

# SUPPORT HB 5548: PROTECT YOUTH ACCESS TO HEALTH CARE ACT

SPONSORS: Canty, Cassidy, Faver Dias, Mussman, Evans, Nichols,  
Du Buclet



HB 5548 reinforces protections for lawful health care created by the Patient and Provider Protection Act (PAPPA) by updating IL child custody statutes to reduce the risk of parents being punished or losing their rights when they help their children obtain needed or lifesaving lawful health care as defined by PAPPA – including when a custody dispute crosses state lines.

## What do these changes do?

- ✔ They protect parents from losing custody of a child solely because they support the child's access to lawful health care:
  - "Lawful health care" is already defined under Illinois law. It includes both gender affirming care and reproductive care.
- ✔ They clarify when Illinois courts have jurisdiction over interstate child custody disputes.
  - For example, an Illinois court could obtain temporary emergency jurisdiction if one parent is seeking lawful health care for a minor in Illinois but their home state outlaws or requires both parents to consent to that care.
  - An Illinois court should not defer to another state or decline to assert jurisdiction because a child is present in Illinois to receive lawful health care.
- ✔ For custody disputes that occur within Illinois, support of a minor's access to lawful health care is a factor a judge may consider under the "best interests of the child" standard – a standard courts already apply when issuing orders about parenting time and parental decision-making.
- ✔ These changes prevent Illinois from being forced to follow laws from other states that are counter to Illinois public policy.

## What do these changes not do?

- ✔ They do not alter existing custody judgments.
- ✔ They do not extend Illinois law beyond Illinois borders.
- ✔ They do not give Illinois courts jurisdiction over every child seeking health care.
- ✔ They do not expand what is already considered lawful health care protected in Illinois.

## Why are these changes needed?

States across the country continue to pass dangerous restrictions on needed health care for minors – including laws that can revoke parental custody if a parent supports their child's access to needed or lifesaving health care. In the 2023 legislative session, more than 100 bills were introduced in dozens of states targeting care that is lawful here in Illinois. For example, Texas allows parents to be investigated for supporting their child's gender affirming care, and Florida has passed a law allowing its courts to change custody orders from a different state if a minor is likely to receive gender affirming care there. Similarly, 36 states require parental notice or consent before a minor can obtain an abortion – a health care decision that is protected in Illinois. Many of those states are now banning abortion altogether. Some states additionally limit minors' access to prenatal care. Health care providers may also face liability where parents disagree about a child's health care unless there is a clear custody order in place. Illinois law should be clear on how our courts address access to lawful health care in the child custody context. Without this clarity, parents risk losing custody of their children, and children risk losing access to health care protected under Illinois law.

For more information, please contact Aisha N. Davis ([adavis@aclu-il.org](mailto:adavis@aclu-il.org)) or Liza Roberson-Young ([lroberson-young@aclu-il.org](mailto:lroberson-young@aclu-il.org)).

**ACLU** Illinois

# SUPPORTING ORGANIZATIONS:

**ACLU of Illinois**

**Howard Brown Health**

**Planned Parenthood of Illinois**