

FLORIDA COURT UPHOLDS RIGHT OF PREGNANT WOMAN TO DETERMINE MEDICAL CARE
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HEADLINE: FLORIDA COURT UPHOLDS RIGHT OF **PREGNANT WOMAN** TO DETERMINE MEDICAL CARE

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BODY:

The following information was released by the American Civil Liberties Union (ACLU):

In an important decision for the right of women to make their own medical choices, the Florida District Court of Appeal today ruled that the rights of a **pregnant woman** were violated when she was **forced** to remain hospitalized against her will after disagreeing with a **hospital's** recommended **treatment**. The American Civil Liberties Union and the ACLU of Florida filed a friend-of-the-court brief on behalf of themselves and the American Women's Medical Association (AMWA) supporting the **woman** in her case against the state.

"Women do not relinquish their right to determine their own medical care when they become **pregnant**," said Diana Kasdan, staff attorney with the ACLU Reproductive Freedom Project, who presented oral argument in the case along with Samantha Burton's attorney, David Abrams of **Tallahassee**, Florida. "We are glad that the court has upheld the constitutional right of a **pregnant woman** to make her own medical decisions."

In March 2009, the Circuit Court of Leon County ordered Burton a mother of two suffering from pregnancy complications to be indefinitely confined to **Tallahassee Memorial Hospital and forced** to undergo any and all medical **treatments** the doctors there deemed necessary to save her fetus. The lower court order forbade her from transferring to another **hospital** of her own choosing. After three days of state-compelled hospitalization and a compelled cesarean section, Ms. Burton suffered a stillbirth and was released.

"The medical community including AMWA, the American College of Obstetricians and Gynecologists and the American Medical Association has soundly rejected hospitalizing **pregnant** women against their will," said Maria Kayanan, Associate Legal Director of the ACLU of Florida. "Such **forced** medical **treatment** grossly invades a **pregnant woman's** privacy, and deters other **pregnant** women from seeking medical care for fear that doing so will mean that they, too, could be ordered hospitalized and subject to medical interventions against their will."

Lawyers on the ACLU's friend-of-the-court brief in the case *Burton v. Florida* are Kasdan of the ACLU Reproductive Freedom Project and Randall C. Marshall and Kayanan of the ACLU

of Florida.

The court's ruling can be found at: opinions.1dca.org/written/opinions2010/08-12-2010/09-1958.pdf

The ACLU's friend-of-the-court brief can be found at: www.aclu.org/reproductive-freedom/burton-v-state-florida-aclu-amicus-brief