

Australian mum with tattoos wins right to breastfeed

June 19 2015

An Australian mother Friday won her bid to breastfeed her baby after a court overturned a decision banning her from suckling the infant due to the risk of infection from tattoos.

The 20-year-old mother, who cannot be named, was ordered not to breastfeed her 11-month old son earlier this month by a judge concerned about the risk of him contracting HIV or other diseases from two new [tattoos](#).

But the full bench of the Family Court on Friday unanimously reversed the decision, ruling that the evidence "was not capable of establishing the risk identified".

The case first came before Judge Mathew Myers on June 3 when the mother complained that the father, from whom she is separated, had failed to return the baby to her care.

At that hearing, the judge raised the fact that the mother was breastfeeding in relation to evidence that she was taking medication for post-natal depression.

She had also used cannabis once in the past two years and had acquired two new tattoos on her foot and finger about a month ago.

In a decision on June 5 Myers said that while the mother had tested negative for HIV and other diseases since getting the tattoos, tests could

not be definitive until three months after the needles were used.

In his decision, he said looking at the benefit of breastfeeding an 11-month-old compared to the risk of "a lifelong issue in circumstances where the child contracted HIV", it was in the child's best interests not to be breastfed.

But in its judgment on Friday, the full bench of the Family Court said the case highlighted the need for expert opinion evidence in such instances.

"Judges must not mistake their own views for being either facts not reasonably open to question or as appropriately qualified expert evidence," Justice Murray Aldridge said in a judgment summary.

The judgment said the initial judge had also erred by failing to consider the emotional and physical benefits of continued breastfeeding to the baby and the possible negative side effects of suddenly stopping the practice.

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