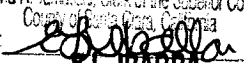


SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA

FILED

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STANDING ORDER REGARDING REPRODUCTIVE HEALTH OF
DEPENDENTS AND WARDS OF THE COURT

David H. Yamaseki, Clerk of the Superior Court
County of Santa Clara, California
By: 
E.L. IBARRA, Clerk

Reproductive health is an issue over which the juvenile court is responsible for both wards and dependents of the court. For juveniles involved in the juvenile justice system, Welfare and Institutions Code sections 220- 222 provide mandates for access to reproductive health information, services and birth control measures for those juveniles who are detained in juvenile facilities.

For both dependents and wards of the court, the juvenile court has a *parens patriae* interest in promoting and preserving the health and welfare of those minors. The court is responsible for providing care that as nearly possible is equivalent to that of a parent and is required pursuant to Welfare and Institutions Code sections 362 and 727 to make any and all reasonable orders for the care, supervision, custody, conduct, maintenance and support of the child, including medical treatment.

In consideration of the fact that California Health and Safety Code section 123462 has declared that every individual has the fundamental right to choose or refuse birth control and that every woman has the fundamental right to choose to bear a child or to choose and to obtain an abortion, as well as in consideration of the decisions in *American Academy of Pediatrics v. Lungren* (1997) 16 Cal. 4th 307 and *In re Carmen M.* (2006) 141 Cal. App 4th 478, the court does hereby make the following findings and orders with regard to the reproductive health of wards and dependents of the juvenile court:

1. All youth ages 12 and older, shall be offered information and education regarding reproductive health, including but not limited to, sexually transmitted diseases, birth control devices and birth control measures. Each youth shall have the right to choose or refuse birth control.
2. All youth shall be offered access to family planning services and products, including but not limited to condoms, prescription, and other medical birth control measures.
3. All females shall have the right to receive the services of a health care provider in order to determine whether she is pregnant.
4. All youth shall have access to medical care for information and treatment regarding sexually transmitted diseases.
5. All pregnant females shall be entitled to information concerning medical treatment related to her pregnancy, including her right to obtain an abortion. She shall also be

provided with information concerning her right to bear the child and the option of adoption. The youth is entitled to make a determination of the extent of the medical services needed by her and to receive those services she decides upon from the physician and/or surgeon of her choice.

6. All youth are entitled to privacy concerning their reproductive health. No reference shall be made in court reports regarding private, protected reproductive health choices without the consent of the youth.
7. If a social worker or probation officer believes there is a need for a specific court order for the protection and health of the youth related to reproductive health and consent is not granted by the youth to disclose the protected information, then a court order should be sought through a confidential application and order. The disclosure shall be limited solely to that information necessary to the court's review of the request order. Further, the social worker or probation officer shall provide notice to the youth's attorney and certify on the confidential application that efforts have been made to have the youth consult with their attorney about the proposed application and order.

IT IS SO ORDERED.



The Honorable Patrick Tondreau

Supervising Judge

Santa Clara County Juvenile Justice Court



The Honorable Katherine Lucero

Supervising Judge

Santa Clara County Dependency Court