

44 WHOSE LIFE IS IT ANYWAY? – INFORMED CHOICES FOR YOUNG PEOPLE AND THEIR FAMILIESP Saul¹ *¹Intensive Care Unit, John Hunter Hospital*

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Dennis Lindberg was 14 years old when he died. A Seattle court had upheld his refusal of a blood transfusion because he was “mature, and understands the consequences of his decision”. But when Abraham Cherrix, aged 16, refused chemotherapy a Virginia court overruled him. Billy Best, also 16, solved the problem by going into hiding, and subsequently became a minor celebrity. At the same time, the parents of Kara Neumann were imprisoned for failing to provide conventional treatment for her Type 1 diabetes. Neil Beagley’s parents met the same fate when they decided to treat his urinary obstruction with prayer. Although these cases have religious conviction as a motive, the real issue is of autonomy. In the case of an adolescent, who has the right to refuse treatment? The idea that children have a right to decide is recent, and is enshrined in Articles 12-17 of the UN Convention on the Rights of the Child. The United States is uniquely not a signatory to this, but even in countries like Australia the provisions are seen as controversial and have not been signed into state laws. The right of parents to refuse conventional medical treatment for their children is also contested. It is clear now that a child’s autonomy is not simply transferred to its parents, but some conservatives believe that this should be the case. This paper explains modern accounts of autonomy in children, including that of Joel Feinberg that may help understand and avert the conflicts that arise when life-prolonging treatments are refused.