

Co-Parenting: A Guide to Vaccination Rights

Are vaccinations safe for children?

The scientific consensus is clear: the benefits of vaccination far outweigh the extremely rare risks. Vaccines prevent dangerous diseases including diphtheria, tetanus, pertussis (whooping cough), polio, measles, mumps, rubella, hepatitis B, influenza, pneumococcal infections and more. Health officials at the local, state, and national level support vaccines due to their ability to protect both individuals and communities. Medical associations – such as the American Academy of Pediatrics, the American Medical Association, and others – support vaccinating children according to the recommended schedule.



Are children in Colorado required to be immunized?

Students shall not attend any school in the state of Colorado unless he or she has presented either a medical or non-medical exemption to the appropriate school official. For more information about Colorado's school vaccination requirements, visit the Colorado Department of Public Health and Environment's website [here](#).

Which co-parent has vaccination rights?

Co-parents must decide custody of their children in divorce proceedings. Parents must come to an agreement on both physical and legal custody. Physical custody determines where the children will primarily live and how to split up visibility between both co-parents. Legal custody determines how parents will make certain decisions for their children concerning education, religious upbringing, extracurricular activities, and health and medical care - including vaccinations.

Am I able to vaccinate my child without my co-parent's consent if I have sole legal custody?

A parent with sole legal custody is able to make all decisions concerning medical and health care. However, if one co-parent disagrees over health care decisions, including whether or not to vaccinate, co-parents have the ability to go to mediation or court to have their concerns heard and the issue resolved. Most court rulings across the country side with science and rule in favor of vaccination.

Am I able to vaccinate my child without my co-parent's consent if I have shared legal custody?

If co-parents share legal custody, they also share decision-making responsibilities. If parents disagree over health care decisions, including whether to get their child(ren) vaccinated, co-parents have the ability to go to mediation or to court to have their concerns heard and the issue resolved.

**This document is not intended to serve as legal advice. Please contact appropriate legal counsel for questions.

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Resources

- Parental Refusal of Childhood Vaccines and Medical Neglect Laws
 - <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5308147/>
- Vaccination and the Effect on Custody When One Parent opts Out
 - https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3604563
- Colorado School Required Immunizations
 - <https://cdphe.colorado.gov/schoolrequiredvaccines>

Articles/Blog Posts

- Disagreements Between Divorcing Parents on Immunization of Children
 - <https://www.divorcemag.com/blog/disagreements-between-divorcing-parents-on-the-immunization-of-children>
- Vaccines protect us. But does the U.S. Constitution protect anti-vaccine parents
 - <https://www.sacbee.com/opinion/california-forum/article229946704.html>
- Michigan mom jailed – not about vaccines, all about ignoring the court
 - <https://www.skepticalraptor.com/skepticalraptorblog.php/michigan-mom-jailed-vaccines-ignoring-court/>
- Divorced parents head to court over vaccines
 - <https://www.freep.com/story/news/2017/10/09/divorced-parents-head-court-over-vaccines/746796001/>

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