

Book review:

When doctors and parents disagree

Ethics, paediatrics and the zone of parental discretion

Edited by Rosalind McDougall, Clare Delany and Lynn Gillam. The Federation Press 2016

Review by: Megan Lawton

Director, Legal Advisor & Management Consultant
Vivid Advice

'In some cases, conflicts between parents and clinicians will arise because they have different fundamental ideas about what makes a child's life go well.'

Parents make decisions every day for their children. Society and indeed the law purport to set boundaries delineating when it would be appropriate for the State to step in. Unfortunately those lines are most often premised on the intangible concept of 'best interests' of the child. The work contains a useful discussion about what this means. This work looks at some of the common instances when health professionals find themselves at odds with the wishes of parents—when it comes to the care of children with health needs. When is it appropriate (or legal) for health professionals to step in and administer (or withhold) treatment against the wishes of parents or guardians? How can health professionals navigate decision making when parents disagree with each other? What are the considerations for termination of pregnancy or teenage cosmetic surgery?

This book explores a decision framework, which it describes as the Zone of Parental Discretion (ZPD). The work seeks to evaluate the utility of the ZPD in assisting doctors to decide when to act against parent's wishes. Of course there are many valid considerations such as future care needs, finite nature of resources and the clinician

patient/guardian relationship. If intervening on this occasion results in the child being entirely withdrawn from health care, is it in the child's best interests?

Is there something for the Courts to glean from this thorough discussion? There are of course times when parents or clinicians will seek the intervention of the Court to approve proposed action. There are also times when lawyers for parents with joint custody might disagree about treatment. Could the ZPD provide a useful framework that may anchor considerations about ethical questions?

The book is laid out in an accessible fashion and is a compelling read. Each chapter commences with an editor's summary—so you can easily assess if it will be relevant. Case studies based on real scenarios illustrate the complexities for discussion. These scenarios on the edges of the grey zones allow the authors to test the usefulness of the ZPD. Different outcomes are considered, alternative decision making frameworks applied and results hypothesised. I was easily hooked—if only to find out the path that was ultimately chosen and how things turned out. Ultimately the work provides more than satisfying food for thought.

