



# Ethics

## Children: Legal and Ethical Issues

---

### Case Studies

There are two cases in this “Children: Legal & Ethical Issues” module. Each case is written in a context relevant to this module. Sammy case is the pediatric common case.

#### Case 1: Sammy

Janelle and James Jones are both attorneys in their 40s. They were joyously awaiting the birth of their first child – which they expected several months from now. One night, they rushed to the emergency room with Janelle in hard labor after only a 25-week gestation. Despite the intervention of the hospital staff, their son Sammy was born prematurely, weighing just over 1.5 lbs. He required immediate medical attention and was put on mechanical ventilation in the NICU. He developed necrotizing enterocolitis and required surgery to remove part of his intestine. Within days of surgery, he had Grade 4 cerebral bleeding. Yet he hung on. Either Janelle or James was at Sammy’s NICU bedside nearly 18 hours a day. An admission history takes place between you, the hospital nurse, and Janelle. You are meeting for the first time today.

From birth, Janelle’s and James’ interactions with the NICU staff were problematic. It started when a nurse asked Janelle if she had obtained prenatal care. Janelle replied that the question was racist and that the nurse was clearly uneducated to not be aware that African Americans of all socioeconomic levels were at risk for premature and low-birth weight infants. Whenever James visited Sammy in the late evening, he was frequently stopped by the hospital security and questioned. To make matters worse, a first year resident told the parents soon after Sammy’s birth that there was little hope he would survive and that they should prepare themselves for his death – yet Sammy did not die. The final blow was when Janelle discovered in Sammy’s chart that he had been tested for cocaine and other drugs soon after birth. Janelle and James feared that hospital was not providing Sammy with the highest quality care available due to staff’s prejudice that they “caused” his premature birth through poor care or drugs. They also feared that the physicians were giving up on Sammy sooner than they would have given up on another child – in particular a white child.

- Whose is the legal decision maker for Sammy?
- What is in Sammy’s best interests?
- By whose definition of best interests?

- If the physicians determine that further care is futile, how might these parents be approached about withdrawing therapy?

**Case 2: Heather**

Heather, an engaging 7-year-old, was brought to the ER with a sore throat that had rapidly worsened and was now threatening her breathing. She was alert and able to shake her head ‘yes’ and ‘no.’ She was admitted to the pediatric intensive care unit for treatment of impending septicemia. Triple antibiotic therapy was started immediately but within hours she required intubation and inotropic medications to support her blood pressure. Her condition continued to deteriorate over the next three days requiring increasingly aggressive treatment to support her cardiovascular functioning. The result of this treatment was that circulation had been compromised to her extremities. Both of her arms below the elbows and both legs below the knee would need to be amputated, should she survive. In addition, it was not clear she would survive. She remained unconscious, septic, and clinically unstable on the 10<sup>th</sup> day when her parents requested that treatment be stopped. They said that they believed everything that should be done for their daughter had been done and that “God was calling her home.” They seemed calm and confident in their choice. The healthcare team was astonished by the parents’ request. No one had approached them about withdrawing therapy. While some clinicians agreed that the child’s prognosis was grim and future quality of life would be severely compromised, others felt that Heather deserved a chance to survive and conquer her disabilities as so many other pediatric patients demonstrated daily.

- Do the parents have the right to request that treatment be stopped?
- To what standard are they held in surrogate decision making for their child?
- Are they meeting that standard?