health care services for sexual assault without the knowledge or consent of any adult.
- At 12 years of age or older, to consent to or decline health care services to prevent, test for, or treat sexually transmitted diseases, including HIV, without the consent or knowledge of any adult.
- At 12 years of age or older, to choose, whenever feasible and in accordance with applicable law, their own health care provider for sexual and reproductive health care (if payment for the service is authorized under Medi-Cal or other approved insurance) and to communicate with that health care provider regarding any treatment concerns or needs and to request a second opinion before being required to undergo invasive medical treatment.
- To confidentiality of medical and mental health records, including, but not limited to, sexual and reproductive health care, consistent with existing law.
- To obtain, possess, and use the contraception of their choice. All barrier methods of birth control, including condoms, diaphragms, and spermicide, are considered personal items and may be stored privately.

As a foster parent caring for at-risk youth in your home, it is understandable that there may be some strong feelings and reactions to these rights. Remember you do not have to agree, but you do have to uphold these rights. You also have an opportunity to provide youth with unbiased information and assist with sound decision making. Please discuss any concerns with your Aspiranet Social Worker.

Reasonable & Prudent Parent Standard (RPPS)

Foster parents are in one of the best positions to influence and guide youth in their care. The reasonable and prudent parent standard (RPPS) supports the empowerment of a caregiver to exercise common sense and good judgment to assess participation by youth in age and developmentally appropriate activities. These activities improve the normalcy of life in foster care for all youth. Additionally, the day-to-day communication between the foster parent and the youth provide opportunities for the foster parent to model healthy relationship skills by just being in the right place at the right time. Spending time together doing everyday activities like watching TV, driving, having a meal, or doing household chores together present opportunities to share ideas about your family values. Such sharing may assist with arriving at a healthier understanding of relationships and help build self-confidence and communication skills. They can also serve as opportunities to provide facts about the risks of sex and help counter unhealthy views of sex seen and heard in the media.

Sexual & Reproductive Healthcare Information, Services & Pregnancy Prevention

Youth need accurate information and decision-making skills to help protect them from pressure to have sex and to protect against unintended pregnancy if they choose to be sexually active. Foster parents may assist foster youth in their care by directing them to reliable sources of information. It is important that foster youth learn about reproductive health and family planning from reliable sources, including reputable websites, healthcare professionals, and from clinics specializing in reproductive health. Accurate, non-judgmental, comprehensive information on sexuality and pregnancy prevention, related services, and options available, coupled with careful guidance, will assist youth in making the best choices for themselves. Youth need to be comfortable with their healthcare provider and trust the information and services they receive in order to feel empowered to make good choices regarding their health and wellbeing. Youth can actively participate in the process of selecting a healthcare provider and receive assistance in setting up their own health appointments, as well as the steps involved in preparing for them. Youth are permitted to choose their own healthcare providers as long as the payment for the health-related services is authorized. Foster parents are required to arrange for timely transportation to health-related services, as many reproductive health services are time-sensitive.

Talking with Youth and Young Adults

Be genuine, honest and open minded. Build rapport before having more challenging conversations such as those related to sexual and reproductive health. Be prepared for reactions like anger, aggression, hurt, profanity or silence/withdrawal. These are their survival skills kicking in! Be patient and apply skills to help youth calm down to proceed with the conversation.

Put your biases aside when engaging with youth. You may have religious, cultural or personal beliefs that conflict with the youth's needs. To uphold the youth's personal rights, you will need to use caution not to impose your beliefs on youth. However, as noted above, you can educate youth regarding healthy relationships, accurate health information, and build their communication skills which will help in their decision making. Likewise, be careful not to make assumptions about a youth's knowledge about sex or birth control. Do not assume the sexual orientation of the youth, such as asking a male child if they have a girlfriend. Keep statements neutral and ask if they are seeing anyone or if they like anyone.

Foster parents are encouraged to meet the youth where they are, not expect them to meet them where they are! Meeting the youth at their level will give you insight into their thought process and what they need to hear from you, not what you think they need to hear. If you meet the youth where they are at, the youth will be more likely to reach out to you again in the future and feel a sense of trust.

Consent and Relationships

It is important to help children and youth understand consent. Consent is when you and the person you are engaging with agree to participate in an act together. Some youth have been traumatized from a very young age and need to learn that they have the right to consent to any physical touch or sexual activity. Consent does not just apply to sex. Consent is not a “continuous yes” and may be revoked at any time. It is ok for a youth to change their mind and say they no longer want to participate in an activity they had once said “yes” to. Also important to note, a person cannot give consent if they are under the influence of alcohol or other drugs. Adults can help children understand consent by modeling the act of asking for and giving consent. For example, asking “May I give you a hug?”

Establishing Healthy Boundaries

Help youth to learn how to set healthy boundaries and express themselves in a healthy way. Many youth have not had healthy relationships modeled for them and thus have trouble recognizing ‘red flags’ when developing relationships. Many youth have witnessed domestic violence or unhealthy, disrespectful relationships and therefore have difficulty advocating for themselves and developing healthy boundaries in their own relationships. Talk with youth about what they think makes a relationship healthy and why boundaries are important, such as better communication, respect for each other’s beliefs and honoring each other’s needs.

Remember... We are all born sexual beings and it is normal to have curiosity, sexual feelings and desires. Youth have certain reproductive and sexual health rights. Foster parents have an important role in facilitating these rights. As a foster parent, you are not expected to be an expert in the field of child development or adolescent sexual health and development. Foster parents are expected to put their own biases and beliefs aside for the safety and best interests of their youth. As a foster parent, you are also not expected to have the perfect answer to every question. Just respond in a respectful way and be willing to help the youth find the answer. If you feel you need more support and education on this subject, please talk with your Aspiranet Social Worker for additional resources.

Please sign and return this page to your Aspiranet Social Worker for training credit.

My signature below indicates that I have completed the February 2024 "Foster Youth Sexual Health Education Act SB 89)" training.

Signature Resource Parent #1

Date

Print Name Resource Parent #1

Signature Resource Parent #2

Date

Print Name Resource Parent #2

Aspiranet Authorized Signature

Date

Training credit: ____ minutes