



History of Gillick competence

Mrs Victoria Gillick, a Roman Catholic mother of ten children (five sons and five daughters), opposed a direction taken by the local health service, which allowed medical practitioners to prescribe contraceptives to a person under the age of 16 years without the knowledge or consent of their parents (Griffiths, 1985).

Mrs Gillick initially sought an assurance from the local health service that they would not provide advice or treatment to her daughters without her knowledge or consent. When the local health service refused, Mrs Gillick took the matters to the courts to resolve. Mrs Gillick argued that it was unlawful for practitioners to provide contraceptive advice and treatment to a person (under the age of 16 years) without parental involvement and to do so would contravene parental rights (Gillick v West Norfolk Health Authority, 1986).

The judges in the Gillick case determined that a child or young person under the age of 16 years, would be competent to consent to medical examination or treatment, if they had sufficient maturity and intelligence to understand the nature and implication of the treatment (Griffith, 2016; Choahan, 2018).

History of Marion's case

Marion (not her real name) is an Australian High Court case, which involved a profoundly disabled 14-year-old girl who was unable to manage her menstruation.

Her parents wanted Marion to have a hysterectomy and sought approval from the courts for this medical procedure. The Australian High Court gave strong approval for the original Gillick competence through 'Marion's case'.

Although Marion did not have sufficient intelligence and maturity to fully understand what was proposed, the court also determined that there are limits on a parent's power to consent to certain medical procedures like sterilisation and that a court must decide on these matters (Smith & Mathew, 2015).

References

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