

Access to Your Child's Records:

A non-custodial parent's right to medical, dental, and educational records

It is the law in Maryland that a parent is entitled to see his or her child's medical, dental, and educational records, even if that parent doesn't have physical custody of the child. The law states:

Access to medical, dental, and educational records by noncustodial parent.

Unless otherwise ordered by a court, access to medical, dental, and educational records concerning the child may not be denied to a parent because the parent does not have physical custody of the child. (Md. Ann. Code, Family Law Article § 9-104)

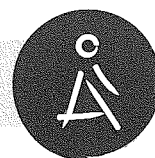
How do I claim my right to see my child's records at the child's doctor's office or school?

First, be sure that the child's doctor's office or school has evidence that you are the child's parent, such as a copy of the child's birth certificate or a copy of your custody order. If you are still denied access to your child's records, write a letter and send it to the custodian of records—the person in charge of records at the doctor's office or school. In the letter, state that you are the child's parent, that you have been denied access to the child's records, and that, under MD. ANN. CODE, FAMILY LAW ARTICLE SECTION 9-104, you would like to review your child's records. Be sure to ask that the custodian of records respond to your request in writing. It is likely that once your letter is received, the custodian of records will consult his/her office's legal counsel, who can properly advise that you are entitled to access to your child's records. See sample request on reverse side

What if my former spouse has instructed my child's doctor's office or school to deny me access to my child's records?

Unless there is a court order which denies you access to your child's medical, dental, or educational records, your child's other parent is not entitled to deny you access to your child's records. Following such instructions would violate the law. Write a letter to the custodian of records, as explained above.

This flyer was created by the Maryland Legal Aid Bureau, Inc. (Legal Aid), a non-profit organization dedicated to providing high quality legal advocacy to protect and advance human rights for individuals, families and communities.



Sample Request:

Dear [Doctor/Principal/Etc.]

I am the parent of [your child's name]. When I contacted your office and requested access to my child's records, my request was denied. I again request [your child's name]'s records and remind you that, under Md. Ann. Code, Family Law Article Section 9-104, you are required to provide me access to [his/her] records.

Please respond to this request in writing. Thank you in advance for your cooperation.

Sincerely,
[Parent]