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Judge allows blood transfusion for Jehovah's Witness boy, against parents' wishes

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Source: News Limited

A BRISBANE hospital will be allowed to give a boy, 7, a life-saving blood transfusion during a planned liver transplant, against the wishes of his Jehovah's Witness parents.

Supreme Court Justice James Douglas has ordered the boy, who has severe liver disease, be given any necessary blood products during the transplant and post-operatively.

The boy, who can only be identified as J, is likely to require a liver transplant within the next two to three years and Justice Douglas said without it "death would be inevitable".

"If a transplant is made it would be likely to cure his liver disease and reverse the significant symptoms from which he suffers already, and would significantly improve his quality of life," he said.

The boy and his parents are Jehovah's Witnesses who object to blood transfusion on the basis that they believe blood is sacred.

They believe to agree to accept a blood transfusion would infringe a Biblical injunction to abstain from blood.

Justice Douglas said the parents were concerned about their son's health and were willing to agree to a liver transplant, but opposed the application for an order allowing blood transfusion.

"It seems to me appropriate to conclude that the sanctity of J's life, in the end, is a more powerful reason for me to make the orders than is respect for the dignity of beliefs so sincerely held by his parents and him," Justice Douglas said.

A Brisbane hospital applied for the order to avoid any last-minute consent issues if a blood transfusion was urgently needed for the boy.

The application was heard in a closed Supreme Court in Brisbane on June 12 and the decision, suppressing identities of the boy, his family, the hospital, his doctors, school and lawyers, has just been made public.

The boy's parents told the court if there was to be an order, they wanted every effort to be first made to minimise blood and blood product administration.

But one of the parents said if an order was made against their wishes they would obey the law and bring their son to hospital for treatment.

A doctor said in an affidavit transfusion was required in 95 per cent of transplants, including blood salvaged from the patient and re-used.

The hospital told the court the smaller the patient, the more severe the liver disease and the greater likelihood that blood transfusion would be required during a transplant.

Justice Douglas said if it became necessary to preserve J's life, a doctor could give a blood transfusion to a child without parental consent, under Queensland law.

But a doctor said it was important that a transplant team had confidence that consent had been explicitly given.

"During the procedure, of course, issues may arise which require decisions such as whether to transfuse blood or not to be made immediately in order to preserve the safety and life of J," Justice Douglas said.

He ordered the hospital, medical practitioners and nurses be authorised to administer blood and blood products they judged medically necessary to J during and after the liver transplant.

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