



CIRCUMCISION: YOUR LEGAL RIGHTS

June 2011

Attorneys for the Rights of the Child

Attorneys for the Rights of the Child (ARC) is an organization dedicated to safeguarding the bodily integrity of children. ARC is available to help people who feel that their rights were violated by a circumcision to which they did not agree, including those that happened in the first years of a child's life. Depending on your age and the location and circumstances of your circumcision, legal remedies may be available.

Who may bring a circumcision-related lawsuit?

- The parent of a minor if complications resulted from a poorly performed circumcision.
- The parent of a minor if the minor was circumcised without the parent's consent.
- The parent of a minor if there was a lack of informed consent or if consent was obtained inappropriately.
- In some states, the individual who was circumcised as a child, after he is legally an adult (usually the age of 18).

What is "informed consent"?

- Informed consent is a patient's knowing agreement to a procedure, made with full knowledge of the risks involved, the harms of the procedure, and any alternatives to the procedure, including the alternative of non-intervention, i.e., leaving the baby "intact."
- Babies, of course, are too young to understand medical information or to consent to a medical procedure. Many lawyers believe that parents or guardians do not have the legal power to "consent" to the amputation of their child's normal body part, nor to put their child through unnecessary surgery. Therefore, barring the presence of a medical emergency, no one had the right to amputate a part of your penis. The law is gradually evolving to incorporate these principles. Meanwhile, you may be able to bring a lawsuit with regard to your circumcision.

Who may be responsible for damages?

- The doctor who performed the circumcision and the doctor's employer.
- In some circumstances, the hospital where circumcision took place and hospital employees who assisted in the circumcision.

What sort of lawsuit is possible?

- Medical negligence/medical malpractice.
- General negligence.
- Battery (personal injury).

What sort of damages may be awarded?

- Damages may be awarded for pain and suffering, medical expenses, emotional distress, and physical injury

What are the time limits?

You have a limited time to claim legal benefits from the doctor or hospital that amputated part of your penis. The exact rules vary from state to state, but typically the time limit for a personal injury or medical malpractice suit runs for a period of time from the date of the injury, closes, and then re-opens for a brief period when the person who suffered an injury turns 18. (Unfortunately, in a few states, this re-opening does not occur.) Contact us for information about the applicable time limits in the state where you were circumcised.

Need more information?

If you are interested in learning more about the legal remedies that may be available to you as a result of your own circumcision, or the circumcision of your minor child, please contact ARC at (510) 464-4530 or by email to arc@post.harvard.edu. You may also visit the ARC website for additional information: <http://www.arclaw.org/>.

This pamphlet is for informational purposes only and does not replace the advice of an attorney. You should consult with an attorney licensed in the jurisdiction where the circumcision took place for a definitive answer in regard to questions of law, including the applicable statutes of limitation and repose.



J. Steven Svoboda, Esq.
Attorneys for the Rights of the Child
2961 Ashby Avenue
Berkeley, CA 94705

© 2011 All rights reserved.
ARC is a 501(c)(3) educational organization supported by individual donations.