

# Overview of Legal and Policy Issues Regarding Youth Sexual Health in the District of Columbia

Federal and local D.C. laws provide guidance on issues related to sexual health for all D.C. youth, particularly Medicaid recipients. For those D.C. youth committed to CFSA, CFSA policy outlines agency expectations regarding client practice in this area, stating that “healthcare services must be comprehensive.... [and] must include those services that specifically address sexual and reproductive health needs and gender expression and sexual orientation.”<sup>i</sup> A summary of the relevant law and policy with respect to sexual health issues is provided below. Related material can be found throughout this Practice Kit.

## Counseling and Basic Medical Care

CFSA policy<sup>ii</sup> provides that youth in foster care who have reached the age of puberty and “younger children who are known to be sexually active need age-appropriate education and counseling on sexuality, pregnancy prevention, family planning, and sexually transmitted diseases.”<sup>iii</sup> Although CFSA policy defines puberty as “typically, age 11,” it states that social workers “shall use their clinical judgment regarding an appropriate age for these discussions based on the individual child.”<sup>iv</sup> Family planning discussions should include “age-appropriate instruction regarding abstinence, safe sex, prevention of STDs, diagnosis and treatment and the risk of repeat infections.”<sup>v</sup> All female adolescents age 12 and older (or at the onset of puberty) should also be referred for a gynecological exam.<sup>vi</sup>

D.C. Municipal Regulations similarly provide that group homes and independent living facilities are obligated to educate residents in age-appropriate living skills pertaining to “reproductive health and contraception” and to “HIV and sexually transmitted disease.”<sup>vii</sup> Facilities are further required to develop and follow a written plan to teach these skills “as early as practicable, but no later than a resident’s fourteenth birthday.”<sup>viii</sup>

## Funding Contraception and Age of Consent in D.C.

Medicaid is the primary source of healthcare funding for children in CFSA custody. Medicaid specifically covers and funds contraception and other family planning services.<sup>ix</sup> Pursuant to D.C. Municipal Regulations, a minor *of any age* “may consent to health services which he or she requests for

the prevention, diagnosis, or treatment of” pregnancy, its lawful termination, or sexually transmitted disease.<sup>x</sup> D.C. Municipal Regulations further provide that “birth control information, services, and devices shall be provided by health facilities operated by the District of Columbia... without regard to the age or marital status of the patient or the consent of the patient’s parent or guardian.”<sup>xi</sup>

## Sexually Transmitted Diseases

D.C. Municipal Regulations reiterate that minors of any age may consent to health services related to sexually transmitted diseases.<sup>xii</sup> D.C. Municipal Regulations provide that health professionals shall not disclose information related to sexually transmitted disease without consent of the minor or “when because of the minor’s age or condition, the attending health professional can reasonably presume consent.”<sup>xiii</sup> However, health professionals shall disclose “information about any treatment needed by a minor” to a minor’s parent or legal guardian when the minor is found to be infected with a sexually transmitted and the minor has refused treatment.<sup>xiv</sup>

CFSA policy dictates that all children entering foster care will be assessed and screened for HIV/AIDS.<sup>xv</sup> In the event that a youth entering care has HIV/AIDS-related needs, CFSA staff must ensure that birth parents, foster parents, adoptive parents, and any other caregivers receive necessary information and training. CFSA policy sets forth specific expectations concerning the ongoing medical care of children affected by HIV/AIDS and provides that “Children and youth assessed as having risk factors by a social worker or healthcare professional will be referred to OCP-Clinical and Health Services to access counseling, testing, or medical services.”<sup>xvi</sup> CFSA policy also outlines agency expectations with respect to the screening and placement of youth, risk assessments, referrals for testing and counseling, disclosures of HIV diagnosis to a child, and confidentiality issues.<sup>xvii</sup>

## Other Policy and Legal Issues

CFSA policy, D.C. Municipal Regulations, and Federal Law also provide guidance on collateral issues, including the living arrangements for pregnant or parenting youth, school attendance, and educational rights, as well as custody proceedings youth may face. Following this overview, there is a list of potentially relevant statutes and CFSA policies for reference.

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## ENDNOTES

<sup>i</sup> CFSA Policy, Chapter VIII: Healthcare Manual, “HIV, Sexual, and Reproductive Health Services” (February 26, 2010) at p. 1.

<sup>ii</sup> *Id.* at 4. CFSA policy states that these “services must be provided by professionals trained and experienced in family planning education, gynecological care and contraception for adolescents.”

<sup>iii</sup> *Id.* at 4.

<sup>iv</sup> *Id.*

<sup>v</sup> *Id.* at 5.

<sup>vi</sup> *Id.* at 4.

<sup>vii</sup> 29 DCMR §§ 6270.1, 6330.7 (2016).

<sup>viii</sup> *Id.*

<sup>ix</sup> 42 U.S.C. § 1396d(a)(4)(C)

<sup>x</sup> 22 DCMR § B600.7 (2016) *See also* CFSA Policy, Chapter VI: Healthcare Manual, “Medical Consents” (February 8, 2012) (reiterating that a minor may consent to reproductive health services).

<sup>xi</sup> 22 DCMR § B603.1 (2016).

<sup>xii</sup> 22 DCMR §B600.7, *supra* note xi.

<sup>xiii</sup> 22 DCMR §B602.8 (2016).

<sup>xiv</sup> 22 DCMR §B602.7 (2016).

<sup>xv</sup> CFSA Policy, Chapter VIII: Healthcare Manual, “HIV/AIDS” (February 24, 2010) at p. 2.

<sup>xvi</sup> *Id.*

<sup>xvii</sup> *Id.*

# Relevant Law and CFSA Policies

## DC Municipal Regulations<sup>1</sup>

- ◆ Minor's Health Consent, [22-B DCMR § 600](#)
- ◆ Financial Responsibility, [22-B DCMR § 601](#)
- ◆ Liability of Provider, [22-B DCMR § 602](#)
- ◆ Contraceptive Information, Services, and Devices for Minors, [22-B DCMR § 603](#)
- ◆ Independent Living Skills, [29 DCMR § 6270](#)
- ◆ Life Skills, [29 DCMR § 6330](#)
- ◆ Monthly Stipend and Weekly Allowance, [29 DCMR § 6332](#)
- ◆ Living Arrangements for Pregnant or Parenting Minors, [29 DCMR § 5801](#)
- ◆ School Attendance Requirements for Pregnant or Parenting Teens, [29 DCMR § 5800](#)

## DC Code

- ◆ Custody of Children, [D.C. Code § 16-914](#)
- ◆ Petition for Civil Protection, [D.C. Code § 16-1003](#)

## Federal Law

- ◆ Educational Rights, [C.F.R. T. 34, Subt. B, Ch. I, Pt. 106](#)

## CFSA Policies

- ◆ [HIV, Sexual, and Reproductive Health Services](#)
- ◆ [Healthcare Quick Reference Guide: HIV, Sexual, and Reproductive Health Services](#)
- ◆ [HIV and AIDS](#)
- ◆ [Healthcare Quick Reference Guide: HIV and AIDS](#)
- ◆ [Medical Consents](#)
- ◆ [Healthcare Quick Reference Guide: Medical Consents](#)
- ◆ [New Heights Teen Parent Program](#)
- ◆ [CFSA Programs: Generations](#)

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<sup>1</sup> DC Municipal Regulations are publicly available online at <https://dcregs.dc.gov/>. To view the text of a particular regulation, you can click the "view text" link, which will prompt the download of a Microsoft Word file.