6. Incapacity II: Children

Medical Law: Text, Cases, and Materials (5th edn)
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All books in this flagship series contain carefully selected substantial extracts from key cases, legislation, and academic debate; providing able students with a stand-alone resource. This chapter discusses children’s medical treatment. It looks at the limits of parental decision-making, and cases in which the courts have overruled parental wishes in order to protect the child’s best interests. Where parents cannot agree with each other about serious medical treatment, or where the treatment is especially controversial, decisions might also need to go before a court. Cases involving withdrawing or withholding life-prolonging treatment are also covered. In relation to mature minors, it discusses the concept of Gillick-competence and the difference that has arisen between the child’s right to consent to medical treatment and her much more limited right to refuse.
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