

Case 9

Mr. Jamison suffered a severe head injury in an accident and died without regaining consciousness soon after being brought to the emergency room. Upon his death, his wife requested postmortem sperm procurement, telling doctors that the couple had been trying desperately to conceive a child. Mr. Jamison had no advance directive stating, or implying, his wish to father a child, or specifying his agreement to this procedure in case of his death.

The hospital ethics committee noted that, under State law, the spouse of the deceased is the surrogate decision maker, and concluded, for this reason, that the decision rested with Mrs. Jamison. Mr. Jamison's parents argued that their son would never have wished to father a child who would be raised with only one parent. Mrs. Jamison's physician expressed the opinion that the Jamison's efforts to conceive a child demonstrated Mr. Jamison's desire that his wife have his child. The hospital's social worker suggested that it would be unfair to bring a child into the world with only one parent. The hospital chaplain pointed out, however, that many children live in stable, loving single parent homes.

The hospital has the equipment to do the procedure and offers services for sperm collection and storage for various reasons, including posthumous fatherhood. However, it has no policy for this situation, where the father is not a competent participant in the consent process.

The medical staff is divided. Some feel that allowing the procedure respects Mr. Jamison's wishes to father a child with his wife. Others believe it is wrong to be an agent of conception without the explicit consent of both parents.