



PREGNANCY, PARENTING, & SUBSTANCE USE: NAVIGATING SYSTEMS

Module 2.1: Legal Basics

Module Summary

Module Purpose

This module provides an overview of laws, regulations, and rights relevant to pregnant, postpartum, and parenting participants who use substances, enabling peers to support participants in self-advocacy.

Key Points

Protecting Participant Rights and Promoting Care

- Criminalization of substance use during pregnancy causes harm and deters people from seeking care
- Federal law provides important protections: ADA prohibits discrimination; HIPAA protects health information; Emergency Medical Treatment and Labor Act ensures emergency care
- State laws vary significantly regarding pregnancy, substance use, and parenting rights
- Participants have rights to confidentiality, informed consent, and freedom from discrimination in healthcare settings
- Peers should not provide legal advice but can help participants know when to seek legal counsel

Critical Skills for Peers

- Knowing when to refer participants to legal aid services or attorneys
- Helping participants understand their rights in healthcare and child welfare situations
- Helping participants increase their self-advocacy skills regarding their legal rights

Essential Supports and Resources

- List of local legal aid organizations and attorneys who specialize in family law and substance use issues
- Up-to-date information on state-specific laws affecting pregnant people who use substances
- Connection to parent advocates and family defense attorneys
- Resources on patient rights, HIPAA protections, and discrimination protections

Practice Applications

- Help participants prepare questions to ask attorneys about their legal options
- Support participants in documenting recovery efforts and positive parenting
- Use the resources in this module to learn more about state-specific laws and policies affecting this population



PREGNANCY, PARENTING, & SUBSTANCE USE: NAVIGATING SYSTEMS

Module 2.1: Legal Basics

Recommended Resources

Resources on Rights During Medical Care

- [Be Empow\(ER\)ed! Know Your Rights to Addiction Care for Drug & Alcohol-Related ER Visits](#)
- [Template: Consent Form for Uses and Disclosures of SUD Treatment Records](#)
- [Harm Reduction Laws in the United States by State](#)
- [Legal Advocacy to Protect Health Care Access for People Who Use\(d\) Drugs](#)

Resources on Medical Rights Related to Pregnancy Care and Birth

- [Birth Rights: A Resource for Everyday People to Defend Human Rights During Labor and Birth](#)
- [Understanding Prenatal Drug Exposure Reporting Requirements for Medical Professionals](#)
- [Your Rights When Seeking Medical Care](#)

Understanding Rights in Different Settings

- [Your Rights When Contacted by the Police](#)
- [Your Rights When Contacted by Child Welfare](#)
- [Your Rights When Contacted by Immigration](#)
- [Medications for Opioid Use Disorder \(MOUD\) in the Workplace: It's Your Right!](#)

Free Legal Resources

- [Repro Legal Helpline](#)
- [Legal Services Corporation \(LSC\)](#)
- [Law Help Interactive](#)
- [American Bar Association Free Legal Answers™](#)
- [Directory of Law School Pro Bono Programs](#)
- [Addiction, Recovery, & Online Privacy](#)