

[Weber v. Stony Brook Hospital \(1983\)](#) [1]

By: Resnik, Jack Keywords: [Congenital disorders](#) [2] [Government](#) [3]

The New York Court of Appeals' 1983 case *Weber v. Stony Brook* set an important precedent upholding the right of parents to make medical decisions for newborns born with severe congenital defects. A pro-life New York attorney, Lawrence Washburn, attempted to legally intervene in the case of Baby Jane Doe, an infant born with disorders. When the infant's parents chose palliative care over intensive corrective surgery, Washburn made repeated attempts to have the New York courts force through the surgery. The Court of Appeals ultimately ruled not only that Washburn had overstepped his authority, but also that the parents' decision was a medically and legally valid one. The *Weber* case set an important standard for protecting the rights of parents and limiting the rights of government to make medical decisions for infants with severe congenital defects.

When Baby Jane Doe was born at St. Charles Hospital in Port Jefferson, New York, her anomalies were so severe that she was immediately transferred to the State University Hospital at Stony Brook, a hospital with the means to provide corrective surgery. However, because the infant's situation was not immediately life-threatening, the parents, both Roman Catholics, chose to first consult with several doctors, neurological experts, and religious advisers.

The parents eventually decided against surgical treatment, and opted for palliative care with antibiotics and nutrition. Although the regimen had a higher mortality rate, it could also have extended the infant's life expectancy. Surgery, though a standard medical option, carried the risk for lower limb paralysis and several other significant complications. Either way, in the physicians' judgment, the child would likely never have been able to meaningfully interact with her environment or the people in it.

Through a confidential tip, Lawrence Washburn, a municipal bonds attorney who had pursued right-to-life cases for more than a decade, filed a petition in New York State Supreme Court to have a judge overturn the parents' decision. The parents' attorney, joined by New York Assistant Attorney General David Smith as the hospital's representative, argued that Washburn had no standing to bring suit considering he had no connection to the parents, and no knowledge of the child's condition or of the reasons that led the parents to opt against surgery.

Justice Melvyn Tanenbaum of the New York Supreme Court acknowledged Washburn's lack of legal standing and appointed William Weber, another attorney, to be Baby Jane Doe's guardian and a neutral party in the dispute. Once Weber was guardian, Tanenbaum summarily ruled against the parents and ordered the surgery be performed on the grounds that the infant had a state protected right to survive.

One day later, the five justices of the Court's Appellate Division overturned Tanenbaum's ruling on the basis that there was no evidence of medical neglect. Instead, based on the testimony of Baby Jane Doe's physicians, the court found that the palliative option, though carrying a higher mortality rate, was nevertheless a medically valid one. Surgery, despite being more immediately beneficial, would also have increased the infant's pain and possibly worsened both her lower limb paralysis and kidney and bladder function. Thus, in the absence of demonstrated neglect of a parental desire to allow their child to die, the court ruled that government intervention was unwarranted.

The ruling was brought to the New York Second District Court of Appeals, which affirmed the Appellate Division's decision, although for different reasons. In *Weber v. Stony Brook Hospital*, the justices found that both Attorney Washburn and Justice Tanenbaum had abused their authority by proceeding with the suit against the parents. Instead, under the Family Court Act, any investigation of suspected neglect must be initiated and carried out by Child Protective Services. According to the Courts' written decision, to otherwise allow Washburn's action would recognize the right of any person to take important decisions within the very heart of a family circle, which would "challenge the most private and most precious responsibility vested in the parents for the care and nurture of their children."

Despite the ruling, Washburn continued to appeal his case for Baby Jane Doe through various channels of federal court. On the precedent of the *Weber* ruling, however, he was rejected each time. Furthermore, although a separate legal battle over Baby Jane Doe would continue for another six months, in *United States v. University Hospital* (1984) the *Weber* ruling proved to have an immediate impact on debate about the "Baby Doe" rules.

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Subject

[Congenital diseases.](#) ^[8] [Congenital, Hereditary, and Neonatal Diseases and Abnormalities](#) ^[9]

Topic

[Legal](#) ^[10] [Reproduction](#) ^[11]

Publisher

Arizona State University. School of Life Sciences. Center for Biology and Society. Embryo Project Encyclopedia.

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[Articles](#) ^[12]

Last Modified

Wednesday, July 4, 2018 - 04:40

DC Date Accessioned

Thursday, May 10, 2012 - 14:06

DC Date Available

Thursday, May 10, 2012 - 14:06

DC Date Created

2011-04-25

DC Date Created Standard

Monday, April 25, 2011 - 07:00

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- [1] <https://embryo.asu.edu/pages/weber-v-stony-brook-hospital-1983>
- [2] <https://embryo.asu.edu/keywords/congenital-disorders>
- [3] <https://embryo.asu.edu/keywords/government>
- [4] <https://embryo.asu.edu/search?text=University%20of%20Michigan>

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