

ILLINOIS
SAFE
SCHOOLS



THE ALLIANCE

presents:

KNOW YOUR RIGHTS! SEXUAL HEALTH AND WELLNESS



KNOW YOUR RIGHTS! SEXUAL HEALTH AND WELLNESS

These materials are also available in Spanish, if you are interested in receiving the Spanish materials, please contact the Illinois Safe Schools Alliance. Translation was provided by the ¡Comunicaté! Translation & Interpretation Collective.

¡Comunicaté! Translation & Interpretation Collective

We are a collective who seeks to bridge accessibility between Spanish and English, in spoken and written form, in order to promote and enable community members to be their full selves in spaces where language would otherwise be a barrier. Our professional expertise are reflective of our lived experiences as bilingual, immigrant, queer, and/or femmes of color. Our aim is grow alongside our community and ultimately create a more language inclusive world.

DISCLAIMER:

THIS BOOKLET IS FOR INFORMATIONAL PURPOSES ONLY AND NOT FOR THE PURPOSE OF PROVIDING LEGAL ADVICE.

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ABOUT THE KNOW YOUR RIGHTS PROJECT



The mission of the Illinois Safe Schools Alliance (the Alliance) is to promote safety, support and healthy development for lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth, in Illinois schools and communities, through advocacy, education, youth organizing and research.

This booklet was created by members of the Alliance Youth Committee. The Chicago Women's Health Center (CWHC) and the Illinois Caucus for Adolescent Health (ICAH) were consulted when developing our Know Your Rights comic materials, whose contents informed this booklet.

Chicago Women's Health Center facilitates the empowerment of women and trans people by providing access to health care and health education in a respectful environment where people pay what they can afford. Services are all offered on a self-determined sliding scale, and no one is turned away based on ability to pay. Services include primary care, basic gynecological care, counseling, trans health services, alternative insemination, health education, acupuncture, and massage.

The Illinois Caucus for Adolescent Health is a network of empowered youth and allied adults who transform public consciousness and build capacity of family, school, and healthcare systems to support the sexual health, rights, and identities of youth. We educate, advocate, and organize for reproductive justice for youth in Illinois, envisioning a world in which all young adults use their power to achieve health and well-being in their own lives and for their communities.

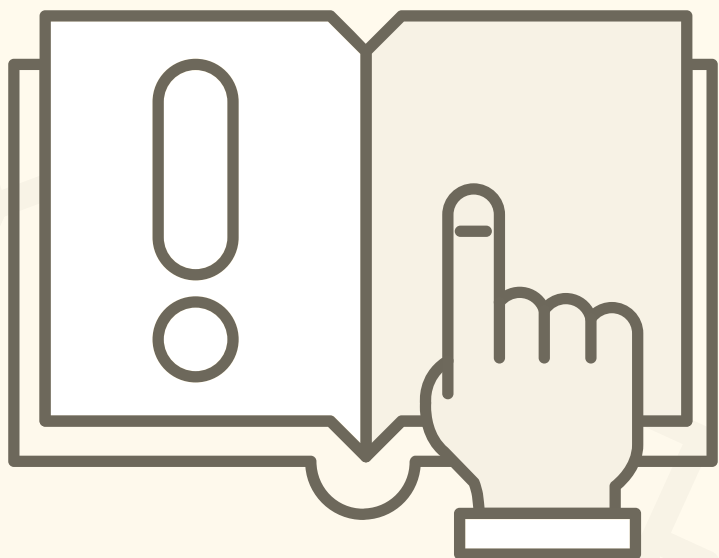
GOALS FOR THIS PROJECT

The goal of the Illinois Safe Schools Alliance is to support young people's success in their school environments by providing essential information about their rights, and the responsibility their schools have to honor and accept them. When students know their rights, they are more likely to get the support they need to address the root causes of the problems at hand and demand remedies that allow them to thrive in their academic setting. When doing so, they develop key leadership and advocacy skills. Our goal is to meet the needs of youth and respond to requests for more legal resources, opportunities for peer-to-peer mentoring, legal and medical rights awareness, and support around discriminatory discipline practices in school.

WHY THIS PROJECT?

As a youth-advocacy organization, we see grossly disproportionate access to education depending on race, economic resources, family support and geographic location. Lack of access to safe and supportive education can impact achievement later in life & limit opportunity for mobility, employment, and health. At the Illinois Safe Schools Alliance, we believe that all students, not just LGBTQ students, flourish in environments where diversity is valued.

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DEFINITIONS

CONSENT

In this section, consent is when someone gives permission for something to happen.

IN ILLINOIS, THE AGE OF CONSENT FOR SEXUAL

ACTIVITY IS 17.

Sexual activity with someone under the age of 17 is considered statutory rape. If two or more minors all consent to a sexual activity, they can still be taken to criminal court for violating the consent statute.

IN ILLINOIS, THE AGE OF CONSENT FOR MOST

MEDICAL TREATMENTS IS 18.

If you are under the age of 18, your guardian must consent to most medical treatments, but there are a number of exceptions.

Sometimes clinics and hospitals will ask for your guardians to sign something saying that they give permission for you to receive birth control, hormone treatment, or other medical treatments. When your guardian signs this document giving their permission, they are giving their **consent**.

Consent for sexual activity is when people give each other permission for a sexual activity to take place.

In both cases, **consent** is an informed decision, it is freely given, it is reversible, and it is specific. It is perfectly okay to not consent to something if one, or none, of these things is missing.

Source: <https://www.ageofconsent.net/states/illinois> and http://www.cico-il.org/legislation/childrens_health.html

NOTIFICATION

In this section, notification is when a doctor, clinic, or hospital lets you or someone else know about something that happened.

PARENTAL NOTIFICATION IS WHEN A DOCTOR, CLINIC, OR HOSPITAL REACHES OUT TO YOUR PARENTS, GUARDIANS, AND IN SOME CASES ANY ADULT TO LET THEM KNOW THAT YOU HAVE HAD A MEDICAL PROCEDURE.

This could be STI testing, an abortion, or a number of other things.

This is different from **consent** in that no one, other than you, has to give permission for the medical procedure to happen. But, obviously, it's important to know who will find out about the procedure, and to think about how they might respond to the news.



If you want to learn more about parental consent & notification, check out Activity #1 of our Sexual Health & Wellness Curriculum!

TITLE X

In this section, we'll refer to **Title X** clinics a few times.

TITLE X IS A FEDERAL GRANT PROGRAM THAT GIVES FUNDS TO COMMUNITY BASED CLINICS THAT PROVIDE FAMILY PLANNING AND CERTAIN SEXUAL HEALTH SERVICES.

Title X clinics are focused on giving services to low-income and uninsured people at little to no cost. You can locate Title X clinics using the Office of Population Affairs' clinic locator.

MINORS WITH RIGHTS TO CONSENT TO ALL MEDICAL CARE

In Illinois, certain minors can **consent** to all of their own medical treatments.

A minor who is married, pregnant, or a parent is in this category.

YOU MUST BE AT LEAST 16 AND HAVE CONSENT FROM ALL GUARDIANS IN ORDER TO GET MARRIED IN ILLINOIS.

If only one guardian has full custody, they are the only person who needs to consent to your marriage.

A MINOR WHO HAS BEEN LEGALLY EMANCIPATED BY A COURT FOR THE PURPOSES OF CONSENTING TO MEDICAL TREATMENTS IS ALSO IN THIS CATEGORY.

Emancipation happens when someone who is 16 years old or older, and under the age of 18, is released from the custody and control of their guardians. Everyone is emancipated from their guardians at the age of 18 without having to go to court.

When you are emancipated,

you can make any decisions for yourself that someone would normally ask your guardians to make for you.

In order to be approved,

your petition for emancipation must demonstrate to a judge that you are at least 16 and mature enough to manage your own affairs, or that you are a minor experiencing homelessness in Illinois and are fully or mostly independent of your parents or guardian.

- Homeless status certification is done through the Illinois Secretary of State's Driver Services Department.

You can fill out the Homeless Status Certification, but you must fill it out with a shelter or service agency that works with homeless people or offers assistance to homeless people.

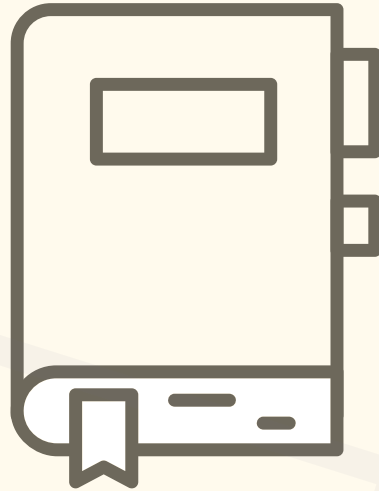
If you fall into this category, you can access all your healthcare on your own, without anyone else's **consent** and without a medical provider giving **notification** to a parent/guardian.

One exception is that if you are pregnant and decide to have an abortion, your provider may have to notify someone depending on the circumstances (we'll explain this later).



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NOTE: These comic pages are meant to showcase a fictional story and are not meant to be representative of scenarios or situations involving ICAH



SEXUAL HEALTH

WHEN DO GUARDIANS HAVE TO BE INVOLVED IN SEXUAL HEALTH MEDICAL APPOINTMENTS? (PREGNANCY TEST, STI, HORMONES, ETC.)

STI TESTING AND TREATMENT

If you are 12 years old or older,

you do not need consent from a parent/guardian to get tested or treated for STIs.

Even if you don't need to get permission from a parent/guardian,

, the doctor/clinic/hospital can sometimes still let them know that you were tested.

When getting an appointment for testing,

make sure to ask the doctor, clinic, or hospital what their privacy policy is and ask for a copy of the policy.

- A privacy policy is a written document that will tell you how a doctor/clinic/hospital will share, use, and store the information they have about you and your medical history.
- Be direct - ask them, "Can I get services at your office without you telling my guardians? Do my guardians have access to my records? Will my guardians see the bill?"

Source: <https://sexetc.org/states/illinois>



Call the Chicago Women's Health Center at 773-935-6126 to schedule STI testing, to get treatment, or to get referrals for sliding-scale, no-cost STI/STD testing.

HORMONES

If you are under the age of 18, all guardians must consent to your hormone treatment.

- If you are a youth in care, we have guidelines around navigating DCFS later in this material.

Different medical providers have different policies around how old you have to be before starting hormone treatment, so it is important to call ahead for information.

Once you are over the age of 18, your guardians do not need to give consent, nor do they need to be notified.

Legally, you do not need to have a letter from a mental health professional to get hormone treatment, but many places do ask for a letter with a diagnosis of gender dysphoria. Treatment facilities can ask for letters from people of all ages, not only minors.

If you are currently taking testosterone, you could also talk to your doctor about options you might have to prevent unintended pregnancy (birth control pills, emergency contraception, etc.)

Source: <https://sexetc.org/states/illinois> & PPIL employee



Call the Chicago Women's Health Center at 773-935-6126 for hormone access!

PREGNANCY TESTS

All visits to Title X clinics are confidential. Your results should only be accessible to you.

Title X clinics will not share results... with a parent or family doctor (or anyone else) unless you ask them to.

- If you are a youth in care, we have guidelines around navigating DCFS later in this material

You can also buy pregnancy tests at any age, ... and they are available over the counter (without a prescription) at drug stores and pharmacies without an ID. Pregnancy tests can be taken at any time, but are most accurate five days before your next expected period or after a missed period.

Source: <https://sexetc.org/states/illinois>

BIRTH CONTROL

You can get birth control at any age without parental consent if you are any of the following:

- Married, pregnant, or a parent
- A doctor tells you that you need it for health reasons
- You received a referral from a specified professional (physician, member of clergy, or a family planning clinic, etc)

Anyone else under the age of 18 must ... have their guardians' consent

If you go to a Title X clinic, ... your appointment will be completely confidential, including your billing and your records.

- These clinics charge based on your income, and you can pay in cash.
- Please remember that if you use your parent/guardian's health insurance for your bill, then your guardians are likely to see the bill when it comes in the mail

Source: <https://sexetc.org/states/illinois>

CONDOMS

this includes external and internal condoms.

External condoms are what are traditionally known as male condoms and internal condoms are what are traditionally known as female condoms. Both condoms can be used inside the anus and/or vagina

External condoms are made in a variety of materials, but internal condoms are made out of polyurethane. People with latex allergies should keep this in mind!

You can buy them at any age and

you can get them for free at many places.

- Your local Department of Public Health may have a list of free condom distributors on their website
- Anywhere that provides sexual health care should be able to provide free condoms, just make sure to ask.

Make sure to check the expiration date and read the instructions!

It's better to use an expired condom than no condom at all! Make sure to store condoms in a safe space because keeping them in a wallet or pocket could damage them!

If you have more questions

on **how** to use condoms, please contact the Illinois Caucus for Adolescent Health at (312) 427-4460 or Chicago Women's Health Center at 773-935-6126.

Source: <https://sexetc.org/states/illinois>



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EMERGENCY CONTRACEPTION

also known as the Morning After Pill

Emergency contraception (EC) is ...

birth control taken after sex. These types of EC are taken by people with uteruses and egg cells but can be purchased by anyone!

- If you think your birth control failed, you didn't use condoms or other contraceptives, or if you were sexually assaulted - you may want to take EC
- EC is most effective within 72 hours of sex, but can also be taken up to 120 hours after sex

Specific types of EC can be purchased without ..

without a prescription by **anyone**, regardless of age.

- You should be able to find several EC brands in the family planning aisle of a drug store that are available for purchase over the counter without having to show any ID. Two popular brands available for purchase over the counter without an ID are "Plan B" and "Take Action".

Source: <https://sexetc.org/states/illinois>

GYNECOLOGY CARE & PAP SMEARS

Pap smears are recommended every 3 years starting at the age of 21 if you are engaging in sex and have a cervix (the cervix is a muscle at the back of the vaginal canal that protects the uterus).

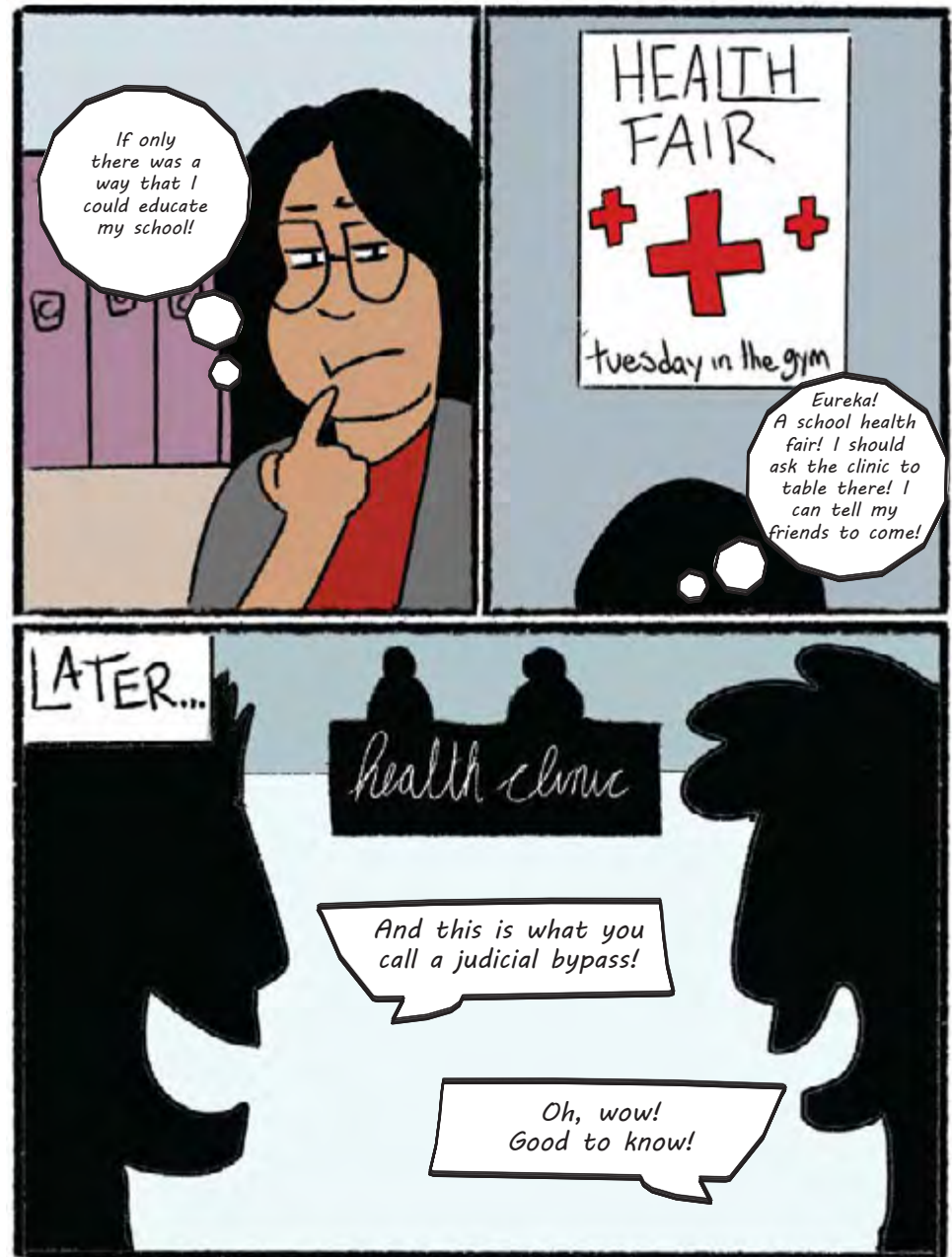
You can test for HPV, ...

a common STI, through pap smears. Certain types of HPV can lead to genital warts or cancer. Depending upon the results of those tests, care providers might recommend more frequent pap smears (once every year).

Anyone over the age of 12 can.

set an appointment with a gynecologist for a pap smear without parental consent or notification.

Source: <https://sexetc.org/states/illinois>



continues on page 25



Judicial Bypass is a legal process that lets minors get an abortion without their parents being notified, if you want more information on it, please look at page 21.



Call Chicago Women's Health Center at 773-935-6126 to schedule gynecological appointments and pap smears.



If you want to test your understanding of all these rights, check out Activity #2 of our Sexual Health & Wellness Curriculum!

ABORTION

You can have an abortion until you are 23.5 weeks into your pregnancy

Based on how far into your pregnancy you are, the kind of abortion you have may change. There are different timelines for each kind of an abortion, and there are some care providers who will only provide one type of abortion but not the other. Call ahead to find out more information.

If you are 18 years or older, ...

the abortion provider will not let your guardians know.

If you are under 18 years old, ...

they will notify your parent or an adult family member at least 48 hours before the procedure.

- But they do not need to consent to the procedure

An adult family member is anyone who is over 21 years old that is any of the following:

- Your parent
- Your grandparent
- Your stepparent who lives in the same house as you
- Your legal guardian (this person does not have to live with you)

Most times, the medical provider will try to contact the adult family member through a phone call, and sometimes they might also send that person a letter. This varies clinic to clinic, and you should ask for a copy of their policy.

You do not need parental notification if:

- An **adult family member** goes to the doctor with you.
- An **adult family member** gives up their right to notice in writing.

To get this written statement, you would need to ask any parent, grandparent, step-parent that lives with you, or legal guardian to write this statement and sign it. It does not need to be notarized and your **adult family member** does not need to be there to turn it in.

- You give your medical provider a written statement that says you are a victim of sexual abuse, neglect or physical abuse by any parent, grandparent, a step-parent who lives with the you or a legal guardian. If you provide a written statement, be aware that your medical provider may be required to report the abuse or neglect to the Department of Children and Family Services after the abortion.

- The doctor decides that there is a medical emergency.
- You are married, divorced or widowed.
- You are **emancipated**.
- You get a parental notice waiver from the court after a successful "judicial bypass" hearing.

Judicial bypass, is when a judge allows you to have an abortion without anyone notifying an **adult family member** of your abortion

This is really useful for people who don't feel safe or comfortable with any of their specified adult family members being notified of their abortion.

If you're interested in getting judicial bypass, the Illinois Judicial Bypass Coordination Project can help you contact a free lawyer and answer all your questions about the process.

You can call them at 877-44-BYPASS, text 312-560-6607, or email judicialbypass@aclu-il.org

Source: <https://sexetc.org/states/illinois> and <https://stopppna.org/about/>

IF YOU ARE A YOUTH IN CARE, IN FOSTER CARE OR IF DCFS IS YOUR GUARDIAN

If DCFS is your legal guardian,

they would be the people notified or the ones consenting to your medical treatment or procedure. **They can only consent to procedures that a typical parent/guardian could consent to.**

So, in the case of abortion ,...

they would not need to consent to the procedure, they would just be notified of it like any other guardian.

If DCFS only has protective custody or temporary custody of you,...

they are not the one to give consent and/or get notice for your medical treatments.

So, in the case of abortion ,...

they would not need to consent to the procedure, they would just be notified of it like any other guardian.

- In the case of **parental notification**, DCFS is just supposed to tell the healthcare provider calling to make notification that they cannot accept notification for you. The provider can then either notify an adult family member, or you can use one of the other exceptions including judicial bypass.

If you are considering getting an abortion and DCFS has protective or temporary custody of you, it is a good idea to engage someone at DCFS (info below) to make sure the notification is handled properly.

DCFS has their own medical providers and physicians

they might consult with when making decisions

- DCFS may not respect your wishes or your previous guardians' wishes. They can decide not to consent to something you want for yourself.

If you are considering getting an abortion and DCFS has protective or temporary custody of you, it is a good idea to engage someone at DCFS (info below) to make sure the notification is handled properly.

Source: <https://sexetc.org/states/illinois>

If you are unsure whether or not DCFS is your legal guardian,...

or if you are in protective or temporary custody and want to make sure your parental notification is handled properly, you can engage any of the following people:

- Your DCFS caseworker or private agency caseworker, or their supervisor
- Your therapist, foster parent, and residential home staff or group home staff
- If you're still not getting answers on who your legal guardian is, call the Advocacy Office at 800-232-3798 or email them at dcfs.youth@illinois.gov

Source:

<https://www.illinois.gov/dcf/aboutus/Documents/Foster%20Parent%20Notice%20regarding%20Abortion%20Notification%20-%20August%202009.pdf>

& <http://www.ilga.gov/commission/jcar/admincode/089/089003270000050r.html>

& https://www.illinois.gov/dcf/aboutus/Documents/AOCF_Youth_Brochure.pdf



If you want to learn more about parental notification of abortion, check out Activity #3 of our Sexual Health & Wellness Curriculum!

WHERE CAN I GET ALL THE SEXUAL HEALTH SERVICES YOU MENTIONED?

THE ILLINOIS CAUCUS FOR ADOLESCENT HEALTH HAS PUT TOGETHER A MAP OF YOUTH FRIENDLY SERVICES IN CHICAGOLAND

<https://www.ica.org/youth-friendly-healthcare>

But, as clinics close and staff changes...

it's really hard to say that all of these resources are youth-friendly all of the time.

We also know that ...

it's really hard to say that all of these resources are youth-friendly all of the time



ICAH recommends ...

recommends that folks always call the clinic in advance and ask questions related to their needs whether that be about treatment, fees and billing, confidentiality for minors, transportation, open hours, etc. to see if the clinic will meet their medical, privacy, accessibility, and financial needs.

CWHC notes that you can always bring an advocate with you to appointments. Having someone you trust and someone who can support you during your appointments can help you make sure your goals are met. Writing down your questions before going into the appointment can help, as well! Bringing something to write on/with during the appointment might be helpful for remembering whatever information you get from an appointment.



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  CWHC offers sexual health education programming that is LGBTQ+ inclusive and their trans health policies are specifically focused on working with gender-expansive, queer, and trans people.

SEXUAL ASSAULT

IF YOU ARE A VICTIM OF SEXUAL ASSAULT, YOU DO NOT NEED CONSENT FROM ANY PARENT OR GUARDIAN FOR:

- Making a police report
- Health care at the hospital related to the assault, including treatment for STIs, HIV, and emergency contraception
- Consenting to evidence collection and release related to the assault, if you are 13 years or older
- 90 days of follow-up medical care related to the assault
- 8 counseling sessions at a rape crisis center, if you are 12 – 16 years old

The provider can also decide to continue offering the sessions without **notifying** your parents if the provider feels it would be detrimental to your well-being. In that case, they would just ask for your **consent** in writing.



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If you want a Civil No Contact Order, you just need...

someone 18 years old or older to help you petition for one, but it does not have to be a parent or guardian

A Civil No Contact Order can require that the perpetrator of the assault:

- Stay a certain distance away from you, your residence, school, work, or another location
- Stay away from any property or animal you own
- Not have any contact with you directly, indirectly, or through another person.

Source: This comes from 410 ILCS 70 Sexual Assault Survivors Emergency Treatment Act and 410 ILCS 210 Consent by Minors to Medical Procedure Act.

http://www.womenslaw.org/laws_state_type.php?id=15434&state_code=IL

Note: It does not matter if the other person who contacts you knows about the order or not.

what
is
wellness?



the end

SEX ED CURRICULUM

WHY DON'T WE HAVE SEX ED OR HEALTH CLASS THAT TEACHES WHAT SAFE SEX MEANS FOR DIFFERENT LGBT IDENTITIES?

The short answer is that it's not explicitly required by law.

Illinois law says that ...

if a school district chooses to provide sex education courses (they can actually decide not to provide Sex Ed), what is taught must

- Be developmentally and age appropriate
- Be medically accurate
- Be evidence-based
- Be offered in grades 6-12 to include instruction on both abstinence and contraception for the prevention of pregnancy and STIs
- Be available for review by guardians and other interested people
- Allow for guardians to opt their child(ren) out
- Change “abstinence-only-until-marriage” language to abstinence as a “responsible and positive decision”
- BUT, the law does say that teaching must “honor and respect... heterosexual monogamous marriage”
Aka respect straight, exclusive relationships

If you have a question on Sexual Health for LGBTQ+ identified folks and your teacher refuses

to answer or does not know the answer and doesn't provide you with other information, you can write a letter to your school.

Please keep in mind that

writing a letter does not start a legal or formal process, but you, your parents, your friends, and your community can try to pressure the school into doing something.

When writing your letter, make sure to include this information:

- The name of the person you are complaining about
- The dates and times they discriminated against you (or the other student(s))
- Any people who saw what was going on
- What happened, with as much detail as possible
- How this made you feel
- Any problems this is causing you

If you can't focus in class

If other students have started picking on you

If you now don't have sexual education materials that are appropriate for you

- What you want to happen now that you've written a complaint (please keep in mind, there school does not legally have to do any of these things, but you can ask for them):

“I want this person to apologize to me

“I want this person to get training on LGBTQ+ issues and identities”

“I want all detentions and suspensions this person gave me taken off my record”

“I don't want this person to interact with me anymore”

“I want this teacher suspended”

IS THERE A COMPREHENSIVE CURRICULUM HEALTH TEACHERS NEED TO TEACH?

Chicago Public Schools is the only school district in Illinois (that we know of) that has a policy that requires a really comprehensive sex ed curriculum. Because it is a school board policy, it is different from law, which is why it only applies to CPS, and not every school district in Illinois.

The CPS curriculum provides ...

strategies to support all students that are culturally sensitive, focus on health promotion and risk reduction within the context of the world in which students live regardless of gender, race, disability, sexual orientation, gender identity, gender expression.

what
is
sexual
health?

The CPS curriculum is aligned with the National Sexuality Education Standards (NSES) Core Content and Skills for K-12:

Anatomy and Physiology - provides a foundation for understanding basic human functioning.

Puberty and Adolescent Development - addresses a pivotal milestone for every person that has an impact on physical, social and emotional development

Identity - addresses several fundamental aspects of people's understanding of who they are including sexual orientation and gender identity

Pregnancy and Reproduction - addresses information about how pregnancy happens and decision-making to avoid a pregnancy

Sexually Transmitted Infections and HIV - provides both content and skills for understanding and avoiding STIs and HIV, including how they are transmitted, their signs and symptoms and testing and treatment

Healthy Relationships - offers guidance to students on how to successfully navigate changing relationships among family, peers and partners. Special emphasis is given in to the increasing use and impact of technology within relationships.

Personal Safety - emphasizes the need for a growing awareness, creation and maintenance of safe school environments for all students

All schools within the CPS district,...

which include charter, alternative, community, and all other types of schools except private, must teach sexual health education every year and meet mandatory minutes of instruction per topic as laid out in the CPS Sexual Health Education Policy policy.

- 300 minutes/year in k-4th grade
- 675 minutes/year in 5th-12th grades

Every school has ...

two trained sexual health education instructors, designated by the principal, who have completed the Comprehensive Sexual Health Education Instructor Training.

Schools can also work with CPS-approved community organizations (like Chicago Women's Health Center) to have outside educators teach comprehensive sex ed that follows the National Sexuality Education Standards and CPS's requirements.

The “Creating Safe Spaces for LGBTQ and All Youth” training and the “Supporting Transgender and Gender Expansive Students” training are recommended resources for teachers and staff.

If these instructors ...

are not addressing the needs of LGBTQ students in the classroom, students can speak to a trusted adult at the school, the school counselor, one of the trained sex ed instructors, or go directly to the principal about their concerns.

Students can contact ...

the CPS Equal Opportunity Compliance Office per the CPS Anti-Bullying Policy and the Comprehensive Non-Discrimination, Title IX, and Sexual Harassment Policy.

- You can reach them at 773-553-1013.
- They can choose not to investigate or enforce the complaint.



If you want to draft your own, inclusive sex ed curriculum, check out Activity #4 of our Sexual Health & Wellness Curriculum!



NOTES:

NOTES:



THANK YOU TO OUR CONTENT PARTNERS!



CHICAGO
WOMEN'S
HEALTH
CENTER

THANK YOU TO OUR FUNDERS!



THE LGBT COMMUNITY FUND
AN INITIATIVE OF



THE CHICAGO
COMMUNITY TRUST
AND AFFILIATES



Proud To Run
Chicago