

Legal Rights and Options for Runaway Teens

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VOCABULARY

ABUSE: The mistreatment of another person. Includes child abuse, physical abuse, sexual abuse, emotional abuse and verbal abuse. If an adult acts in a way towards you that hurts or makes you feel uncomfortable, this is considered abuse.

ATTORNEY: lawyer. An attorney/lawyer gives legal advice and goes with you to court. When you share information with your attorney, s/he cannot and will not tell anyone else. The information is kept private (confidential).

CONFIDENTIALITY: privacy. When you share information with your attorney, s/he cannot and will not tell anyone else. The information is kept private (confidential).

CONSENT: permission.

CPS: Child Protective Services; the organization that takes care of youth who have been abused or neglected. If they find that it is unsafe for a child to continue living at home, CPS may choose to find a safer place for the child to live: with a relative or in foster care.

FOSTER CARE: Foster care is part of the dependency system. You might get involved with this system if your parents or legal guardians cannot take care of you. If Child Protective Services (CPS) thinks that you are being abused or neglected and do not have anywhere safe to stay, they might place you in the foster care system with either a relative, another family or in a group home.

JUVENILE HALL: The detention center/correctional facility/jail for people under the age of 18. In San Francisco, it is called YGC (Youth Guidance Center).

MANDATED REPORTER: A mandated reporter is an adult who is required by their profession to report child abuse to CPS. This is designed to protect youth from child abuse. Attorneys are NOT mandated reporters. Doctors, teachers, photograph processors are examples of people who must report suspected abuse or neglect.

MINOR: child; youth; juvenile; person under 18 years of age.

NEGLECT: Neglect occurs when an adult does not provide enough care for a child to be healthy and safe.

WHAT IS LEGAL SERVICES FOR CHILDREN?

Founded in 1975 as the first nonprofit law firm for youth in the country, Legal Services for Children, Inc. (LSC) provides **FREE** legal and related social services to children and youth in the San Francisco Bay Area. LSC is committed to assisting youth who need to use the legal system to stabilize or improve their lives. While we serve minors in a variety of capacities, providing legal and social services to runaway teens is one of our most important concerns.

We receive over 2,500 calls a year from youth and concerned adults. We have heard the questions in this manual hundreds of times – you are not alone. We provide this free manual to teens and youth centers in order to give them practical and supportive information in the Bay Area and beyond.

We have included San Francisco referrals and would appreciate hearing about community organizations we did not include. Please contact us with new referrals or to report if any of the included listings are no longer in service. If you are not from San Francisco, be sure to investigate agencies serving your area and make note of them in this manual. The California Youth Crisis Line and the National Runaway Switchboard will be able to give you other referrals in California and across the country.

This is only a basic guide for San Francisco youth. Each person's situation is special. We have included the most common questions that youth ask us about running away. We expect that you might have more questions about topics we did not include in this manual, and that's OK. Feel free to call LSC collect or consult with an attorney in your area if you need further advice.

You will notice that we have included many legal citations throughout the manual (for example: "Family Code Section 123"). Do not let these worry or confuse you. They are included to provide a clear reference for you and adults who may wonder where all of this information is located in the law. If anyone questions decisions you have made based on this manual, you can show them the section you read and where it cites the legal code. Remember, if you have any questions, please give us a call at (415) 863-3762 (we accept collect calls).

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#1

GETTING HELP WITHOUT LEAVING

My parents and I are NOT getting along. What can I do so I won't have to run away?

Many counties offer free counseling services that will help you handle the situation with your parents and make a safe plan so that you won't have to run away. This may mean having a counselor help you and your parent/guardian talk through your problems at home so that you can get along better and stay safe.

If you are not in San Francisco, call the California Youth Crisis Line, the National Runaway Switchboard or your local runaway shelter. They will either be able to help you directly or will provide you with the phone number of someone who can help.

San Francisco counseling and referral services for teens and their families:

- ◆ Child Crisis
(415) 970-3800
24 hour hotline
Free counseling on the phone or in person, depending on individual needs.

- ◆ Chinatown Youth Center
(415) 775-2636
9 am – 5 pm, M-F
Free bilingual services: counseling, tutoring.

- ◆ Diamond Youth Shelter
(800) 887-1020
536 Central bet. Hayes and Grove
9:30 pm – 9 am, M-F; 8:30 pm – 9 am, weekends
www.larkinstreetyouth.org
Emergency shelter for up to 20 consecutive nights; case management;
counseling and referrals for substance abuse, AIDS and LGBTQ issues.
See Larkin Street Youth Center for daytime contact information.

- ◆ Haight Street Referral Center
 - (415) 522-1377
 - 1317 Haight Street near Central Ave.
 - Most days, 1:30 pm – 5:30 pm, 6:30 pm – 9 pm
 - www.larkinstreetyouth.org
 - Safe space for youth to get off of the street: food, referrals, shelter info, movies, games, intake.

- ◆ Huckleberry House
 - (415) 621-2929
 - www.huckleberryyouth.org
 - 24 hour short term youth shelter provides crisis shelter and family reunification counseling for Bay Area youth with parental permission.

- ◆ Larkin Street Youth Center
 - (800) 669-6196
 - 1138 Sutter Street
 - 8:30 am – 8 pm, everyday
 - www.larkinstreetyouth.org
 - Drop in center with many services and referrals: food, showers, counseling, education, recreation.

- ◆ Parent Stress Talkline
 - (415) 441-KIDS
 - (510) 893-5444
 - 24 hours
 - Hotline for parents and guardians who are frustrated or concerned about the youth in their care.

- ◆ Teenage Pregnancy and Parenting Project (TAPP)
 - (415) 695-8300
 - 8:30 am – 5 pm, M-F
 - Free services for pregnant and parenting teens in SF: counseling, case management, education and benefits assistance, child care, job placement.

- ◆ United Way Information & Referral Services
 - (415) 772-HELP or (800) 273-6222
 - 8 am – 6 pm, M-F

California counseling and referral service for teens:

- ◆ California Youth Crisis Line
(800) 843-5200 (24 hour hotline)
www.ccyfc.org/crisisline/crisisline
Free, confidential hotline to provide California callers with advice and services local to his/her location.

Nationwide counseling and referral service for teens:

- ◆ National Runaway Switchboard
(800) 621-4000 (24 hour hotline)
www.nrscrisisline.org
Free, confidential hotline to provide callers anywhere in the U.S. with advice and services local to his/her location.

** Call the California Youth Crisis Line (800) 843-5200
or the National Runaway Switchboard (800) 621-4000
for counseling and referral services in your county**

#2

THE LAW ABOUT RUNNING AWAY

Is it against the law for me to run away from my parents?

It is NOT A CRIME in California for you to run away from home. However, the police may have some right to take you to a shelter, crisis resolution home or in some circumstances Juvenile Hall, even though you have not broken a law. The police can keep you in one of these places for up to 24 hours in order to find your parents or guardians [Welfare and Institutions Code Section 207 (b)(3)] or for up to 72 hours if it is too hard to find your parents and return you within 24 hours. Do not panic if you are taken to Juvenile Hall. Usually, you will be taken home or to a shelter after a short period of time.

You will NOT be locked up in a place where adults are also locked up. If you are taken to Juvenile Hall, you will not be held with any other youth who has broken the law [Welfare and Institutions Code Section 207 (b) and (c)].

Running away is not illegal. But you may be taken to Juvenile Hall if you have violated an order of the Juvenile Court or have committed a criminal act by being out of the control of your parents [Welfare & Institutions Code Section 207]. If you are on probation or have run away from a foster home, a warrant can be issued immediately.

If your parents report you missing, the police will be looking for you. If the police find you on the street or at someone else's home, the police can:

1. Return you to your parents.
2. Convince your parents to let you stay where you are.
3. Take you to a shelter for runaway youth (if your county has one), or
4. If you were running from an abusive situation at home and you tell the police that you are afraid to return home, they can take you to an emergency shelter run by Child Protective Services (CPS). Here, a CPS worker will talk to you about the abuse and decide where you should stay that night: a foster home, a relative's home, or return home.

If police wearing uniforms in a marked patrol car want to pick you up as a runaway, DO NOT RESIST. If you do, you could be arrested for resisting [Penal Code Section 148]. If the police officer is not in a uniform or a marked patrol car, ask to see his/her badge. Once you see it, you must cooperate with the officer. Try to be respectful of the police to avoid being arrested, no matter how angry you may feel.

If you ran away because of verbal, physical, emotional or sexual abuse and do not want to return home, telling the police officer about the abuse may help convince them not to take you home. The police officer must report child abuse to Child Protective Services.

If you are taken into custody by a police officer, you have a right to make at least two phone calls within one hour when it is physically possible. One call is to your parent, relative or employer. The other call is for an attorney (you can call LSC collect at (415) 863-3762). The calls will be free if they are local [Welfare and Institutions Code Section 627(b)].

In San Francisco:

Juvenile Hall will not hold runaways, so the police will take you to one of two overnight shelters in the city:

- ◆ Huckleberry House (415) 621-2929 provides short-term crisis shelter and family reunification counseling for Bay Area youth with parental permission, OR
- ◆ Diamond Youth Shelter (800) 669-6196 provides shelter for up to 20 nights as well as case management, counseling and referrals.

** Call the California Youth Crisis Line (800) 843-5200
or the National Runaway Switchboard (800) 621-4000
for counseling and referral services in your county**

#3

IF YOU HAVE JUST RUN AWAY

I just ran away from home, and I'm scared. What should I do now?

Read this manual.

Think of a safe plan. It is not safe for you to sleep on the streets. If you have no place to stay, you can do one of the following:

1. Call the California Youth Crisis Line at (800) 843-5200 or the National Runaway Switchboard at (800) 621-4000, 24 hours a day. The Hotlines can give you names of places to go for help, help you with transportation back home, or get messages to your family.
2. You can also call any runaway shelter. Many shelters provide family counseling and can help you talk with your parents. The California Youth Crisis Line or the National Runaway Switchboard can give you the name of the closest shelter.
3. If you are in a dangerous situation, call the police (911 is a FREE telephone call from anywhere, even from a phone booth) and ask them to take you to a shelter. If you do not have a phone nearby, ask someone to call for you.

See #2 for information on what the police will do with you if you are a runaway.

Most people who work with you (**except lawyers**) are required by law to report suspected child abuse to the authorities. If you tell them that you have been abused they will need to report it to Child Protective Services (CPS) and possibly the police. If CPS thinks that you are not safe at home, they may remove you from your parent/guardian's custody and place you with a relative, a foster family or in a group home. If you are not sure what to do, call one of the services below or Legal Services for Children to talk about your choices. See #'s **6, 15 & 16**.

San Francisco hotlines:

- ◆ Child Abuse Hotline, Child Protective Services (CPS)
(800) 856-5553
24 hour hotline to report abuse. Youth or concerned adults can call to make a report.

- ◆ Child Crisis Hotline
(415) 970-3800
24 hour hotline for emotional crises.
Free counseling on the phone or in person, depending on individual needs.

- ◆ Diamond Youth Shelter
(800) 887-1020
536 Central bet. Hayes and Grove
9:30 pm – 9 am, M-F; 8:30 pm – 9 am, weekends
www.larkinstreetyouth.org
Provides shelter for up to 20 nights as well as counseling and referrals.
See Larkin Street Youth Center for daytime contact information.

- ◆ Huckleberry House
(415) 621-2929
www.huckleberryyouth.org
24 hour short term residential shelter provides crisis shelter and family reunification counseling for Bay Area youth.

- ◆ Larkin Street Youth Center
(800) 669-6196
1138 Sutter St.
8:30 am – 8 pm
www.larkinstreetyouth.org
Drop in center with comprehensive services: referrals, food, showers, counseling, education, recreation.

- ◆ Legal Services For Children
(415) 863-3762 (we accept collect calls)
9 am – 5 pm, M-F
Free legal and social services for youth under 18 years of age.

** Call the California Youth Crisis Line (800) 843-5200
or the National Runaway Switchboard (800) 621-4000
for counseling and referral services in your county**

#4

WHAT YOUR PARENTS CAN DO TO GET YOU HOME

I ran away from home. What can my parents do?

Your parents have the right to report you as a “runaway” or “missing person” to the police. Your parents also have the right to ask the police to look for you and to bring you back home.

If you are afraid to return home and a police officer picks you up, you have the right to ask to be taken to a shelter instead of going home. Once you arrive at the shelter, a professional counselor will allow you to stay if s/he thinks that:

- ◆ You are at least 12 years old.
- ◆ You are mature enough to participate intelligently in residential shelter services.
- ◆ Without shelter you would be in danger or would be a danger to others or that you have experienced abuse or neglect [Family Code Section 6924].

The shelter staff will still likely tell your parents where you are, but your parents cannot necessarily take you out of the shelter. Your right to stay at a shelter depends on the shelter’s rules: some runaway shelters only take runaways whose parents have given permission whereas others will let you stay without their permission. Ask your shelter what their rules are.

San Francisco’s Diamond Youth Center usually allows minors to stay up to two nights without any conditions. Most likely, they will not call your parents during those two nights [(800) 669-6196]. Huckleberry House requires parental permission before they will shelter you [(415) 621-2929]. Call the shelter first if you are concerned about these conditions.

** Call the California Youth Crisis Line (800) 843-5200
or the National Runaway Switchboard (800) 621-4000
for counseling and referral services in your county**

#5

LAW ABOUT PARENTS TAKING YOU HOME BY FORCE

I ran away from home. My parents are looking for me and have threatened to take me home by force. I don't want to go home. What should I do?

You can call a runaway shelter (one that does not require your parents' permission - see #4) in the area and make arrangements to go there.

If your parents confront you and are about to forcibly take you home, call the police. Tell your parents you will not try to get away and will cooperate with the police. Ask the police to take you to a runaway shelter if you do not feel safe going home. At the shelter, a counselor may help talk about your problems with you and your parents.

If you are running from an abusive situation, call Child Protective Services (CPS). Make sure that the police and the CPS worker know about each other's involvement so that they can work together to help you. CPS's job is to protect youth from abuse by deciding if your parents are providing a safe and stable home for the minor. They have the authority to remove youth from their homes if they think it is unsafe. See #6 & 15 for further details.

Where the police in San Francisco may take you if you don't think it's safe to go home:

- ◆ Diamond Youth Shelter provides shelter for up to 20 nights as well as case management, counseling and referrals (800) 669-6196.
- ◆ Huckleberry House usually requires your parents' permission before they will shelter you (415) 621-2929.

** Call the California Youth Crisis Line (800) 843-5200
or the National Runaway Switchboard (800) 621-4000
for counseling and referral services in your county**

#6

WHAT TO DO IF YOU ARE ABUSED OR NEGLECTED BY YOUR PARENTS

I ran away because someone at home has physically and/or sexually abused me. I am staying with a friend without my parents' permission. I'm afraid to go home. What should I do?

If you have been abused by an adult, you are not alone. Many youth in the United States and around the world experience abuse. Sometimes it occurs once. Other times it lasts for years. No matter what your specific situation is, remember: it is not your fault. Please keep reading, as we hope this will help you make decisions to keep you safe.

Sometimes it is hard to define "abuse." Many youth think that what they experience isn't serious enough to be considered abuse; but, if you are bothered by what is going on, that is serious enough. Sometimes abuse is noticeable and obvious to strangers. More frequently it is a secret between you and the person abusing you. Neither of these situations is OK.

Abuse comes in many forms. Emotional abuse involves verbal attacks, unpredictable behavior, continuous negative moods and constant family conflict. Physical abuse is any act done on purpose that causes physical injury. Sexual abuse is any interaction in order to arouse the person abusing you (this might involve comments, touching, fondling, penetration, or exposure to genitalia). Neglect occurs when an adult who is supposed to be taking care of you does not provide enough care to keep you healthy and safe.

Consider talking to an adult whom you trust and asking for help. This may be another family member, a friend, a friend's parents, a teacher, a coach, a mentor, a counselor, a doctor or a nurse, for example. You can call Child Protective Services (See #15) or ask the adult to call on your behalf.

If you are thinking of running away because you have been abused, you or a friend you trust can call your local Child Protective Service's (CPS) hotline. CPS may be able to work out a plan to protect you from further abuse, either by arranging for you to live outside of your home or by working with your parents to stop the abuse. See #15.

If you have already run away from home and are on the streets or at a friend's house, you or your friend's parents can call a shelter and speak with a counselor about a plan to legally keep you safe in the immediate future. You can also call the police, tell them that you ran away to escape abuse at home and ask them to take you into protective custody.

- ◆ You can call CPS toll free at (800) 856-5553 or in San Francisco at (415) 558-2650.
- ◆ See the **Appendix** for CPS phone numbers in California or ask San Francisco CPS to give you the phone number for CPS in other counties.
- ◆ Feel free to call LSC if you need legal advice or the help of a lawyer.

** Call the California Youth Crisis Line (800) 843-5200
or the National Runaway Switchboard (800) 621-4000
for counseling and referral services in your county**

#7

LAW ABOUT LETTING A RUNAWAY STAY AT YOUR HOME

I am staying with a friend because I need to get away from my parents. Are my friend's parents breaking the law by letting me stay there? Is it true that my parents could have my friend's parents arrested for harboring a runaway or contributing to the delinquency of a minor? Are my friend's parents breaking the law if they don't call my parents or tell them where I am?

It is not against the law for an adult to let you stay in their home temporarily. Often people will take in a runaway to get the youth off the streets.

HOWEVER, if the adult acts irresponsibly, your parents could enter a complaint with the police. Your parents could ask the police to charge them criminally for contributing to the delinquency of a minor for encouraging you to remain outside of their parental control [Penal Code Section 272] (*it has been LSC's experience that the SF District Attorney very rarely prosecutes in that situation*). It is against the law for anyone to encourage you to run away or hide you from the person who has legal custody of you (usually your parents) [Penal Code Section 278]. If friends hold you against your will, they could be charged with kidnapping [Penal Code Section 207]. If they abuse you in any way, they can be criminally charged.

The following are examples of situations where adults would be in trouble with the law:

- ◆ Encouraging or allowing you to be involved in criminal behavior, such as using alcohol or illegal drugs.
- ◆ Taking you in, after your parents have told them not to, **without contacting a runaway shelter in the area.**
- ◆ Encouraging you to run away or to stay away from your parents when the situation at home did not involve abuse, or stopping you from calling your parents, authorities or runaway counselors.
- ◆ Attempting to hide you from your parents by lying to your parents or authorities about where you are, telling others not to tell your parents of your whereabouts or generally trying to block communications between you and your parents.

When you go to your friend's home, your friend's parents should call a local runaway shelter, ask for advice on how to responsibly handle the situation and then follow that advice. If you call a friend's parents looking for a place to stay because you are planning to run away, your friend's parents should make their best efforts to put you in touch with a runaway shelter for counseling and advice before you actually run away. Your friend's parents can also make a CPS report and/or notify the police of your whereabouts. If your parents make a missing person's report, the police will see that you have already notified them of your current location.

If your friend's parents do these things, they will not look like they are intending to hide you, and they will avoid the likelihood of being prosecuted for contributing to the delinquency of a minor or child abduction.

Often parents will agree to let a teen stay with another family for a "cooling off" period, if the family who took you in acts in a reasonable and responsible way. Your parents might be reassured by this and let you stay there for awhile.

A legal guardianship offers another possibility for you to live legally with your friend's parents, or with any other responsible adult who would be willing to become your legal guardian. See #13 for an explanation of the guardianship process.

Legal advice is very helpful in this type of situation. If there is no one in your area that gives legal advice on these issues, you can call Legal Services For Children, Inc., (415) 863-3762, 9am-5pm, M-F. LSC accepts collect calls from youth.

#8

LAW ABOUT FRIENDS OR RELATIVES NEEDING TO BE LICENSED FOSTER PARENTS

Does my friend's home need to be a licensed foster home? Will they get into trouble if I stay there and they are not licensed?

NO. In California, your friend's parents will not get in trouble with the Department of Social Services or the police (aside from the possibility of charges for contributing to the delinquency of a minor discussed in #7) for letting you stay there without a foster care license [Health and Safety Code Section 1505(k)]. If you were removed from your parent's care by CPS and then placed in foster care, your caregivers then must have a foster care license or otherwise be approved by the court.

The state issues foster care licenses for families that intend to care for children in foster care or placed through probation. If you become a foster child and your friend's home is already licensed as a foster home, you may be placed there. Licensing for foster care provides your caregivers with financial and other supports for you, but is not required in order for you to stay with them. There is no guarantee that you will be placed in your friend's home just because it is licensed. Many times a legal guardianship makes more sense if you want to stay in your friend's home (see #13).

For more information about the process of becoming licensed foster care providers in San Francisco, call the CPS Foster Care Licensing Unit at (415) 558-2200.

**** Call the California Youth Crisis Line (800) 843-5200
or the National Runaway Switchboard (800) 621-4000
for counseling and referral services in your county****

#9

BEING SUED FOR HARBORING A RUNAWAY

Can another adult be sued by my parents for letting me live in their home? Can they be sued for my actions while I'm living under their roof?

It is not against the law for your friend's parents or another adult to let you stay in their home temporarily. Often people will take in a runaway to get the youth off the streets. However, your parents can still sue your friend's parents in civil court for money. Remember, ANYONE can file a lawsuit for just about ANY reason. Whether a judge will hear the case is another matter and whether your parents would win is still another matter. If your friends act responsibly, they will make it unlikely your parents could win a suit (see #7).

Even if you are not living with your parents or legal guardian, if you purposely injure someone or damage property, they are still responsible [California Civil Code Section 1714.1]. Your friend's parents will probably not be responsible for the damage or injury that you cause. Your parents would probably be unsuccessful in suing your friend's parents directly for letting you stay there.

Contact the Bar Association or the Lawyer Referral Service in your county for more information on these types of lawsuits.

#10

IF YOU HAVE RUN AWAY FROM YOUR PLACEMENT

I am AWOL (absent without leave) from my placement (foster home, group home, residential treatment center, or any other court ordered placement). What should I know? What should I do?

You should call your attorney immediately. Remember, you are protected by “lawyer-client privilege” which means your attorney is not allowed to tell anyone that they have heard from you or what the two of you talk about. Your contact with your lawyer is completely confidential.

If you cannot contact your attorney (because you don’t know his/her name, you don’t know his/her telephone number, or because your attorney will not return your phone calls), please call us at Legal Services for Children to discuss the details of your situation. This is a difficult matter and should be dealt with on an individual basis.

#11

HOW TO GO BACK HOME

I ran away. Now I've changed my mind and want to go home.
How do I go back?

If you want help returning home, you can call a runaway shelter in your area, one of the shelters listed below, the California Youth Crisis Line at (800) 843-5200, or the National Runaway Switchboard at (800) 621-4000 for advice and help. The police will also help you get home.

The San Francisco runaway shelters listed below will help runaways trying to return home. If you would like someone to meet with you and your parents or guardian before you return home, these shelters can provide counselors to help talk out the disagreement.

- ◆ Huckleberry House provides short-term crisis shelter and family reunification counseling for Bay Area youth with parental permission (415) 621-2929.
- ◆ Diamond Youth Shelter provides shelter up to 20 nights, case management, counseling and referrals (800) 669-6196.

** Call the California Youth Crisis Line (800) 843-5200
or the National Runaway Switchboard (800) 621-4000
for counseling and referral services in your county**

#12

MINORS LIVING WITH CAREGIVERS WITH PARENTAL PERMISSION

I am living with a relative/friend with my parents' permission.
Is this legal?

Yes. It is legal for you to live with a relative or friend with your parents' permission. If your parents are divorced, only the parent who has court papers giving him/her legal custody of you can give permission for you to live with your friend/relative. You cannot get permission if your parent with legal custody refuses to give it, even if your other parent says it is okay.

If you are living with a relative, s/he can get benefits for your support (CalWORKS & Medi-Cal). See #'s **20** and **21**. S/he must show that s/he is your relative with formal documentation (birth certificate). Unfortunately, a friend will not be eligible to get these benefits unless they become your legal guardian.

#13

LEGAL GUARDIANSHIP

I want to live with a friend or relative instead of at home with my parents. What should I do?

A caregiver, relative, or any other responsible adult friend over 18 can be awarded legal custody of you by becoming your legal guardian. This can be done without your parents' permission if the judge rules for your side.

A legal guardianship transfers legal custody of a minor to a non-parent. Your legal guardian would have most of the same rights and responsibilities for you that your parents had. In addition, your legal guardian can get benefits (CalWORKS) and medical insurance (Medi-Cal) to take care of you regardless of their income.

You must fill out guardianship papers and file them in the county where you and your proposed guardian live. When you file the papers at the courthouse, you will make an appointment to meet with the judge in 4 to 6 weeks. Before this hearing, the judge will have someone visit your proposed guardian's home to make sure it is a safe place for you. All of your relatives, including your parents will be notified of the upcoming court date. They have the opportunity to attend the hearing and express their opinions about where you should live. At the hearing, the judge will decide if the guardianship is in your best interest. If no one objects, the judge will most likely approve the guardianship. However, the judge can still approve a guardianship against the wishes of your parents if he/she decides that returning to your parents would be harmful to you [California Family Code Section 3041 and Probate Code Section 1514].

If you need immediate medical care or if it would not be safe for you to stay with your parents during the time it takes for the judge to have the hearing and make a decision, you can request a temporary guardianship when the petition is filed.

For more information on guardianships and for legal help in filing one, call Legal Services for Children at (415) 863-3762. LSC can advise you and send you more information that explains the entire process and/or answer your questions over the phone.

You can complete the guardianship papers yourself with the help of *The Guardianship Book*, a do-it-yourself guide published by NOLO Press, (800) 992-6656 (or check your local library). If your parents do not agree to the guardianship or if you are not good with paperwork, you should find a lawyer to help you.

If you are in the San Francisco Bay Area, Legal Services for Children can assist you in getting a free lawyer to handle your guardianship. If you are not in the San Francisco Bay Area, LSC can recommend local legal services to help you. Unfortunately, not all counties in California have free lawyers to help with guardianships.

#14

LEGAL EMANCIPATION

I don't want my parents to have any control over my life anymore. I already support myself with a job and live in my own place (or with friends). How can I become legally emancipated from my parents?

Legal emancipation allows you to take custody of yourself and to have many of the same rights and responsibilities of someone 18 years old or older. There are three ways to become emancipated:

1. Get married (this requires one parent's consent and permission from the court)
2. Be on active duty in the armed forces (for example: join the Army, Navy, Air Force, Marines, etc., all of which require your parents' permission and acceptance by the armed forces);
3. Obtain a declaration of emancipation from a judge [Family Code 7002].

To get a judge to declare you emancipated, **YOU MUST MEET ALL FOUR** of the following requirements [Family Code Section 7120 and 7122]:

1. **You must be at least 14 years of age;**
2. **You must be willingly living separate and apart from your parents, and your parents must either agree to this arrangement or not be openly opposed to it;**
3. **You must manage your own finances and have an income which does not come from any illegal source;**
4. **The judge must decide that emancipation is in your best interest.**

Once emancipated, you are free from the custody and control of your parents. You can do things such as consent to your own medical treatment, enter into contracts, sue in your own name, apply for a work permit, or enroll in school or college without your parents' consent [Family Code Section 7050]. However, emancipated minors also give up the right to be supported by their parents. Emancipated minors are also not eligible for CalWORKS unless they have children of their own. A judge can end your emancipation if s/he decides that you are unable to support yourself financially [Family Code Section 7130 et seq.] For example, applying for benefits (welfare) might demonstrate that you are not financially independent and the court might take your emancipation away.

As an emancipated minor, you will remain under the jurisdiction of the juvenile court if you commit a crime (in most cases). You still must get at least one of your parent's consent to marry before the age of 18. And, you must continue to attend school until you turn 18 or take your GED.

Legal Services for Children's Emancipation Manual explains how to get emancipated by yourself and has the blank forms for you to complete for the court. Call for a free copy of the Emancipation Manual: (415) 863-3762 (collect calls accepted).

LSC can also help with any questions you have about the process of getting emancipated.

In San Francisco, the emancipation petition is filed with the San Francisco Family Court, County Clerk's Office, located on the 1st Floor at 400 McAllister Street (Superior Court House). The number for Family Court Services in San Francisco is: (415) 551-4007.

#15

CPS: CHILD PROTECTIVE SERVICES

What is CPS? What happens when they are called?

CPS stands for Child Protective Services. This agency investigates and protects children from physical abuse, emotional abuse, sexual abuse, verbal abuse and neglect.

Anyone can call CPS to report suspected child abuse or neglect (physical, emotional, sexual and neglect). The intake worker on the phone will ask many questions and determine the danger of the situation. If a child is in immediate danger, CPS will send a social worker to the home to investigate and potentially remove the children from a dangerous situation within 24 hours. If the case does not appear to be immediately dangerous, a social worker will visit the family within 10 days of the call. If the intake worker does not think that the call is serious, the case will be closed; however, a record of the call will be kept on file.

After meeting with you, if CPS is concerned about your safety, they have several choices.

Short term:

- ◆ They might take you to a friend's or relative's home.
- ◆ They might take you to a temporary foster care placement with a family or in a group home while they investigate the child abuse charges. If the social worker and the court believe that you are not safe in your home, your long term options will be discussed.

Long term involvement with CPS (an open CPS case) means that you are a dependent of the court. That is, the court is your legal guardian. You are now in the dependency system, also known as the foster care system. Your social worker will work with your family through "family reunification services" to attempt to make your parents' home safe and comfortable for you to live in again. If family reunification is not possible, you may remain in the foster care system until you turn 18 unless a relative or friend becomes your legal guardian or adopts you (see #13).

All CPS calls are kept on record. Even if a CPS worker does not open a case or if they close a case after a brief investigation, they keep a record of reports. Therefore, if you demonstrate a long history of abuse or neglect, it will be easier to convince CPS that you are not safe in your home.

#16

DEPENDENCY AND FOSTER CARE

What is the dependency system? Is it different from the foster care system? Is this an option for me?

The dependency system and the foster care system are the same system! The words are used interchangeably to mean the same thing. “Dependency” means that you, as a youth, are dependent on the court instead of your parents or another adult caregiver. The court makes decisions about where you will live and with whom you will live. Many families and group homes are licensed by the state of California as foster care providers. If you cannot live with your own family (mother, father, siblings, grandparents, aunts, uncles, cousins, etc.) due to abuse or neglect, you will move to one of these licensed foster care provider’s homes. You will be placed with the help of CPS (see #’s 6 & 15).

What’s the difference between a legal guardianship and foster care?

In a legal guardianship, the adult who is your legal guardian has custody over you and it is assumed that you will stay with this guardian until you turn 18 or until it becomes impossible for you to live with that person (they become an unstable or unsafe caregiver). However, in foster care your guardian is the court. Your foster care placement will almost always be accompanied by “family reunification services.” These services work to create a safe and stable living environment for you back at home. Some services include counseling, residential therapy and mediation for you and your family. If these services do not appear to improve your chances of moving back home, a stable placement with a foster family or in a group home will be established.

REMEMBER: if you are in the foster care system and are at least 16, you are entitled to participate in an Independent Living Skills Program that will provide you with a stable transition from foster care to living on your own (job skills, job placement, finance management, food preparation). Ask your social worker and your attorney for assistance.

#17

IMMIGRATION AND THE FOSTER CARE SYSTEM: SPECIAL IMMIGRANT JUVENILE STATUS (SIJS)

I am an undocumented youth (no U.S. citizenship or green card). I cannot live with my family here in the U.S. Where can I go? Is the dependency system (foster care) an option? Will I get deported?

What is legal immigration status? Legal immigration status means that you have a legal right to be present and live in the United States.

Who is an “undocumented person” or “an illegal alien”? Someone who does not have legal immigration status is an “undocumented person.” Sometimes undocumented people are called “illegal aliens.”

If I do not have legal immigration status, where can I go? Even if you do not have legal immigration status, you still have legal rights. You have a right to be safe at home, go to school, and get police help.

If someone else asks me for proof about my immigration status, do I have to answer? NO. You are never required to give information about yourself to anyone unless you want to. Sometimes schools, police, and other adults will ask for information, like where you were born. You can say that you do not want to answer those questions. If you are worried about how to answer these questions, call Legal Services for Children or one of the immigration help numbers listed below.

Special immigration help for youth in foster care

ALL youth in the U.S. have the right to enter the dependency system (foster care) if they cannot live with their family or legal guardian because of abuse or neglect. You can enter the foster care system if you are undocumented.

Special Immigrant Juvenile Status

If you are already in foster care or might soon enter foster care, you can apply for legal permanent resident status (your “green card”) by declaring **Special Immigrant Juvenile Status (SIJS)**. This is one of the only ways for an undocumented youth to gain lawful resident status. Legal Residency allows a person to live and work in the U.S. as well as travel freely in and out of the U.S. for the rest of their lives. This is very difficult to achieve any other way in today’s political climate. If you are an undocumented youth in foster care, you should contact Legal Services for Children or other immigration services IMMEDIATELY to see if you are eligible for SIJS or other immigration assistance.

Requirements for SIJS:

1. You must be a dependent of the court (in the dependency/foster care system. See #15). This means you must be 17 years old or younger.
2. The court must declare that you are eligible for long term foster care. This means that it is impossible for you to return to live with your parents or guardian due to abuse or neglect.
3. The court must believe that it is not in your best interest to return to your home country.
4. The court must show that the above requirements were met because of abuse and/or neglect and NOT exclusively for immigration purposes.
5. You must remain unmarried throughout the entire SIJS process.
6. In addition to these requirements for SIJS, you must also meet the requirements that apply to ALL people applying for permanent resident status (call Legal Services for Children to discuss these requirements).

Your permanent residency status (your green card) does not disappear when you turn 18. This status lasts for your entire life UNLESS you become deportable (for example: criminal charges).

DO NOT submit a petition for SIJS unless you are very confident that you meet all of the above criteria. Meet with your social worker and consult an immigration attorney. If you are not granted SIJS, INS will be alerted to your undocumented status and you may increase your risk of being deported.

If you are already in the middle of deportation proceedings, go ahead and submit an SIJS application. It might stop the deportation and it certainly won’t hurt.

Contact Legal Services for Children to discuss these options. This is a confusing process with extensive paperwork and we would like to talk you through it. We have staff fluent in Spanish,

Mandarin, Cantonese, and Tagalog. We can arrange for translating services if these languages do not meet your needs (415) 863-3762.

Immigration Resources

San Francisco

Asian Law Caucus, (415) 896-1701 (Multiple Asian languages)
Immigrant Assistance Line – (415) 543-6767 (Spanish, Chinese, English)
La Raza Centro Legal – (415) 575-3500 (Spanish)
Lawyers Committee, Phil Hwang (415) 543-9444. Asylum Program.
API Legal Outreach, (415) 567-6255 (Multiple Asian languages)

East Bay

International Institute of East Bay – (510) 451-2846

South Bay

Asian Law Alliance – (408) 287-9710
Catholic Charities Immigration Program – (408) 944-0691
East San Jose Community Law Center – (408) 288 - 7030

North Bay

Canal Community Alliance, Alyssa Simpson (415) 454-2640, ext. 20

#18

FINANCIAL SUPPORT FROM PARENTS AFTER YOU LEAVE HOME

My parents kicked me out of the house and are refusing to help pay for my support. Is this legal? Can they be forced to pay for my support?

Your parents will almost never have to pay you directly, though they are free to voluntarily do so. The court can, however, order them to pay others in order to support you.

It is against the law for a parent to willfully fail to provide necessary clothing, food, shelter, medical or necessary therapeutic care for his or her child [Penal Code Section 270].

If someone becomes your legal guardian, they are entitled to monthly money and medical insurance for you through CalWORKS and Medi-Cal. The District Attorney will require your parents to reimburse the County for the cost of the benefits to the extent of your parents' financial ability to do so. No reimbursement will be required if they cannot afford it. If your parents are receiving benefits on your behalf, these payments will stop once a guardianship is approved.

Many relatives are also entitled to receive financial assistance and Medi-Cal for you (see #'s **20 & 21**) even without a legal guardianship. Remember, however, if this angers your parents they can call you in as a runaway and try to get you to return home. You would then have the option to ask for a legal guardianship or another option listed in this guide if you did not want to return home (see section 3, #**12-16**.)

In extreme circumstances, a court could terminate your parents' rights to your custody, but still enforce their obligation to support you financially [Family Code Section 7507].

For more information contact your local welfare office.

San Francisco CALWORKS
(415) 557-5723
170 Otis Street
San Francisco, CA 94103

#19

GOING TO SCHOOL

I am living with the parents of a friend, and I don't plan to go home. My parents are against this, and now my school refuses to enroll me for the new semester because I am not in the care of a parent, legal guardian, or licensed foster home. How can I enroll in school?

If you are living with an adult, they can enroll you in school by signing a **Caregiver Authorization Affidavit** form. The friend or relative does NOT have to be a legal guardian or licensed foster parent to do this. The caregiver also can give consent for immunizations and physical exams required by the state to enroll in school [Family Code Section 6550]. This form does not need to be signed by your parents. **NOTE: this form does not transfer custody from your parents to the adult with whom you are living.**

Some runaway shelters and teen drop-in centers run certified school classes for runaways and they do not always require an adult to enroll you.

School may contact your parents to investigate your residency (where you live). In other words, if your parents don't know where you are, there is a chance the school might tell them.

School staff are mandated reporters of suspected child abuse. This means that if they suspect you are being or have been abused they have to make a report to CPS and/or the police [Penal Code Section 11166 et seq].

A Caregiver Authorization Affidavit form is included in the Appendix.

In San Francisco the following shelter / drop-in center provides public school classes. They can also discuss your educational options with you (public school placements, alternative educational programs, independent study, etc.).

- ◆ Larkin Street Youth Center
(800) 669-6196.

#20

BENEFITS FOR MINORS LIVING WITH RELATED OR UNRELATED ADULTS

I am living with an adult other than my parents. Am I eligible for any financial welfare aid? Can the adult I am living with get benefits to help support me?

For relative caregivers: Qualified adult relatives** can also receive public assistance for your support, regardless of their income level. The program that gives money to relatives is called CalWORKS: **C**alifornia **W**ork **O**pportunities and **R**esponsibility to **K**ids. Relatives may apply for assistance on your behalf with OR without legal guardianship in San Francisco at 170 Otis Street. They must be able to show that they are a relative (birth certificate, adoption papers or marriage license are sufficient to demonstrate relations. 101 Grove Street, SF, CA 94102 can help you to locate birth certificates). **Call before you stand in line to make sure you have the correct documents, (415) 557-5723.**

** A qualified relative under CalWORKS includes mothers, fathers, aunts, uncles, first cousins, nieces, nephews, sisters, brothers, or any of the above if: half-related, a grand, a great-grand, a great-great-grand, an adopted, step, or spouse of any of the above.

For an adult NOT related to you: An unrelated adult must become your legal guardian in order to receive benefits for you. Your non-relative guardian should discuss how to receive these benefits with the Guardianship Monitoring Unit in San Francisco. Your legal guardian is also entitled to enroll you in Medi-Cal, (415) 863-9892.

Do you have children? If you are under 18 years of age and have children you might be able to qualify for financial assistance through Cal-Learn, a program that is part of CalWORKS. Usually, you cannot receive this aid unless you are living with an adult. The benefits will likely be paid to you through the adult in the house (parent, guardian, caregiver).

There are five reasons why you might be able to receive benefits for you and your baby even if you do not live with an adult (talk to a counselor at Cal WORKS):

1. You have no parent or legal guardian who is living or who can be located; OR
2. Your parent or legal guardian will not let you live with him/her; OR
3. CPS thinks that you and/or your baby's physical or emotional health or safety would be in danger if you were to live with your parent, legal guardian or another adult relative; OR
4. You have lived apart from your parent or legal guardian for at least one year before the birth of your child or before applying for benefits; OR
5. It is determined that there is "good cause" to not let you and your baby live with your parent, legal guardian, or adult relative.

If you are not married and have a child at least 12 weeks old, you must be attending some sort of educational program. Call TAPP (the Teenage Pregnancy and Parenting Project) for options in San Francisco, (415) 695-8300. They provide child care and can help you locate other resources.

If you are legally emancipated you may also qualify for CalWORKS; however, it is possible that applying for benefits while emancipated might result in the judge taking away your status as an emancipated minor (see #14).

If you are receiving SSI benefits, call SSI for Kids for assistance, (415) 865-9215.

These laws are new and complex. Do not hesitate to call LSC with any questions you may have related to benefits, (415) 863-3762. You can also call CalWORKS in San Francisco at (415) 557-5723. This office, located at 170 Otis Street, is likely to be crowded and confusing. Many of the service agencies listed in this manual will be able to answer questions about benefits and will help you apply.

#21

FREE MEDICAL INSURANCE

I am under 18 and I am not living with my parents. Am I eligible for free medical services through Medi-Cal?

Yes, under any of these circumstances:

1. If you need emergency medical care right away, go to the hospital for help. You CAN receive emergency medical care without insurance of any kind or if you are undocumented. If there is no time to go to a hospital call 911 (it is a free call from anywhere) and ask for an ambulance to come and get you.
2. If you are living with an adult relative, that relative can apply for a Medi-Cal card (and CalWORKS) for you (See #20). The relative does not have to be your legal guardian to do this.
3. If you are under 18 years of age you can apply for what is called the “minor consent services” program of Medi-Cal. See #'s 22 & 23 for a full description of the services. According to the California Code of Regulations Sections 50063.5 and 50147.1, minor consent services include treatment for:
 - a. Sexual assault: rape, involuntary sexual acts;
 - b. Drug or alcohol abuse treatment for youth 12 years of age or older;
 - c. Family Planning involving discussions with health care providers about your personal decisions regarding birth control, pregnancy, parenting, and adoption.
 - d. Pregnancy: prenatal care, benefits, options counseling;
 - e. Sexually transmitted diseases (STD's) for youth 12 years of age or older. For example: chlamydia, HIV, gonorrhea, Hepatitis B, herpes, HPV (genital warts);
 - f. Mental health services for youth 12 years of age or older who are ready to actively participate and where either
 1. you or other people are in danger OR

2. you have experienced incest (sex with a family member) or child abuse.
4. If you are 12 years of age or older, are not living with a parent or legal guardian, and there is no person who accepts legal responsibility for you, you may apply for the full scope of Medi-Cal benefits as an adult (as long as you appear competent). This means that Medi-Cal will cover all health services – not just minor consent services.

It will help Medi-Cal if you can bring some identification (a school picture I.D. is fine).

Medi-Cal is not allowed to contact your parent or guardian if you are applying for minor consent services! However, always ask whether the local Medi-Cal office will contact your parents before applying for Medi-Cal. Many providers are not clear on the minor consent laws, and we would rather you discover that before you receive services than after.

You may enroll in the Medi-Cal minor consent program even if you are living at home AND regardless of your parents' income!

If you are already enrolled in a Medi-Cal managed care plan (in San Francisco the Medi-Cal managed care plans are the San Francisco Health Plan and Blue Cross) you do not need to apply for a minor consent card. You can simply use your managed care card to receive minor consent services.

The easiest way for you to enroll in Medi-Cal is simply to visit a youth shelter with a Medi-Cal outreach worker or a youth medical clinic. Most clinics have a Medi-Cal worker whose job it is to enroll young people in Medi-Cal.

Cole Street Youth Clinic
teen drop-in health clinic, 2-6pm Th.
555 Cole St.
San Francisco, CA 94117
(415) 386-9398

Larkin Street Clinic
8:30 am – 8 pm, everyday
1138 Sutter St.
San Francisco, CA 94109
(800) 669-6196

Always call the clinic you wish to visit first and confirm when the Medi-Cal worker will be available!

Also, remember that you can enroll in Medi-Cal at 170 Otis Street. Bring an adult that you trust with you to make sure you understand the procedure.

For immediate medical care in San Francisco, go to San Francisco General Hospital at 1001 Potrero Avenue OR call them at (415) 206-8000 OR call 911.

#22

PARENTAL PERMISSION FOR MEDICAL TREATMENT

I am living on my own and need medical treatment. My parents won't help. What can I do?

There are two types of laws that allow minors to receive medical treatment without parental permission or notification.

ALWAYS ask before receiving treatment whether your health care provider will contact your parents. Many health care providers do not know the law! Ask the health care provider if they will contact your parents before you schedule your appointment. Do not give them your parents' contact information. Planned Parenthood will always keep your information private (confidential).

A health care provider can provide almost all types of treatment without permission from your parent/legal guardian under the following circumstances:

- a. You are legally married, or you were married and are now divorced [Family Code Section 7002 & 7050(e)(1)];
- b. You are on active duty with the armed forces of the United States (in the Army, Navy, Air Force, Marines, etc.) [Family Code Section 7002 & 7050(e)(1)];
- c. A court has issued an order declaring that you are an emancipated minor (See #14) [Family Code Section 7002];
- d. If you are at least 15 years old, living apart from your parents or legal guardians, and you are managing your own financial affairs [Family Code Section 6922].

A health care provider can provide certain types of treatment without permission from your parent/legal guardian under the following circumstances:

1. **Pregnancy, Contraception and Abortion.** You may receive care related to the prevention, treatment or termination of pregnancy without your parents' permission or notification no matter how old you are (for example: condoms, birth control pills, abortions, prenatal care) [Family Code Section 6925].

You may not, however, consent to be sterilized without the permission of your parent or legal guardian [Family Code Section 6925(b)(1)].

The law protecting your right to an abortion without the permission or notification of your parent or legal guardian is also found in the case decided by the California Supreme Court called American Academy of Pediatrics v. Lungren (1997) 16 Cal 4th 307.

2. **Contagious Diseases.** You may agree to medical care for an infectious, contagious or communicable disease of the type which must reported to the local health department if you are 12 or older [Family Code Section 6926].
3. **Sexually Transmitted Diseases/Infections (STDs and STIs).** You may give permission to receive medical care for the treatment of an STD/STI if you are 12 or older [Family Code Section 6927].
4. **Rape & Sexual Assault.** If you have been raped, you may receive treatment without the permission or notification of your parents if you are 12 or older [Family Code Sections 6927 & 6928].

The term “sexual assault” includes rape, as well as other forms of sexual conduct forced upon females and males. You may receive treatment for sexual assault at any age without your parent/guardian’s permission.

However, health care providers are required by law to report suspected child abuse. If you are seeking treatment for medical conditions resulting from abuse, the health care worker may call Child Protective Services. If you are pregnant as a result of a rape, the law requires the health care provider to attempt to notify parents of treatment for the rape unless the health care provider believes that the parent was responsible for the rape.

Statutory Rape: If you are under the age of 16 and having consensual (voluntary) sex with someone who is 21 years of age or older, the health care provider is now required to make a report to CPS.

The health care provider will also have to report to CPS if you tell him/her that you are under the age of 14 and the person with whom you are having consensual (voluntary) sex is 14 years or older. [Penal Code Sections 261.5(b), 288(a) & 11165.1(a)].

5. **Drug or Alcohol Abuse.** If you are 12 years of age or older you may consent to medical care and counseling relating to the diagnosis and treatment of a drug or alcohol related problem. Medical care includes hospital care [Family Code Section 6929].

You may not, however, consent to replacement narcotic abuse treatment (methadone or LAAM treatment) without the permission of your parent or legal guardian.

6. **Caregiver Consent.** If you are staying with qualified relatives in California, they may consent to your medical, dental and mental health care without going to court to become your legal guardian if they sign a **Caregiver Authorization Affidavit** form. The form is brief and easy to fill out. A non-relative caregiver can only consent to school-related medical care (a physical exam or immunizations for school) if they sign a Caregiver Authorization Affidavit [Family Code Section 6550]. You do not need to get this form notarized. A copy of this form is included at the end of this manual.
7. Your custodial parent/guardian can write a letter giving your friend/relative permission to consent to medical treatment for you [Family Code Section 6910].
8. A healthcare provider may also treat a child if s/he contacts Child Protective Services (CPS) and obtains a judge's consent over the phone.
9. A minor 16 years of age or older may ask a court to grant consent for medical or dental care where the consent of a parent or guardian is necessary [Family Code section 6911].

LSC publishes a manual which describes California's minor consent laws in greater detail. The manual is called, "**Getting the Health Care You Need: Questions and Answers about Medical, Dental and Mental Health Consent Laws for People Under 18.**" The manual is free to people under 18. Feel free to contact LSC and ask for a copy of the manual.

For emergency treatment when you do not have a regular doctor, go to San Francisco General Hospital, located on Potrero Avenue, between 21st and 23rd streets.

If you are in another county, call the operator (dial 0) and ask for the name of the county hospital, or dial **911** if it is an emergency.

#23

PARENTAL CONSENT FOR COUNSELING AND THERAPY

Can I see a counselor, therapist or psychologist without my parents or legal guardians knowing about it?

Sometimes -- it depends on the circumstances.

1. You may consent to your own counseling if you meet all of the following conditions [Family Code Section 6924(b)]:
 - a. You are 12 years old or older;
 - b. The counselor, therapist or psychologist believes you are mature enough to participate intelligently; &
 - c. The counselor, therapist or psychologist believes you would be a danger to yourself or others without the treatment; OR you are an alleged victim of incest or child abuse and are requesting parental consent would be detrimental to you.

Make sure to ask the mental health provider when s/he would contact your parents/legal guardians **BEFORE YOUR FIRST APPOINTMENT**. Some mental health care providers do not know the law. Make sure you feel comfortable with your confidentiality agreement. If you explain that it would make you uncomfortable if they told your parents, they might be more likely to keep the information private.

2. As stated earlier, you may consent to drug and alcohol abuse counseling if you are 12 years or older. However, you cannot receive methadone treatment without the consent of your parent or legal guardian. [Family Code Section 6929].

Remember, the provider is required to inform your parents/legal guardian about your treatment **UNLESS** s/he feels that doing so would be inappropriate or detrimental to you. Be sure to discuss the conditions under which s/he would contact your parent/guardian.

3. You can see a school counselor for confidential counseling if you are 12 years of age or older [Education Code Section 49602].

Remember, there are limits to the confidentiality of these services. For instance, a school counselor may tell your parents or others what you say if s/he feels it is necessary to

protect your health, safety and welfare or that of the school community. The counselor may also report information you give him/her regarding a crime that could or already has hurt someone or damaged property. The school counselor may not, however, tell your parents about what you say if the school counselor reasonably feels that your health, safety or welfare would be endangered [Education Code 49602]. None of this information will become part of any official school record.

4. In general, a mental health provider (e.g. counselor) may have you hospitalized without your permission if s/he believes that you will hurt yourself or others, or that you are “gravely disabled” (unable to use the basics of life such as food, clothing or shelter, even if they are provided to you). In addition, if you threaten to harm someone or damage their property, and the mental health provider feels it is necessary to warn that person to prevent the harm, the mental health provider is required to warn that person of your threat [Tarasoff v. Regents of the University of California, 17 Cal. 3d 425, 131 Cal Rptr. 14 (1976)].

A mental health provider is required to report suspected child abuse or neglect to Child Protective Services (CPS).

For referrals to low-cost counselors, therapists or psychologists in San Francisco:

- ◆ Mental Health Information/Referral
(415) 981-4700
- ◆ San Francisco Mental Health Department
1-888-246-3333 Free counselors in some limited situations.
- ◆ United Way Help Line
(415) 772-HELP
General referrals

Counseling services for teens include:

- ◆ Child Crisis
(415) 970-3800
24 hour hotline
- ◆ Chinatown Youth Center
(415) 775-2636
9 am – 5 pm, M-F
Free bilingual services

- ◆ Diamond Youth Shelter
(800) 887-1020
see #1 for info.

- ◆ Huckleberry House
(415) 621-2929
www.huckleberryyouth.org
24 hour short term residential youth shelter provides crisis shelter and family reunification counseling for Bay Area youth with parental permission.

- ◆ Larkin Street Youth Center
(800) 669-6196
see #1 for info.

- ◆ Teenage Pregnancy and Parenting Project (TAPP)
(415) 695-8300
8:30 am – 5 pm, M-F

- ◆ United Way Information & Referral Services
(415) 772-HELP or (800) 273-6222
8 am – 6 pm, M-F

#24

TAX ISSUES CONCERNING MINORS LIVING WITH NON-PARENT ADULTS

Can the related/unrelated people I am living with declare me as a dependent on their income taxes even though my parents want me to be at home?

Under some circumstances, the related/unrelated people you are living with can declare you as a "dependent" on their tax returns and receive an exemption [Internal Revenue Code, Section 151(c)].

Always check with a tax expert to see if you qualify. Tax laws are constantly changing!