Law and Disorder

Inside the mandatory-testing lawsuit

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New York's HIV Law Project seized upon a local woman's tragedy as a tabloid example of how the state's forced HIV testing of newborns and their mothers can backfire. According to Chris Cynn, the organization's reproductive-rights project coordinator, the latest plaintiff in its suit challenging the provision got a cold call from the hospital six weeks after giving birth, informing her taht both she and her baby tested positive for HIV. During a follow-up home visit, a nurse clumsily revealed the woman's test result to her unsuspecting husband; this resulted in domestic violence against the woman. Cynn added that the hospital's prenatal instruction encouraged the woman to breastfeed, but did not inform her about HIV risk factors. "She was supposed to get counseling about HIV and prenatal care. This never happened," Cynn said. "The hospital failed to implement its own regulations."

The suit against New York state and Bronx Lebanon Lincoln and Elmhurst hospitals alleges that forced testing violates the constitutional rights of women and their children. At presstime, a court date had not been set. Currently New York state forces not only mothers and their infants but also prisoners to get tested for HIV.

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