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UNPLANNED PARENTHOOD

(SERVICES)

JUNE 1974

DEPARTMENT OF BENEFIT PAYMENTS

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UNPLANNED PARENTHOOD - SUMMARY OF RECOMMENDATIONS

JUNE 1974

DEPARTMENT OF BENEFIT PAYMENTS

Health and Welfare Agency
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STATE SOCIAL WELFARE BOARD

UNPLANNED PARENTHOOD

A STUDY OF UNWED PARENTS AND
THE POTENTIALLY ENDANGERED CHILD

SUMMARY OF RECOMMENDATIONS

CONFIDENTIAL



STATE OF CALIFORNIA
HEALTH AND WELFARE AGENCY
DEPARTMENT OF BENEFIT PAYMENTS

JUNE 1974

S T A T E S O C I A L W E L F A R E B O A R D

UNPLANNED PARENTHOOD
A STUDY OF UNWED PARENTS AND
THE POTENTIALLY ENDANGERED CHILD
SPECIFIC RECOMMENDATIONS

State of California
Health and Welfare Agency
Department of Benefit Payments

June 1974

INTRODUCTION

The State Social Welfare Board released "Unplanned Parenthood: A Study of Unwed Parents and the Potentially Endangered Child" in April of 1974. This report concerns itself with one symptom of familial disintegration - illegitimacy.

The Board feels that the child born out of wedlock is a potentially endangered child who enters life with many disadvantages. Infant mortality and premature births are prevalent among this group. These children show a high potential for economic endangerment - over one-fourth receiving public assistance are illegitimate. These children have several legal and social liabilities which all too often include a young and immature mother - 43% of these children are born to women 18 years old or younger. Almost any area which maintains statistics relative to birth status shows that a higher percentage of most problems occur to illegitimate children.

The Board does not wish to unnecessarily single out or further stigmatize the illegitimate child, however because of the special dangers faced by this group the Board feels that society must place itself in a special relationship with these children. We have an interest to see that all that can be done must be done in order that these children do not actually become endangered.

REINFORCING THE FAMILY

The Board sees the nuclear family as the basic unit of society and illegitimacy by its definition occurs outside the traditional family context. Many advocates of a new life style proclaim the demise of the nuclear family concept and advance some alternative system or non-system for raising children and educating them. The Board feels that it is the responsibility of the basic structures of society to reinforce the family.

Recommendation 1. The legislature should declare that it is in the public interest for all agencies, courts, medical and educational institutions to promote the family unit as the basic structure of society.

EDUCATION AND PREVENTION

The Board feels that the long term solution and primary prevention of the problems of illegitimacy and family breakup can only lie in educating persons as to their roles as parents and partners in a marriage. There are rights and responsibilities associated with parenthood which are not always clearly defined or understood. The role of the male in society and in the modern family is at best ill defined. As a remedy for this problem the Board offers the following recommendation which is by its nature a long term solution:

Recommendation 2. Legislation should be enacted which would provide for mandatory comprehensive family life education for children on a graduated basis beginning in grade school. This education should include family members' roles and responsibilities, male and female roles and responsibilities, dating and courtship, marriage, family planning and the art of parenting.

THE SINGLE PARENT FAMILY

The nuclear family is the basic unit in society for the raising and educating of children. Much is said today about the single parent (usually the mother) family with proponents claiming that the child is actually better off in such situations. Even the most ardent supporters of this approach to family life recognize the need for a male figure and actually seek out and obtain a sociological father. Of concern to the Board is the young, immature mother who is

woefully ill-equipped to handle parental responsibilities. The Board has observed that services and sheltered living conditions for these young mothers are very successful in both explaining the problems of parenthood and providing the talent to cope with them. The problem appears to be that these maternity homes and services are not available to all who need them. Many young mothers are frightened away from these programs because they fear being talked into giving up their babies for adoption. What they are really reacting to is the high percentage of young girls who realize that they are equipped only biologically for parenthood when the true roles and responsibilities of that status are explained to them. Education is, in the Board's opinion, the only long term solution to this dilemma.

Recommendation 3. Each school district should establish special facilities and programs for the training and education of unwed teenage mothers.

Recommendation 4. A school district should not have the authority to remove a pregnant minor from the regular course of study solely on the basis of such pregnancy.

Recommendation 5. The state should provide financial incentives to encourage development of teen mother programs.

Recommendation 6. The counties should be encouraged to enter into purchase of services contracts with private agencies such as maternity homes and service agencies who provide structured living arrangements for the mother and infant child.

Recommendation 7. The counties should be encouraged to develop outreach programs for services to teenage mothers who are not residing in structured living arrangements. Such services may be provided by private agencies.

AGENCY INDUCED FAMILY BREAKUP

There are many agencies which operate as a backup provider of services generally rendered by the family. In their quest to do a better job they may often encourage family breakup as they replace traditional aspects of the family. The teen-age father, for instance, may be frightened away by comparing his ability to provide for a wife and child with that of public agencies. Many public agencies have rules and regulations which inadvertently reward family breakup and discourage reunification of a broken family.

Recommendation 8. Families should be encouraged to accept the responsibility for the early emotional stability of their children rather than shifting the burden to public agencies. These agencies should promote and maintain the family, not provide a substitute for it.

Recommendation 9. All social programs, current or proposed, should be examined as to the extent they reinforce or replace individual and family responsibility.

Recommendation 10. Neither pregnancy of an unwed minor nor birth of a child should constitute emancipation from the home.

UNWED FATHER

That there is an unwed father for every unwed mother is a fact that society and particularly those involved in the social sciences have largely ignored. The father has not been recognized as a person, given an identity or credited as being more than a financial resource. The traditional approach to the problem of an illegitimate child is focused upon motivation and education of the girl. The boy is unprepared, untrained and unaware of his role. Society has apparently assumed that unwed parenthood is a problem solely created by female behavior. It is time that society treat the whole problem, not just the female aspect.

- Recommendation 11. The male must be included in developing solutions to the problem of illegitimacy which by its very nature involves both parents and their families.
- Recommendation 12. The male role in parenthood must be studied, defined and the information gained thereby disseminated to society.
- Recommendation 13. The male must be taught to shoulder the responsibility for birth control equally with the female.
- Recommendation 14. The father of an illegitimate child must be notified of adoption proceedings where he has asserted his right to notice in a timely and proper manner, otherwise this right should be deemed waived.
- Recommendation 15. The father of an illegitimate child should not be able to prevent the adoption of his child unless it is determined that he is willing, able, and fit to take custody of the child.
- Recommendation 16. The father of an illegitimate child must be notified of foster care and guardianship proceedings where he has asserted his right to such notice in a timely and proper manner, otherwise the right should be deemed waived.

LEGAL RIGHTS

The illegitimate child suffers many legal disabilities related more to history than to logic. The mother of an illegitimate child possesses almost arbitrary power over the child's future. She is able to prevent the father from legitimizing his child, she may frustrate efforts to determine the child's parentage and she

may place the name of the father or any man on the birth certificate without his consent. The Board feels very strongly that the child's right to know his heritage and receive the benefits of having two parents should be of primary concern. The birth certificate should be an accurate fundamental document in a person's life, not subject to the arbitrary action of another.

Recommendation 17. The legislature should declare that it is in the public interest for a child to know his natural father, his origins and heritage where adoption proceeding have not been initiated.

Recommendation 18. The legislature should declare that it is in the public interest of the child to enjoy to the maximum extent the resources of both his parents.

Recommendation 19. Legislation should be enacted to require both parents to sign the birth certificate. Such signatures should give rise to a rebuttable presumption of paternity.

Recommendation 20. Legislation should be enacted to make birth certificates confidential and to require the official custodian of such records to issue an "Affidavit of Live Birth" which states only the name of the child, time of birth, and place of birth.

Recommendation 21. The law should encourage legitimation; however, paternity and legitimation should not be equated.

Recommendation 22. Civil Code Section 231 should be amended to clarify the right of the father of an illegitimate child to bring a proceeding to legitimate the child.

Recommendation 23. Civil Code Section 230 should be amended to provide that where the natural father resides with and supports the natural mother and child for the period of one year, such conduct should be deemed legitimation of the child.

Recommendation 24. Legislation should be enacted to permit the father of an illegitimate child to legitimate the child by the filing of an affidavit of legitimation with the Vital Statistics Section of the Department of Health. Sixty days after notice of such an affidavit, the child would be deemed legitimate if the mother had not contested it.

Recommendation 25. In those cases where a child is not placed for adoption the legislature should require a mandatory paternity program with the following provisions:

- a. Signature by both parents on the birth certificate.
- b. Where a question of legitimacy is raised on the birth certificate the Vital Statistics Section of the Department of Health must refer the matter to the county of birth.
- c. The county welfare department receiving the referral must make a determination as to whether or not the child is legitimate.
- d. The county welfare department should encourage the mother of an illegitimate child to bring a paternity proceeding.
- e. Where the mother has failed to commence a proceeding within six months of the birth of the child the appropriate county agency must initiate a paternity proceeding.

- f. If paternity cannot be established an interlocutory finding of nonpaternity must be made. This order would be filed with the Vital Statistics Section of the Department of Health.
- g. Sixty days after the filing of the order, a final order would be issued upon a showing by the county that paternity still could not be established. This order would give sole custody of the child to the mother.
- h. Copies of the paternity or nonpaternity judgments would be filed with the Vital Statistics Section of the Department of Health.
- i. Notice to the father of adoption, foster care, or guardianship proceedings need not be attempted where there is a judgment of nonpaternity on file.
- j. A fiscal incentive program similar to the Support Enforcement Incentive Fund should be created to encourage cooperation of county agencies in establishing paternity and nonpaternity.
- k. Records kept by the Vital Statistics Section of the Department of Health should be available only to the natural mother, natural father, child and county agencies which are attempting to prove paternity, nonpaternity, or obtain child support.

PROTECTIVE SERVICES SYSTEM

In 1965, the California Legislature passed a law relating to protective services for children. This program provided that an appropriate county agency establish protective services for children so that their physical, emotional, and moral welfare would be protected. These rights were to be protected by the application

of social casework methods consisting of consultation and guidance. Welfare and Institutions Code Section 16504 provided that these programs were to be rendered to every child regardless of family income or welfare status. These services were to be voluntary in nature, and it was specifically provided that this program would not in any manner involve law enforcement activities.

The Board is of the impression that the protective services program has been helpful and provided us with a basic tool with which to solve critical family problems. Emergency services and crisis teams have been developed by which social workers may put their skills to work to solve specific problems.

Because of this experience and the knowledge gained thereby, we are recommending that the protective services unit be the basis for developing a structured program to deal with the potentially endangered illegitimate child. In essence the protective services worker, backed by an administrative board and ultimately the courts, is to be an active, recognizable social resource in the community to respond to the identifiable social problems created by illegitimacy.

- Recommendation 26. Legislation should be enacted which would implement a protective social services system to protect the rights of illegitimate children and ensure that their physical, psychological and social needs are met to the greatest extent possible. The following elements should be included in such a system:
- a. An expression that illegitimacy is primarily a social services problem as distinct from the legal aspects of paternity and child support.
 - b. Protective services workers should have the authority to:

- (1) Be available where needed regardless of welfare status.
- (2) Be authorized to initiate service activity upon request of any reliable source.
- (3) Maintain confidential records.
- (4) To refer cases to appropriate public, private or volunteer agencies but not have the authority to detain or interrogate.

c. Duties of the Protective Services Worker in cases of illegitimacy should be as follows:

- (1) Locate and contact natural mother of illegitimate child upon receipt of notice by the Vital Statistics Section of the Department of Health.
- (2) Inform mother of her responsibility to commence paternity proceedings.
- (3) Inform mother of the effects of her failure to commence paternity within six months of birth of child.
- (4) Investigate the living circumstances of the child.
- (5) Refer to Protective Services Board if Welfare and Institutions Code Section 600 conditions exist at any time during the first year of the child's life.
- (6) Help in decisions of adoption, foster care, guardianship or problems caused by retaining the child.

d. Wherever possible educational programs and private agencies should be utilized by protective services workers to care for and educate mothers of children born out of wedlock.

- e. A Child's Protective Service Procedure should be established in every county. A Protective Services Board with quasi-legal authority should administer the system and have the following composition and authority:
- (1) Board should be composed of five persons experienced in social, health and family law problems.
 - (2) Board should have authority to hold hearings, subpoena witnesses and issue orders.
 - (3) Persons appearing should have right of appeal to the Superior Court with a trial de novo.
 - (4) In counties with less than 200,000 in population the Family Law Section of the Superior Court would serve in place of the Board.
- f. The duties of the Protective Services Board should be as follows:
- (1) Hear cases referred to it by Protective Services Workers because of noncooperation, inability to carry out agreed upon plans, or existence of Welfare and Institutions Code Section 600 conditions.
 - (2) To place a child in foster care, terminate the parental relationship, and compel or enjoin actions by parents when the child's welfare was threatened.
 - (3) To retain continuing jurisdiction reviewable annually when it was in the child's best interests.
 - (4) Place the minor parent and child in a structured living arrangement when necessary to protect the minor and child.

- (5) Encourage family members to work out their problems by providing this structured system.

FAMILY LAW COURT

In 1970 the California Legislature enacted the Family Law Act. Its primary purpose was to remove the fault concept from family divorce proceedings thereby making them non-adversary. At the time it was also recommended that a family court system be established within the Superior Court of each county which would have the effect of consolidating all those legal matters pertaining to families and children under the jurisdiction of one court.

Recommendation 27. The Family Law Court as promulgated by the State Bar or by the U. S. Department of Health, Education and Welfare be studied by the legislature and a Family Law Court system established.

Recommendation 28. The members of the judiciary assigned to the Family Law Court should be men and women who are personally motivated and interested in solving family problems on a case by case basis.

Recommendation 29. All actions involving adoptions, foster care, paternity, guardianship, termination of parental relationship, dissolutions, orders for spousal and child support, abused and neglected children, and all other family matters.

BIRTH CONTROL AND ABORTION

The Board feels that many valid distinctions may be drawn between the essential components of family planning and abortion. The most obvious difference is the fact that "birth control" is conception prevention while "abortion" is conception termination. Although it may be possible that a good case may be made for each

under certain circumstances, they remain quite different in basic purpose. It is the Board's position that birth control and abortion should be defined as separate services and rendered separately by different service delivery systems. Both types of services involve serious moral considerations and social impact; however, it is suggested that prevention of conception does not involve the kinds of individual and social consequences as the termination of pregnancy. Even so, among the current practitioners of family planning services, and particularly among the young users of these services, there is a mistaken assumption that abortion is an easily available "backstop" for ineffective birth control techniques.

Recommendation 30. In depth counseling should be provided to women considering abortion and sufficient time span provided to ensure that a deliberate decision is made. Post-abortion counseling should be provided.

Recommendation 31. An in depth study should be made of the social consequences to society of the availability of abortion-on-demand. This study should look into the impact -positive and negative- of the expected increase in sexuality as well as the effects of individual family members who have gone through the experience.

Recommendation 32. Family planning agencies should become involved in the problems of childless couples who want children, but are physically unable to have them.

Recommendation 33. Adequate sex education which supports the family concept should be provided to all children and their parents. (See Recommendation 2).

- Recommendation 34. The parental responsibility to obtain and dispense adequate knowledge about sex to their children must be strengthened. Public and private agencies should focus attention on this aspect of the problem.
- Recommendation 35. Legislation should be enacted to set minimum standards for family planning counselors.
- Recommendation 36. Family planning information and counseling should be provided all minors without the requirement of parental consent.
- Recommendation 37. A minor child should be able to obtain non-prescriptive contraceptive devices without parental consent.
- Recommendation 38. A minor child should be able to obtain prescriptive contraceptives without parental consent only if they are prescribed by a licensed doctor where he finds the prescription is necessary to prevent conception. The use of prescriptive contraceptives may continue subject to the parent's right of termination upon gaining knowledge of the use of prescriptive contraceptives.
- Recommendation 39. Public and private family planning agencies should include lay citizens and concerned parents on their policy-making Boards.
- Recommendation 40. Family planning services should be directed to target groups who show a high degree of vulnerability to unwanted conception.