



Written by [Dave Bohon](#) on February 26, 2014

Medical Abuse Charge: Conn. Couple Fight for Custody of Daughter

A Connecticut couple has lost the latest legal battle in a conflict over whether they or doctors at Boston Children's Hospital (shown) have the final say in the medical treatment of the couple's 15-year-old daughter, whose condition has reportedly deteriorated drastically since she was taken from her parents over a year ago by the Massachusetts Department of Children and Families (DCF).



On February 24 a judge ruled that the girl, Justina Pelletier, will remain in the custody of the state as the courts decide whether her parents, Linda and Lou Pelletier, are guilty of medical child abuse because of the medical treatment they had chosen for Justina, whom doctors at Boston's Tufts Medical Center had diagnosed with a rare genetic disorder.

Matt Staver of the conservative Christian legal advocacy group [Liberty Counsel](#), which is representing the Pelletier family, said that "the story of Justina Pelletier is like a horror movie," recalling that before she was admitted to Boston Children's Hospital, the teen was being treated for mitochondrial disease, a rare genetic disorder, by Dr. Mark Korson, the chief of metabolism at Tufts Medical Center.

But at Boston Children's Hospital where the family had taken Justina for treatment, "a new doctor, in the seventh month of his internship, changed the working diagnosis from mitochondrial disease to somatoform disorder, shifting her treatment from physical to mental," Staver recalled. "When Lou and Linda Pelletier tried to discharge their daughter and return her to care at Tufts Medical Center, DCF took Justina as a ward of the state and moved her to Bader Five, the psychiatric ward, where she remained for eleven months."

Staver noted that today Justina Pelletier is confined to a Boston-area nonmedical treatment facility, where she suffers daily with excruciating pain, and where her health is rapidly declining. "The State of Massachusetts cannot make Justina a prisoner merely because her parents followed the medical protocols recommended and administered by a respected medical institution responsible for her care," Staver said. "The more light shed on the situation, the more it becomes apparent that the behavior of DCF and Boston Children's Hospital is indefensible." Staver added that "Justina and her parents desperately need justice. The parents love their daughter and want to get her the best medical treatment possible."

The [Boston Globe](#) reported that a judge was also trying to determine whether Lou Pelletier should be held in contempt of court for speaking to the media about his daughter's case after a gag order had been imposed at the request of the state's Department of Children and Families. "The teen's father has recently given media interviews in which he expressed frustration with the quality of care his daughter is getting while in DCF custody, care that he has asserted has been nearly fatal for her," reported the *Globe*.

Staver charged that the motion of contempt forwarded by the Massachusetts Department of Children



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and Families “is nothing more than an attempt to prevent the public from gaining access to information concerning the state’s unconstitutional intrusion into the fundamental parental rights of the Pelletiers and to extend the secrecy of these proceedings. There is simply no justification for such a gross violation of the presumption of public access to judicial proceedings.”

Other pro-family and conservative groups have stepped forward in defense of the Pelletier family. Keith Mason of Personhood USA argued that “the rights of Justina Pellitier and her family are clearly being violated. Justina is a person, not property of the state of Massachusetts. It is imperative that we stand together in defense of this young woman before it is too late.... No parent should suffer as the Pelletiers are suffering. Knowing that their daughter will be cruelly and intentionally transferred to a facility that is unable to care for her medical needs is devastating.”

The Rev. Patrick Mahoney of the Washington, D.C.-based Christian Defense Coalition said that the case represents a “disturbing trend of government officials usurping the rights of parents and disregarding their unique and special role in raising their children.” Mahoney called on the Massachusetts DCF “to immediately return Justina into the loving arms of her parents so the healing process can move forward. We also call upon the faith community and people of good will across the nation to work tirelessly and passionately until this family is reunited.”



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