

TABLE OF CONTENTS

<i>Foreword</i>	vii
<i>Introduction</i>	ix
CHAPTER 1 PUBLIC HEALTH BASICS	
David Holtgrave, PhD, Melissa Davey-Rothwell, PhD, Cathy Maulsby, PhD, and Laura Wehrmeyer, MM	
A. Overview	2
B. Nature of the HIV Disease	3
C. HIV Transmission	5
D. HIV Detection	7
E. Characteristics of the U.S. Epidemic	9
F. HIV Prevention	12
G. HIV Treatment	15
H. HIV Law and Policy	17
CHAPTER 2 HIV TESTING AND CONFIDENTIALITY	
Alison Yager, Esq.	
A. Overview	22
B. HIV Testing of Adults: Informed Consent	26
C. Mandatory HIV Testing	28
D. Confidentiality under State Law	40
E. Third-Party Disclosure: Common Law Claims	43
F. Federal Privacy Protections	48
G. HIV Testing of Minors	52
H. Conclusion	56
CHAPTER 3 FEDERAL, STATE, AND LOCAL ANTIDISCRIMINATION LAWS PROTECTING PEOPLE LIVING WITH HIV/AIDS	
Scott A. Schoettes, Esq.	
A. Overview	58
B. The Americans with Disabilities Act (ADA)	59

C. The Rehabilitation Act of 1973	78
D. HIV and Housing	78
E. State and Local Protections	82
CHAPTER 4 COURTROOM MANAGEMENT	
Hon. Richard T. Andrias	
A. Overview	86
B. Relevant ABA Policies	90
C. Code of Judicial Conduct and the Special Functions of the Trial Judge	92
D. Court Rules and Guidelines	95
E. Federal Courts and HIV	99
F. Discrimination and Confidentiality	100
G. Education	101
H. Conclusion	104
CHAPTER 5 CRIMINAL COURT PROCEEDINGS	
Ginna Anderson, Esq., Amy Hsieh, Esq., and Toni Holness, Esq.	
A. Overview	106
B. Substantive Criminal Law	110
C. Pretrial Proceedings	127
D. Trial Proceedings	132
E. Posttrial Proceedings	135
CHAPTER 6 CORRECTIONAL FACILITIES	
Natasha Williams, PhD, JD, MPH	
A. Overview	142
B. Confidentiality of HIV-Related Information	144
C. Segregation of HIV-Positive Inmates	146
D. HIV Testing in Prison	148
E. Medical Treatment	151
F. HIV Prevention in Prison	154
CHAPTER 7 CIVIL COURT PROCEEDINGS	
Ronda B. Goldfein, Esq., Matt Mossman, Julie R. Foster, Irena Shiloh	
A. Overview	160
B. Admissibility of HIV Status in a Civil Proceeding Generally	161
C. Torts	162

D. Damages and Life Expectancy Calculations	169
E. Pleadings to Protect Anonymity	172
F. Jury Instruction	175

CHAPTER 8 ADMINISTRATIVE PROCEEDINGS: SOCIAL SECURITY

Leslie Kline Capelle, Esq., and Maria Harris, Esq.

A. Overview	178
B. The Social Security Disability Determination	178
C. Medicare and Medicaid	192
D. Continuing Disability Review	192
E. Implications of Recent Breakthroughs	193

CHAPTER 9 ADMINISTRATIVE PROCEEDINGS: HIV/AIDS ISSUES IN IMMIGRATION PROCEEDINGS

Cristina Velez and Stephen Yale-Loehr, Esq.

A. Overview	198
B. Confidentiality in Immigration Proceedings	201
C. Inadmissibility Issues for HIV-Positive Noncitizens	204
D. Asylum or Withholding of Removal for HIV-Positive Noncitizens	209
E. Relief under the United Nations Convention against Torture for HIV-Positive Noncitizens	222
F. Cancellation of Removal for HIV-Positive Noncitizens	228
G. Waivers of Removability and Inadmissibility for HIV-Positive Noncitizens	233

CHAPTER 10 FAMILY COURT PROCEEDINGS

Toni Holness, Esq., Carolyn McAllaster, Esq., and Carol M. Suzuki, Esq.

A. Overview	240
B. Childbearing with HIV	242
C. Parenting and HIV	243
D. Separation and Divorce	246
E. Child Custody and Visitation	248
F. Abuse and Neglect Based on Failure to Treat a Child's HIV	257
G. Termination of Parental Rights	260
H. Adoption	262
I. Guardianship/Conservatorship Proceedings Involving Minors	266

Appendix A: ABA Policy and Report on AIDS (ABA Report 135)	273
Appendix B: ABA AIDS Policy and the Criminal Justice System (ABA Report 109A)	403
Appendix C: ABA Policy on AIDS and Discrimination (ABA Report 115)	435
Appendix D: National HIV/AIDS Strategy	467
Glossary of HIV-Related Terms	519
Index	529

<http://www.pbookshop.com>