

## Group 5 Case The Separation of Jodie and Mary

Jodie and Mary were born as conjoined twins. The twins were not born with identical internal body parts, and Jodie was almost entirely dependent upon Mary's heart and lung function to survive. It was clear to the physicians involved in the case, at least two of whom had considerable experience with surgical separation of conjoined twins, that without surgical intervention, both girls would die within a relatively short time. Mary would be unable to thrive and continue to support both bodies as they grew. It was unclear what "Quality of Life" might be enjoyed by Mary during the time of her survival, since it was impossible to predict how long that might be and what functions she might be able to perform, given the limitations imposed by their conjunction, which occurred primarily at the base of the spine. Jodie was not conscious, owing to the malformation of brain mass and function. The doctors recommended surgical separation, which could result in "normal" life for Mary, provided the surgery were performed promptly, and that other therapies could be employed to assist her growth. The parents, who did not disclose their grounds for doing so, whether religious or otherwise, declined the surgical intervention. The doctors, who were responsible for the care of the infants by virtue of hospitalization which could not be terminated without severe danger to both children, sought a court order to permit surgical procedures to separate the children. The Court assigned the case to your group for mediation.

Alternatively, the court granted the permit, and surgery was performed. Jodie, died upon completion of the procedure. Mary lived, but after a short period began suffering congestive heart failure and died several months later. Parents sue first for violating their parental rights to make decisions for their infant children, and at the same time sued for malpractice in the separation, resulting in the damage to Mary's heart alleging it caused the congestive heart failure. The judge extends his order to include this claim.