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The ethical and legal permissibility for CP adolescents in South Africa over the age of 12, without significant intellectual disability, to refuse aspects of their physiotherapy

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ABSTRACT

Adolescents with cerebral palsy are often assumed to lack health care decision-making capacity by their parents/caregivers and physiotherapists. Parents/caregivers of persons with disabilities are responsible for making decisions for their adolescents in the early stages of development. However, as children transition into adolescence, they are given the freedom to explore their thoughts, feelings, and emotions and engage in society. CP adolescents are not always given an equal opportunity to explore their individuality because of their dependency on parents/caregivers in different domains of life, such as: communication, feeding, and ambulation. The purpose of this research report is to investigate the extent to which CP adolescents over the age of 12, without a significant intellectual disability, can refuse physiotherapy interventions, despite their parents/caregivers advocating for the intervention and how physiotherapists should respond to their refusal. It is essential in circumstances when CP adolescents demonstrate an apparent verbal or non-verbal refusal and are still forced to participate in these interventions. This research has used a normative study to provide an analysis of the moral and legal rights of CP adolescents, in a South African context. In addition, international and local laws that protect the rights of persons with disabilities were analysed to ensure that physiotherapists fulfil their duty to their patients. The moral theory of 'ethics of care' demonstrates that CP adolescents can refuse rehabilitation, and physiotherapists ought to accept their decision and ensure that they are protected from all forms of harm. According to the Children's Act 38 of 2003, the Convention of Rights of Children, the Convention of Rights of Persons with Disabilities and the Health Professionals Council of South Africa's guidelines, CP adolescents have the right to refuse all aspects of rehabilitation and physiotherapists

have a professional responsibility to their patients, before their parents/caregivers. There is limited literature available in the field of autonomy and the right to refuse rehabilitation by CP adolescents. However, the study provides an ethical and legal framework for addressing situations where CP adolescents' autonomy and decision-making capacity are questioned by their parents/caregivers, regarding their health care. Further studies are required to provide clear guidelines for the professional and ethical duty that physiotherapists need to protect CP adolescents' dignity.