

KNOW YOUR RIGHTS:

PARENTAL RIGHTS TO MEDICAL DECISION-MAKING

Parents have the right to make medical decisions for their children.

While there are many excellent and heroic medical professionals, it is becoming increasingly common for some healthcare practices to try to take important medical decisions about children out of their parents' hands. Some providers do not trust parents to act in their child's best interest. Consequently, they may:

- Withhold medical information or records that parents have a right to access;
- Ask parents to leave the room during their child's medical appointment;
- Try to force parents to accept certain medical services for their children that the parents disagree with;
- Administer medical care, including mental health treatment, to a child without parental consent.

No one is better equipped to make the right decisions for your child than you. You have legal and constitutional rights to make medical decisions for your minor child.¹ These include the rights to:

- **Access your child's medical records.** As your child's "authorized representative," you have statutory rights under both state and federal law to access your child's medical records.² The only exception to this rule is that your child can keep records about certain care confidential if they can legally consent to that care themselves - see more on this below.
- **Stay in the room with your child during their doctor appointments.** Unless your child is receiving care that they can legally consent to themselves, no one can force you to leave the exam room. Read more on this [here](#).

- **Refuse non-emergency medical care that conflicts with your parental judgment or religious beliefs.** In non-emergency situations, a medical provider generally must obtain your informed consent before they can treat your child.³ There are certain narrow exceptions where Massachusetts law allows minors to consent to their own care. Some of these include when a minor is emancipated, pregnant, married, or is otherwise determined in special circumstances to be a "mature minor."⁴ Massachusetts law also allows minors to receive a "judicial bypass" of parental consent for abortions and likely also allows them to consent to birth control.⁵
- **Receive a religious exemption to vaccines.** Parents may opt their children out of vaccines required for school enrollment by providing a written statement that such immunizations conflict with their sincere religious beliefs.⁶
- **Opt out of services at school-based health centers.** Parents are often unaware that these centers provide services that they may not approve of, such as contraception and abortion referrals. Read [this article](#) to learn more about these centers.

As a parent, you are in the driver's seat when it comes to your child's healthcare. Find a pediatrician you can trust to respect your rights and don't be afraid to advocate for yourself and for your child. If you or someone you know needs help standing up for your rights, contact the Massachusetts Liberty Legal Center at contact@malibertylegal.org or call 781-569-0400.

Disclaimer: This document is for informational purposes only and does not constitute legal advice. Contact an attorney if you have further questions.

¹ Felder v. The Children's Hospital Corporation, 97 Mass. App. Ct. 620, 627-628 (2020).

² M.G.L. c. 112, §12CC; 45 C.F.R. § 164.502(g)(3)(i).

³ See Felder, 97 Mass. App. Ct. at 627-28; Baird v. Attorney General, 371 Mass. 741, 754 (1977).

⁴ M.G.L. c. 112, §12F; Baird, 371 Mass. at 754-55.

⁵ M.G.L. c. 112, §12R; M.G.L. c. 111, § 24E; see 42 C.F.R. 59.10(b).

⁶ M.G.L. c. 76, § 15.

