

Family Justice Resource Center SUMMER NEWSLETTER

AUGUST 2022

HOSPITALS ARE VIOLATING FEDERAL LAW BY RELEASING ALTERED EMR

Throughout our past five years of advocacy, the Family Justice Resource Center has encountered countless cases in which hospitals have violated HIPAA and HITECH by refusing to release a child's medical records once a child abuse pediatrician has alleged abuse. By refusing to release records in a timely manner, hospitals make it impossible for parents to get an independent second opinion before legal proceedings begin. Even when a court orders a hospital to release medical records, they often provide incomplete versions of the electronic medical record (EMR) that appear to reduce risk for the hospital.

Parents are entitled to their child's EMR as long as parental rights have not been terminated. Time and time again, lawyers and forensic experts have found that the records provided to the court were altered (such as the hospital concealing the opinions of treating physicians who do not agree with the diagnosis of abuse or failing to give reference ranges for critical lab values). Not only is this a violation of HIPAA and HITECH, but it also violates parental rights.

In a new Circuit Court ruling (Cook County IL), *Prieto v. Rush University Medical Center*, Judge James N. O'Hara ruled that parents have a right to obtain their child's full EMR and that a hospital's failure to release a full EMR, complete with the audit log and revision history, is a violation of the Supreme Court's discovery rules, as well as federal information blocking regulations.



DR. STEVEN ARISS

The amount of changes to medical records well beyond the date of care is staggering. When changes are made, it is often by those who are not in the business of giving care.

This concerning trend highlights a real problem within the child welfare system. When hospitals refuse to operate with transparency, prosecutors and judges are forced to make decisions without access to full and complete medical records. This begs the question—whose interests are hospitals really trying to protect?

Without a doubt, audit trails should be used in court proceedings that involve medically-complex abuse allegations, as due process dictates that all possible exculpatory evidence is considered. When all parties in a case have based their testimony on full and complete medical records, the child welfare system will be able to do a better job of protecting children, both from abuse as well as the trauma of a wrongful allegation of abuse.

JANUARY

Federal lawsuit filed by former FJRC client against the child abuse pediatrician, hospital, and DCFS agents:
Krueger v. Petrak

JUNE

FJRC Executive Director, Michelle Weidner, named 2022 Reunification Hero by the American Bar Association for her efforts protecting children and family rights.



AUGUST

FJRC acquires Protecting Innocent Families (PIF), a national nonprofit coalition that worked to protect the civil liberties of families wrongly accused of child abuse based on medical misdiagnoses by raising awareness and support.

OCTOBER

We are hosting fundraising events in Peoria, Decatur, and Bloomington this fall. Visit famjustice.org/events to get more info and register.



See you soon!

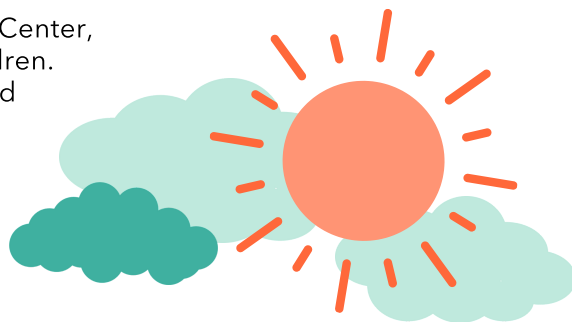


MICHELLE WEIDNER: AMERICAN BAR ASSOCIATION REUNIFICATION HERO

Our Executive Director, Michelle Weidner, was named as a 2022 Reunification Hero by the American Bar Association, recognizing her dedicated work over the past decade in fighting to protect the rights of parents, defending due process, and advocating for much-needed reform in the child welfare system.

In the ABA award interview, Michelle discussed flawed child welfare investigations, saying, "Hospitals and prosecutors often defer to [child abuse pediatricians] to the exclusion of better, stronger medical opinions pointing to either diseases that weren't considered or accidental explanations that were discounted. The system puts the burden on the parents to defend themselves and often makes it difficult for families to gain access to exculpatory medical evidence."

The ABA also highlighted the work of the Family Justice Resource Center, which plays a key role in reuniting innocent parents with their children. By providing resources and referrals free-of-charge, falsely-accused parents nationwide are able to obtain second opinions from board-certified physicians and secure experienced legal counsel that has a significant impact on the outcome of their case.



JOIN OUR STAND WITH FAMILIES EVENTS THIS FALL!

We would love to see you at our fundraising events in October! Visit famjustice.org/events to register for a city near you. If you are unable to attend, there will be a virtual event later this year—stay tuned for more info!

Thursday, OCT 6th @ 6pm

PEORIA AREA

FOSTERING REFORM

Join us in Washington, IL to hear how the FJRC works to protect children and support the child welfare system.

Thursday, OCT 13th @ 6pm

DECATUR, IL

HOLDING DCFS ACCOUNTABLE

Join us in Decatur, IL to learn how the FJRC helps families torn apart by the system designed to protect them.

Thursday, OCT 20th @ 4:30pm

BLOOMINGTON, IL

EXPOSING FLAWED SCIENCE

Join us in Bloomington, IL to hear how the FJRC upholds evidence-based medicine in child welfare investigations.

WE NEED YOUR HELP PROTECTING CHILDREN

Families in need reach out for assistance on a daily basis, and we need your help more than ever before. The Family Justice Resource Center relies exclusively on donations from individual donors, and your generosity helps to guarantee we can continue providing our essential services to families in need across the nation.

Please make a donation today. Your gift goes directly towards ensuring that children are safely returned to loving homes. Visit famjustice.org/get-involved to donate online, or mail a check to us at: Family Justice Resource Center, 411 Hamilton Blvd., Suite 1928, Peoria, IL 61602. Thank you for your support!



[WWW.FAMJUSTICE.ORG](https://www.famjustice.org)



Family Justice Resource Center

PROTECTING CHILDREN BY PROMOTING SCIENCE & COMMON SENSE

@FamilyJusticeResourceCenter

info@famjustice.org

