

### The rights of children to refuse life-sustaining treatment

Children (persons under the age of 18) cannot refuse life-sustaining treatment that is in their best interests, even when they are competent. Nor can parents refuse life-sustaining treatment for their children when that treatment is in the child's best interests.

If it is decided by the treating clinicians that it is in the best interest of a child to withhold or withdraw life-sustaining treatments, parents if they agree, may consent to that withholding or withdrawal: this is demonstrated in the case of *Re Baby D (No 2)*: (read a [case summary](#) or the [full case](#) ). Arguably, a competent child could also consent to the withholding or withdrawal of treatment if that was agreed to be in their best interests.

See below for factors to be considered when making decisions for patients who lack capacity in their 'best interests'.

- (i) the particular condition of the patient which requires the procedure or treatment;
- (ii) the nature of the procedure or treatment proposed;
- (iii) the reasons for which it is proposed that the procedure or treatment be carried out;
- (iv) the alternative courses of treatment that are available in relation to that condition;
- (v) the desirability of and effect of authorising the procedure or treatment proposed rather than the available alternatives;
- (vi) the physical effects on the patient and the psychological and social implications for the patient of:
  - a. authorising the proposed procedure or treatment
  - b. not authorising the proposed procedure or treatment
- (vii) the nature and degree of any risk to the patient of:
  - a. authorising the proposed procedure or treatment
  - b. not authorising the proposed procedure or treatment
- (viii) the views (if any) expressed by patient or the persons responsible for the patient.

### References:

- *Re Marion (No 2)* (1992) 17 Fam LR 336