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Jehovah's Witness girl saved by court

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 By Zelda Venter

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Pretoria - The life of a 10-year-old girl was saved after a high court late on Thursday evening granted an urgent application authorising a doctor to commence immediately with a blood transfusion – against the young patient's wishes.



The Centre for Child Law in Pretoria instructed an advocate to turn to the Durban High Court after the centre was approached by Dr Monica Vaithilingum, a paediatric haematologist at the Parklands Hospital, who was treating the child.

Professor Ann Skelton, head of the Centre for Child Law, said the urgent application became necessary when the girl's parents refused to grant consent to the blood transfusion due to their faith. They are Jehovah's Witnesses.

"Dr Vaithilingum found herself in a difficult position when the parents refused the lifesaving treatment," said Skelton.

The child had been diagnosed in February with a life-threatening autoimmune disease. The child was anaemic and had a bleeding disorder.

According to the doctor, blood and platelet transfusion was essential to stabilise the child and commence treatment. After receiving the blood, her condition improved dramatically. The doctor would not comment further on her condition due to doctor-patient confidentiality.

The parties turned to the court at about 6pm on Thursday evening, and Judge Guido Penzhorn (in chambers) gave the go-ahead for the transfusion.

The paediatrician said: "I felt duty-bound to act, without disrespecting the religious beliefs of the parents. I just did what I needed to do."

This was the first time she had had to turn to court in a case of this nature.

Dr Vaithilingum believes the government should put mechanisms in place for situations like this, as the interests of children are of paramount importance.

Skelton said the centre was concerned that, although the Children's Act clearly states that religious or other belief is not in itself a reason for refusing medical treatment, it is difficult to achieve consent.

Skelton said the Health MEC of a province can usually override refusal of consent by parents.

On Thursday, when the situation was dire, she phoned the office of the KwaZulu-Natal MEC, but said no help was forthcoming.

It is understood that the medical superintendent at state hospitals can also give consent where parents refuse treatment, but that the situation becomes more difficult when the child is in a private hospital.

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