

Medico-legal aspect of stillbirth

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SUMMARY

Stillbirth is a tragedy to both parents and medical professionals. When it occurs, there are potential medicolegal issues that may arise, and it is certainly important medical professionals are aware of the risks for informed actions to address and mitigate them effectively could be taken. This talk will highlight medicolegal issues associated with stillbirth from Malaysian law perspectives and relate them to case scenarios.

The first medicolegal aspect involves certification of stillbirth. In cases of abandonment and new-born being delivered before arrival to hospital, very often they are being promptly certified as stillbirth lacking detailed investigation to establish the situation with greater certainty. One of the lingering questions is: are they in fact stillbirths? The second aspect involves determination of cause of stillbirth - which can be varies within the spectrum of natural to unnatural causes. While natural causes may lead to suitable management plan for future pregnancies, missing on unnatural causes may result in justice not being thoroughly investigated and served. Therefore, it is crucial to acknowledge suspicious circumstances surrounding the death that may suggest possible unnatural event. The final medicolegal aspect of stillbirth relates to timing of fetal demise which may potentially associated with medical negligence claim including allegation of substandard care. It is paramount to document and establish reasonable timing of fetal demise in cases of stillbirth to address any medicolegal questions surrounding substandard care in future.

Finally, it is worth highlighting that the above aspects can be reasonably addressed by performing procedures such as an autopsy including detailed examination of placenta.

References:

1. Criminal Procedure Code. Part VIII, Special Proceedings, Chapter XXXII, Inquiries of Death.
2. Penal Code. Chapter XVI, Offences affecting the human body & Concealment of birth.
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