



FOR YOUR INFORMATION

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Issue 23-02

Date: 01/12/23

IMPLEMENTATION OF SENATE BILL 89 MANDATES

Part III: Documenting SB 89 Compliance in Court Reports

Senate Bill 89 went into effect in June 2017, resulting in the following requirements for child welfare agencies and those serving foster youth, related to the reproductive and sexual health care of youth in foster care:

1. Improve Access to Sexual Health Education

SB 89 requires county child welfare agencies are to ensure that foster youth age 10 and older have received comprehensive sexual health education (CSHE) once in middle and once in high school. If they have not, child welfare agencies are required to ensure the youth receives a comparable training.

2. Inform Youth of Their Rights and Remove Barriers

CSWs are to update case plans annually for youth in foster care, 10 years of age and older, including young adults in foster care, to indicate that the CSW has:

- ❖ Informed the youth or young adult that he or she may access age-appropriate, medically accurate information about reproductive and sexual health care, including, but not limited to, unplanned pregnancy prevention, abstinence, use of birth control, abortion, and the prevention and treatment of sexually transmitted infections.
- ❖ Informed the youth or young adult, in an age- and developmentally appropriate manner, of his or her right to consent to sexual and reproductive health services and his or her confidentiality rights regarding those services.
- ❖ Informed the youth or young adult how to access reproductive and sexual health care services and facilitated access to that care, including by assisting with any identified barriers to care, as needed.

Refer to For Your Information (FYI) Bulletins, Implementation of Senate Bill 89 Mandates, [Part I \(19-12\)](#) and [Part II \(20-02\)](#)

3. As of January 1, 2023, compliance with the SB 89 mandates must be documented in court reports.



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When documenting in status review court reports of children in out-of-home care 10 years of age or older, information may be inserted under a new heading such as, "Compliance with SB 89 Mandates," or "Reproductive Health Information."

The following sample language may be used:

Given the youth's age, (s/he) was provided with information regarding reproductive/sexual health rights on (Date).

On (Date), the youth was provided information regarding reproductive/sexual health resources, as appropriate, and CSW discussed and removed any existing barriers to youth receiving reproductive/sexual health care.

Youth is currently attending _____ Middle School and completed the CHYA-compliant Comprehensive Sexual Health Education on (Date).

Youth is currently attending _____ High School and completed the CHYA-complaint Comprehensive Sexual Health Education on (Date).

Youth is unable to receive the CHYA-compliant Comprehensive Sexual Health Education (CSHE) at their school. CSW referred youth to an alternative CHYA-compliant Comprehensive Sexual Health Education program at _____ on (Date).

Youth completed the alternative CHYA-compliant Comprehensive Sexual Health Education program at _____ on (Date).

CSW Responsibilities:

For all youth in placement, age 10 and above, document compliance with the mandates of SB 89 in all 6-month court reports (21.e, 21.f, .22, .26 reports)

PLEASE NOTE: *Instructions on meeting the SB 89 mandate of Informing Youth of Their Rights and Removing Barriers was addressed in [Part I of this FYI, \(Issue 19-12\), Inform Youth of Their Rights and Remove Barriers.](#)*

PLEASE NOTE: *Instructions on meeting the SB 89 mandate of Improving Access to Sexual Health Education was addressed in [Part II of this FYI, \(Issue 20-02\), Improving Access to Sexual Health Education.](#)*

Resource:

[SB 89 Quick Reference Guide](#)