



September 8, 2006

## Respect sick girl, court told Has right to refuse transfusions

By **DEAN PRITCHARD, COURT REPORTER**

A 15-year-old Jehovah's Witness should be allowed to decide for herself what kind of medical treatment she should accept, the Manitoba Court of Appeal heard this morning.

The girl, who suffers from Crohn's disease, is appealing a lower court ruling last April that would allow doctors to order she take blood transfusions as they see fit without her consent.

Manitoba legislation allows youths 16 or older to make their own medical decisions. The girl is seeking a court order classifying her as a "mature minor" responsible for her own decisions.

"Youths mature at different rates," said her lawyer Shane Brady. "It is a violation of human dignity to say everyone in this group can't make decisions."

Child and Family Services, which obtained the original court order allowing doctors to treat the girl against her wishes, is opposing her appeal.

### FOCUS ON CFS POWERS

Much of the debate heard before the three Court of Appeal justices focused on a section of the Child and Family Services Act which authorizes the agency to intervene on behalf of minors under 16 years of age or seek court orders to do so for minors 16 and older.

"The agency is not given a statutory mandate to wait and see if harm will occur," said CFS lawyer Michael Thomson.

The girl, wearing a sand-coloured striped suit, sat in the front row of the court gallery, accompanied by her parents.

The hearing was closed to the general public, and the girl cannot be identified.

The original court order authorizing doctors to intervene in her care is no longer in effect, and there was no indication in court the girl is suffering any immediate medical distress.

The justices reserved their decision.