



Massachusetts
Family Institute

MFI Brief

HD 910

2015-16 Justina's Law

"Justina's Law" seeks to protect families from every parent's worst nightmare—having their child taken from them. Specifically, "Justina's Law" will prevent what amounts to state-sanctioned abductions, justified through vague allegations of "medical abuse." This was the case with the bill's namesake, Justina Pelletier, who was taken from her parents by MA Department of Children and Families in 2014 and held for over 15 months. This law will affirm the principle that parents have the right to decide the best medical treatment for their child, and that parents may do so without the threat of being unjustly charged with neglect and abuse.

Accordingly, "Justina's Law" proposes simply that decisions made by parents related to their child's health, when based upon the recommendation of a licensed medical or mental health professional, cannot be overruled. Parents, in coordination with their health care professional, will be the final judge of what is best for their child.

This legislation acknowledges that parents are the first and most responsible caretakers of their children.



PREVENT THE 'PARENT-ECTOMY'

It also champions the belief that parents have the duty to steer the development of their child to a healthy, well-rounded adulthood. Specifically, parents are the first to make the decisions concerning their child's health, safety, and well-being.

"Justina's Law" will address cases where parents choose one doctor's recommended

treatment for their child over a different form of treatment. If there is a claim that the the child's life is at risk, Justina's Law will require the Commonwealth to prove that its interest in intervention outweighs the constitutionally protected rights of the parents.

The particulars of this proposed legislation are as basic as a visit to the doctor's office. It allows a parent to consult a doctor on their child's behalf without fear that a difference in medical opinion between two physicians will lead to losing custody of their child. Unfortunately, as we have learned with Justina Pelletier's tragic ordeal, without the protections guaranteed by "Justina's Law," such a routine visit may result in a government agency deciding to remove a child from caring, responsible parents.



WHO IS JUSTINA PELLETIER?

Justina Pelletier—the namesake of this bill—endured an ordeal that should anger any responsible parent. In this heart-wrenching case, Lou and Linda Pelletier had the choice between two vastly differing courses of treatment for Justina. At the time of her "parentectomy," Justina's parents were dutifully following the course of treatment prescribed by their physician at Tufts. Nevertheless, the Massachusetts Department of Children and Families (DCF), unilaterally decided that Justina would be better off being subjected to a different course of treatment by the Boston Children's Hospital (BCH). By government order, 15-year-old Justina was forcibly separated from her parents for over 15 months. During this time, she was labeled a 'ward of the state,' and was compelled to undergo the course of treatment preferred by the state and BCH, in isolation from her family. If it was not for the legal and political intervention of countless concerned Americans, both private citizens and organized institutions, Justina would not have been released to her parents.

VOTE "YES" ON HD 910