



Florida Court Upholds Right Of Pregnant Woman To Determine Medical Care

August 12, 2010

ACLU Filed Brief In Case Of Woman

Hospitalized Involuntarily


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Tallahassee, FL – 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

Published on *American Civil Liberties Union* (<https://www.aclu.org>)

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