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**Search details**

The medico legal context of Witness families receiving blood transfusions – particularly children.

**Resources searched**

NHS Evidence; TRIP Database; Cochrane Library; CINAHL; MEDLINE; PsychINFO; Google Scholar

*Database search terms:* "jehovah* witness*", exp CHILD, exp INFANT, exp PEDIATRICS, (child* OR adolescent* OR "young pe*") OR paed* OR pediatric* OR infant*), exp YOUNG ADULT, "young adult*", exp MINORS (LEGAL), minor*, consent, exp INFORMED CONSENT, ethic*, (medico-legal OR medicolegal OR "medico legal"), legal*, law*, exp CONSENT, exp ETHICS, exp LEGISLATION, legislat*, transfusion*, exp BLOOD TRANSFUSION

*Evidence search string(s):* transfusion "Jehovah* Witness*" (child OR "young person" OR minor)

*Google search string(s):* transfusion Jehovah’s Witness child OR “young person” OR minor

**Guidelines**

**Association of Anaesthetists of GB and Ireland**

*Management of Anaesthesia for Jehovah’s Witnesses, 2012*

Pages 8-9, 13-15, and 29 specifically mention children

**Great Ormond Street Hospital for Children**

*Protocol for families refusing blood and blood components, including Jehovah’s Witnesses, 2011*
Evidence-based reviews

None found

Published research

**General**

**Jehovah’s Witnesses and autonomy: honouring the refusal of blood transfusions.**

**Author(s)**: Bock GL

**Citation**: Journal of Medical Ethics, 01 November 2012, vol./is. 38/11(652-656), 03066800

**Publication Date**: 01 November 2012

**Abstract**: This paper explores the scriptural and theological reasons given by Jehovah's Witnesses (JWs) to refuse blood transfusions. Julian Savulescu and Richard W Momeyer argue that informed consent should be based on rational beliefs and that the refusal of blood transfusions by JWs is irrational, but after examining the reasons given by JWs, I challenge the claim that JW beliefs are irrational. I also question whether we should give up the traditional notion of informed consent.

**Source**: CINAHL

Available in fulltext from *Journal of medical ethics* at [Highwire Press](https://www.highwire.org/)

Trust liable for death of Jehovah's Witness despite refusal of blood transfusion:

**Maher (Deceased) v Pennine Acute Hospitals NHS Trust (Blackpool County Court, 23/6/11 - Mr Recorder Hinchliffe QC).**

**Author(s)**: Mead, John

**Citation**: Clinical Risk, 01 September 2011, vol./is. 17/5(206-208), 13562622

**Publication Date**: 01 September 2011

**Source**: CINAHL

Available in fulltext from *Clinical Risk* at [EBSCOhost](https://www.ebscohost.com/)

**Title**: Medical conduct in a Jehovah's witness patient from the bioethics point of view.

**Citation**: Arquivos Brasileiros de Cardiologia, November 2009, vol./is. 93/5(e85), 0066-782X;1678-4170 (2009 Nov)

**Author(s)**: Grinberg M, Chehaibar GZ

**Language**: English

**Publication Type**: Journal Article

**Source**: MEDLINE

**Title**: Free and informed choice in medical treatment: making it safe to choose for Jehovah's witnesses.

**Citation**: BJOG: An International Journal of Obstetrics & Gynaecology, October 2009, vol./is. 116/11(1540), 1470-0328;1471-0528 (2009 Oct)

**Author(s)**: Guichon J, Mitchell I

**Language**: English

**Publication Type**: Comment, Letter

**Source**: MEDLINE

**Full Text**:

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Royal College of Surgeons

**Code of practice for the surgical management of Jehovah's Witnesses**, 2002

Pages 7-8, and 10 specifically mention children
Available from EBSCOhost in BJOG: An International Journal of Obstetrics and Gynaecology

Title: Overriding the Jehovah's Witness patient's refusal of blood: a reply to Cahana, Weibel, and Hurst.
Citation: Pain Medicine, July 2009, vol./is. 10/5(878-82), 1526-2375;1526-4637 (2009 Jul-Aug)
Author(s): Banja JD
Language: English
Abstract: This article is a response to a survey on moral reasoning among Swiss health professionals that appeared in a recent issue of this journal. The authors of that survey inquired whether or not their respondents would give a blood transfusion to a Jehovah's Witness patient who clearly refused it. A substantial number of the respondents answered that they would override the patient's refusal and give the transfusion. The present article examines the two ethical rationales that were offered to explain the overriding respondents' answers and argues that neither one is ethically acceptable. It concludes with an account of the phenomenon of "motivated reasoning" that, so it is argued, better explains why the overrides would refuse to honor the Jehovah's Witness patient's transfusion refusal.

Publication Type: Journal Article
Source: MEDLINE
Full Text: Available from EBSCOhost in Pain Medicine

Title: Refusal of blood by Jehovah's Witnesses and the patient's right to self-determination.
Citation: Legal Medicine, April 2009, vol./is. 11 Suppl 1/(S138-40), 1344-6223;1873-4162 (2009 Apr)
Author(s): Ariga T
Language: English
Abstract: Jehovah's Witnesses love life and do whatever is reasonable in order to prolong it. Hence, they seek quality health care and accept the vast majority of medical treatments. However, for Bible-based religious reasons, Jehovah's Witnesses do not accept allogeneic blood transfusion. Instead, they request nonblood alternatives. We will discuss medical and legal aspects concerning this position of Jehovah's Witnesses and the patient's right to self-determination. Also, the treatment for minors often becomes an issue. When a patient is a mature minor, his wishes should be respected. In the case of a minor patient lacking decision-making capacity, the wishes of the parents should be respected as much as possible.

Publication Type: Journal Article, Legal Cases
Source: MEDLINE

Title: Blood transfusion: implications of treating a Jehovah's Witness patient.
Citation: British Journal of Nursing, February 2009, vol./is. 18/3(174-7), 0966-0461;0966-0461 (2009 Feb 12-25)
Author(s): Effa-Heap G
Language: English
Abstract: Jehovah's Witnesses believe that an individual's life is contained within blood, and that accepting transfusion of blood and blood products is sinful. The administration of blood to a Jehovah's Witness who has refused to accept transfusion may lead to criminal or civil proceedings. From an ethical viewpoint, if a rational adult who has been fully apprised of the consequences of not receiving this treatment persists in a refusal, the decision should be respected. Medical and nursing staff faced with such a problem should explore fully with the patient any transfusion alternatives that the patient might find acceptable, such as cell salvage,
volume expanders, antifibrinolytics and pharmaceutical options, such as erythropoietin. This article examines the legal and consent issues around blood transfusion in Jehovah's Witness patients and their implications for medical and surgical management.

**Publication Type:** Journal Article, Review  
**Source:** MEDLINE  
**Full Text:** Available from *British Journal of Nursing* in Pilgrim Hospital Staff Library; Note: ; Notes: Use the link to request articles from the library. Complete the appropriate online form and press 'Send'.

Available from *EBSCOhost* in British Journal of Nursing
Available from *British Journal of Nursing* in Grantham Hospital Staff Library; Note: ; Notes: Use the link to request articles from the library. Complete the appropriate online form and press 'Send'.
Available from *British Journal of Nursing* in Lincoln County Hospital Professional Library; Note: ; Notes: Use the link to request articles from the library. Complete the appropriate online form and press 'Send'.

**Title:** Jehovah's Witnesses and refusal of blood transfusion: the medico-legal challenges.  
**Citation:** West African Journal of Medicine, July 2008, vol./is. 27/3(186-90), 0189-160X;0189-160X (2008 Jul)  
**Author(s):** Osime CO  
**Language:** English  
**Publication Type:** Journal Article  
**Source:** MEDLINE  
**Full Text:** Available from *EBSCOhost* in *West African Journal of Medicine*

**Title:** Jehovah's Witnesses in the emergency department: what are their rights?.  
**Citation:** Emergency Medicine Journal, December 2005, vol./is. 22/12(869-71), 1472-0205;1472-0213 (2005 Dec)  
**Author(s):** Woolley S  
**Language:** English  
**Abstract:** The Jehovah's Witnesses Society is best known to outsiders for its refusal of blood products, even when such a refusal may result in death. Since the introduction of the blood ban in 1945, Jehovah's Witness (JW) parents have fought for their rights to refuse blood on behalf of their children, based on religious beliefs and their right to raise children as they see fit. Adolescent JWs have also sought to refuse blood products based on their beliefs, regardless of the views of their parents. Adult JWs have fought to protect their autonomy when making both contemporaneous and advance treatment refusal. The refusal of blood products by JWs raises ethical and legal dilemmas that are not easily answered. Do an individual's rights (namely bodily control, right to privacy, right to decide about life/death issues, right to religious freedom) outweigh society's rights (namely the preservation of life, the prevention of suicide, the protection of innocent third parties, and the maintenance of the ethical integrity of the medical profession)? Does the right to choose outweigh the value of human life? For doctors, conflict occurs between the desire to respect patient autonomy and the need to provide good medical care. The Watchtower Society (the JW governing body) imposes a strict code of moral standards among its members, and it is unlikely that individual JWs are making truly autonomous decisions about blood transfusions. While young children and adolescents are protected by the courts and conscious adults are afforded autonomy, dilemmas still arise in the emergency situation. This article examines the rights of young children, adolescents, and adults, focusing in the latter half on adults in the emergency situation.  
**Publication Type:** Journal Article, Review
A critical incident is any event that had an effect, or could have had an effect, on the welfare of a patient. Patients must be treated with respect by staff who demonstrate that they are sensitive to individual needs, values, beliefs and cultural background. This article will examine the legal and ethical issues relevant to the right of an unconscious Jehovah’s Witness in an intensive care unit (ICU) to refuse a blood transfusion. The concepts of consent, capacity to consent, necessity to act, advance directives, decision making, consequences of failing to obtain consent, ethical principles, human rights and the best interests of the patient will be explored, in the light of relevant statute and case law, in order to demonstrate some of the legal and ethical complexities within acute healthcare delivery.

The firm refusal of blood transfusion treatment by Jehovah’s Witnesses has always caused some discomfort to physicians. Two fundamental principles contained in the constitution of our own and other democratic countries specifically dictate that human rights are to be respected. No one may be forced to undergo any particular health treatment, save under the provisions of the law. These principles have led doctors and lawyers to address this difficult patient-doctor issue decisively. On the one hand, a vast jurisprudence has been accumulated, which, although not resolving all the questions regarding the issue, has provided valuable guidelines, elaborated to support physicians in their treatment of patients who
refuse homologous blood. On the other hand, wide-ranging research has been undertaken to find therapeutic and surgical methods that make it possible to treat patients without recourse to blood transfusions. Paradoxically, the dilemma presented to doctors by Jehovah's Witnesses has led to new knowledge regarding "the good use of blood," the advantages of which have been experienced also by non-Witnesses. In this article, we briefly consider the roots of Jehovah's Witness beliefs and the principles that lie behind their refusal of blood. Furthermore, we consider which treatments may be accepted, and which are invariably refused. Last, we examine the progress of current scientific research into alternative methodologies and the position of Jehovah's Witnesses when a transfusion is not an option, but a necessity.

Notes: 30 refs., KIE Bib: organ and tissue transplantation; treatment refusal
Publication Type: Journal Article
Source: MEDLINE

Title: Medical, legal and ethical considerations concerning the choice of bloodless medicine by Jehovah's Witnesses.
Citation: Legal Medicine, March 2003, vol./is. 5 Suppl 1/(S72-5), 1344-6223;1344-6223 (2003 Mar)
Author(s): Ariga T, Hayasaki S
Language: English
Abstract: The management of patients who are Jehovah's Witnesses involves important medical, legal, and ethical considerations. A court case in Japan upheld 'the patient's right to decision-making' as part of the patient's 'personal right.' When the patient is a mature minor, his or her wishes should also be respected. Even when the patient is a young child, all appropriate and available alternatives should be exhausted before considering a blood transfusion. Transfusion-alternative strategies have made it easier to choose bloodless medicine and surgery. This matter of treating the 'whole person' should be considered with all its related factors in mind.
Notes: 10 refs., KIE Bib: patient care; treatment refusal
Publication Type: Journal Article, Review
Source: MEDLINE

Children
Title: Rawls and religious paternalism.
Citation: Journal of Medicine & Philosophy, August 2012, vol./is. 37/4(373-86), 0360-5310;1744-5019 (2012 Aug)
Author(s): Shaw DM, Busch J
Language: English
Abstract: MacDougall has argued that Rawls's liberal social theory suggests that parents who hold certain religious convictions can legitimately refuse blood transfusion on their children's behalf. This paper argues that this is wrong for at least five reasons. First, MacDougall neglects the possibility that true freedom of conscience entails the right to choose one's own religion rather than have it dictated by one's parents. Second, he conveniently ignores the fact that children in such situations are much more likely to die than to survive without blood. Third, he relies on an ambiguous understanding of what is "rational" and treats children as mere extensions of their parents. Fourth, he neglects the fact that those in the original position would seek to protect themselves from persecution and enslavement and thus would not allow groups of children to be killed because of their parents' beliefs. Finally, Rawls makes it clear that we should choose for children as we would choose for ourselves in the original position, with no particular conception of the good (such as that held by Jehovah's Witnesses).
Publication Type: Journal Article
Source: MEDLINE
Title: Transfusion issues in a child of Jehovah's Witness parents: A neurosurgical case report.
Citation: Journal of Pediatric Neurology, 2011, vol./is. 9/1(105-107), 1304-2580 (2011)
Author(s): Ganjoo, Pragati, Panday, Bhuwan C, Chawla, Rajiv, Tandon, Monica S, Sharma, Ajay
Language: English
Abstract: Jehovah's Witness (JW) is a religious Christian group whose members believe blood transfusion to be unholy and do not accept blood or its components, even if refusal of transfusion may prove to be life threatening. This belief is extended by them to their offspring too, despite the children being unaware of the implications of their parents' stand. A conflict arises between the parents’ firm position against transfusion and the responsibility of the treating doctors towards the safety of these children. It raises several ethical and medico-legal issues, besides requiring a modified treatment plan. While there are well-defined practice guidelines and legal directives on this subject in the west, there is a paucity of similar literature in many other countries including India leading to major transfusion related conflicts. The perioperative protocol for the surgical management of a JW patient is directed towards achieving bloodless surgery. An anemic child of JW parents underwent excision of an intracranial third ventricular mass without blood transfusion at our hospital. We present here our experience in managing this case using blood-saving surgical and anesthetic methods including a meticulous surgical technique and acute hypervolemic hemodilution. (PsycINFO Database Record (c) 2012 APA, all rights reserved) (journal abstract)
Publication Type: Journal, Peer Reviewed Journal
Source: PsycINFO

Title: Legislation and refusal of blood transfusion by a minor Jehovah-Witness in Belgium.
Citation: Acta Chirurgica Belgica, November 2011, vol./is. 111/6(355-9), 0001-5458;0001-5458 (2011 Nov-Dec)
Author(s): Deneyer M, Matthys D, Ramet J, Michel L, Holsters D, Vandenplas Y
Language: English
Abstract: The refusal of blood transfusion by Jehovah's Witnesses in critical situations constitutes an ethical and juridical dilemma. The refusal to receive blood products by Jehovah's Witnesses is based on biblical verses. Recurring arguments to sustain this refusal regard the right to self-determination and the right to freedom of faith. If minors are involved, the problem is rendered even more difficult as the parental authority over young children needs to be taken into account. When adolescents are concerned, the situation if even more ambiguous since adolescents might be considered as mature enough to provide autonomous consent. On the basis of three cases, the most frequent bottlenecks that can come up in paediatric emergency services are highlighted: (1) the refusal of a blood transfusion by the parents of a young child; (2) the refusal by an adolescent and (3) prior refusal based on a "No Blood"-document. Regarding minors, the law on patients' rights in Belgium contains safety mechanisms concerning the preservation of physical integrity. Therefore, a key responsibility has been assigned to the physician. A step-by-step plan and a synoptic diagram are presented.
Publication Type: Case Reports, Journal Article, Review
Source: MEDLINE
Full Text: Available from EBSCOhost in Acta Chirurgica Belgica

Title: A premature infant with necrotizing enterocolitis whose parents are Jehovah's Witnesses.
Title: Rawls and the refusal of medical treatment to children.
Citation: Journal of Medicine & Philosophy, April 2010, vol./is. 35/2(130-53), 0360-5310;1744-5019 (2010 Apr)
Author(s): Macdougall DR
Language: English
Abstract: That Jehovah's Witnesses cannot refuse life-saving blood transfusions on behalf of their children has acquired the status of virtual "consensus" among bioethicists. However strong the consensus may be on this matter, this article explores whether this view can be plausibly defended on liberal principles by examining it in light of one particularly well worked-out liberal political theory, that of Rawls. It concludes that because of the extremely high priority Rawls attributes to "freedom of conscience," and the implication from the original position that parents must act paternalistically toward their children as their protectors, Jehovah's Witnesses cannot legitimately be barred from making decisions on behalf of their children, even when the consequences of such decisions are serious and irremediable.
Publication Type: Journal Article
Source: MEDLINE
Full Text: Available from EBSCOhost in Journal of Medicine and Philosophy

Title: Urgent medical decision making regarding a Jehovah's Witness minor: a case report and discussion.
Citation: North Carolina Medical Journal, September 2007, vol./is. 68/5(312-6), 0029-2559;0029-2559 (2007 Sep-Oct)
Author(s): Brezina PR, Moskop JC
Language: English
Abstract: BACKGROUND: Physicians strive to respect the autonomy of patients. The emergent care of Jehovah's Witnesses, however, leaves health care providers struggling with ethical and legal questions. These are further compounded when the patient in question is a minor.CASE: A girl aged 15 years presented with anemia, a large ovarian mass, massive hemoperitoneum, and parents who were devout Jehovah's Witnesses who refused administration of blood products. Following discussion of the patient's condition and treatment options with the patient, her family, members of the treatment team, and consultants, the patient was transferred to a hospital that offered a blood conservation program for surgical patients. The patient received surgical management without the need for blood transfusion. Her surgeons, however, reserved the legal right to give blood if an emergent need arose despite the lack of parental consent.CONCLUSION: Society grants considerable legal latitude in dealing with Jehovah's Witness minors, and physicians must be aware of the legal and ethical parameters surrounding the care of such patients.
Publication Type: Case Reports, Journal Article
Source: MEDLINE

Title: Medical emergencies in children of orthodox Jehovah's Witness families: Three recent legal cases, ethical issues and proposals for management.
Three recent Canadian legal cases have dealt with the proposed blood transfusion of adolescent members of Jehovah’s Witness (JW) families. In each case, the court permitted transfusions if medically necessary. Much critical analysis of the issue of forced treatment of decisionally competent adolescents focuses exclusively on competence and questions why mature minors may not decide for themselves. The authors argue that a focus on decision-making competence alone is too narrow. Before one may legally give or refuse consent to medical treatment, three conditions must be met: competence, adequate information and lack of coercion. In striving to find agreement on medical treatment, physicians, patients and JW family members seek and, in fact, often achieve mutual understanding and cooperation. Coercion by actual or threatened shunning and excommunication can occur, and these factors may affect adolescent decision-making. In this context, a court order authorizing medical treatment can, therefore, be seen as enhancing patient freedom. The authors suggest that, in addition to fulfilling existing statutory duties to report a child in need of protection, health care professionals caring for acute patients of JW families should actively look for evidence that the patient has accurate medical information and is acting without coercion. The authors also explore suggestions on how to deal with the unusual complexities of such cases.
Title: In re Guardianship of L.S. and H.S.

Citation: West's Pacific Reporter, 2004, vol./is. 87/(521-7), 1044-9442;1044-9442 (2004)

Author(s): Nevada. Supreme Court

Language: English

Abstract: Court Decision: 87 Pacific Reporter, 3d Series 521; 2004 Apr 6 (date of decision). The Supreme Court of Nevada held that, when a minor child needs a blood transfusion and the minor's parents refuse to consent on religious grounds, the court may appoint the hospital as temporary guardian of the child without violating the parent's substantive due process rights. Rebecca S. prematurely gave birth to twin boys. One of the twins, H.S., was anemic and required a blood transfusion. As Jehovah's Witnesses, Rebecca S. and her husband objected to the blood transfusion. After receiving a transfusion despite his parents' objection, H.S. remained in critical condition and would likely require another blood transfusion within the next thirty days. The Valley Hospital Medical Center petitioned for temporary guardianship of both twins in order to insure that they could begin blood transfusions if needed. The hospital's request for guardianhip of one of the twins, H.S., the more critically ill twin, was approved. The Supreme Court of Nevada held that the lower court's appointment of the hospital as H.S.'s temporary guardian was appropriate. Although the parent-child relationship is recognized as a fundamental right, the state also has an interest in the welfare of children. In this case, the parents' liberty interest in practicing their religion and caring for their children is outweighed by the state's interest in preserving the life of the child. Because the hospital's guardianship right was narrowly tailored to solely address the issue of blood transfusions on a temporary basis, the court held the lower court's decision struck an appropriate balance between the parent's and state's interest, and affirmed.

Notes: 33 fn., KIE Bib: treatment refusal/minors

Publication Type: Journal Article, Legal Cases

Source: MEDLINE

Title: A surgeon's obligations to a Jehovah's Witness child.

Citation: Surgery, January 2003, vol./is. 133/1(110-1), 0039-6060;0039-6060 (2003 Jan)

Author(s): Jones JW, McCullough LB, Richman BW

Language: English

Notes: 4 refs., KIE Bib: patient care/minors; treatment refusal/minors

Publication Type: Case Reports, Journal Article

Source: MEDLINE

Full Text: Available from Surgery (0039-6060) in Lincoln County Hospital Professional Library; Note: ; Notes: Use the link to request articles from the library. Complete the appropriate online form and press 'Send'.

Available from Paediatric Nursing in Pilgrim Hospital Staff Library; Note: ; Notes: Use the link to request articles from the library. Complete the appropriate online form and press 'Send'.

Available from EBSCOhost in Paediatric Nursing
Consent Issues in Medico-Legal Procedures: How Competent Are Children to Make Their Own Decisions?
T Fundudis - Child and adolescent mental health, 2003 - Wiley Online Library
... might ask whether the assessment of his competence to refuse a blood transfusion on religious ...geared towards establishing the extent of his own objective understanding of Jehovah's Witness beliefs to ... as weighing too heavily and unfairly on the shoulders of the child or young ...
Cited by 31 Related articles All 3 versions Cite

The contemporary approach to the care of Jehovah's witnesses
DB Hughes, BW Ullery, PS Barie - The Journal of Trauma and ..., 2008 - journals.lww.com
... dL. There are many modalities to treat the Jehovah's Witness patient with acute blood loss. Treatment ... success. Autologous autotransfusion and isovolemic hemodilution can also be used to treat patients who refuse transfusion. Hemoglobin ...
Cited by 44 Related articles All 4 versions Cite

[PDF] Urgent medical decision making regarding a Jehovah's Witness minor: a case report and discussion
PR Brezina, JC Moskop - North Carolina medical journal, 2007 - nciom.org
... girl aged 9 years named Sarah Prince who was instructed by her Jehovah's Witness guardian to ... the minor under North Carolina law in the event a life saving transfusion is required ... protection to physicians who choose not to override parental refusal of treatment for a minor child. ...
Cited by 4 Related articles All 9 versions Cite

Refusal of potentially life-saving blood transfusions by Jehovah's Witnesses: should doctors explain that not all JWs think it's religiously required?
R Gillon - Journal of medical ethics, 2000 - jme.bmj.com
... paternalism is involved only when the doctor treats the patient in the way a parent would treat his or her child for the child's benefit but either without knowing the child's thought-out ... So while it would be paternalistic to give a blood transfusion to a Jehovah's Witness against his ...
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