Dummy Up, Mom

A court case highlights the ongoing debate over disclosing someone else's HIV status.

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Can a person be legally obligated to disclose another person's HIV status—without the positive person's consent? Such is the dilemma at the heart of a lawsuit before the Illinois Supreme Court. On one point, everyone involved in the case agrees: The plaintiff, whom the suit identifies as Jane Doe, contracted HIV after sleeping with her fiancé (now deceased). Doe says his parents withheld his HIV status from her—information she claims would have helped her avoid getting the virus. The parents said they didn't know their son's status at the time she began a sexual relationship with him; a lower-court jury ruled otherwise. At press time, the Supreme Court's decision was imminent. Ann Fisher of the AIDS Legal Council of Chicago says, "As a matter of law it was not reasonable for her to look to her [fiancé's] parents for information about her sexual health." Fisher says Doe would have had an "excellent" lawsuit against her fiancé but that a law requiring people to disclose others' status could be risky. "[Illinois state] law imposes an obligation on the person who has HIV to tell, but other than that, our law is very much that your HIV status is yours to disclose or protect as you see fit," she says. How telling.

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