



By Caryn Sullivan

## **Tough Choices, But Courts Did Right by Daniel Hauser**

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After a journey from southern Minnesota to southern California and back, cancer-stricken Daniel Hauser capitulated and is continuing his chemotherapy in Minneapolis, in the custody of his parents.

The case of the 13-year-old boy with Hodgkin's lymphoma who rejected chemotherapy attracted international attention and generated emotional debate about difficult issues: the right to practice one's religion (however defined) and to use natural remedies to treat a deadly but curable disease; a minor's right to dictate his medical treatment; and the state's obligation to step in when parental neglect is alleged.

Minnesota has public safety laws about car seats, vaccinations and seat belts. In a time when the role of government has grown to an alarming degree (think banks and automakers), some have argued that the state should not be involved in ensuring that a minor receives life-saving medical treatment. Daniel's father was quoted as asking, "Why does someone believe that they have the right over your child?"

The case cried out for the government's involvement, for the Hausers were imperiling their minor child by refusing to accept the medical treatment that would almost certainly save his life.

I'm no stranger to the Hausers' nightmare. Less than two years after I completed chemotherapy, our 10-year-old daughter had a bone marrow transplant. Like the Hausers, we would have opted for herbs over chemotherapy, if guaranteed the same outcome. But we trusted the professionals who gave us mind-numbing explanations about the transplant process, pitfalls and prognosis.

I stood by as staff prepped our daughter by connecting her to an IV carrying drugs that destroyed both healthy and errant cells, knocked her out for a week and took her hair. I watched as she was strapped down and radiated from head to toe. I suffered with her as she reacted violently to the powerful treatments, numb with grief, fear and disbelief. But my family was determined to vanquish her rare illness — and we succeeded.

So, I have been distressed by the Hausers' decision to abort Daniel's treatment and run from the law. They squandered precious time, during which the teen's condition worsened, raising questions about whether the chemo would be effective or if he would require more advanced treatments, such as radiation or a stem-cell transplant. Perhaps their desire for Daniel to have a painless recovery blinded them to a harsh reality — the best chance for him to survive his cancer is to undergo chemo.

This story took one bizarre turn after another. After reading dozens of news stories and the court file, I believe I have a glimmer of understanding. A 13-year-old farm boy with limited ability to read and write, Daniel suddenly found himself in a big city hospital in January, hearing the word that strikes terror in our hearts: cancer.

He received the first of six prescribed chemotherapy treatments, and it wreaked havoc on his body. He developed a blood clot and was told it could travel to his heart or brain and kill him if he received additional chemotherapy. He recalled his aunt underwent chemotherapy for cancer and died. While the doctor said he needed the treatment to live, he believed it would kill him.

His fears were reinforced by his mother, who favored the Nemenhah treatments she apparently studied on the Internet, which included high pH water, herbs and green foods. (The Nemenhah is a group that uses natural healing remedies and opposes treatments that harm the body.)

Minnesota law requires parents to provide "necessary medical care" for their children. When Daniel failed to return for his second treatment, his oncologist notified Brown County authorities as he was legally bound to do. Despite compelling medical evidence to the contrary, Daniel's mother insisted Daniel was responding to her natural remedies.

After reviewing the evidence, Judge John Rodenberg concluded that Daniel was incompetent to make his own decisions and said, "Absolutely all of the medical evidence is that the parents' failure and refusal to provide Daniel with necessary medical care resulted in Daniel's condition greatly deteriorating." Because the Hausers were not obtaining the proper care for Daniel, the state was required to intervene on the minor's behalf.

It is regrettable that government officials had to become involved in the Hausers' medical decisions, for we embark on an unsettling course when we forfeit the right to dictate medical care for our children. Yet, the decision to order a potentially life-saving treatment, admittedly fraught with unpleasant side effects, was correct in this instance. The court's secondary judgment, to allow Daniel to remain with his close-knit family while he goes through a treatment that he was deathly afraid of, was also the right one.

I understand why the Hausers cannot bear the thought of putting toxins in Daniel's body. It seems counterintuitive to poison a sick child. But that is the standard of care and it is highly effective in treating the Hodgkin's lymphoma that plagues Daniel.

Fortunately, Daniel has resumed his treatment in Minneapolis (using traditional and complementary approaches always available to him there). Perhaps the Hausers are accepting the reality with which our family was confronted: cancer stinks, chemo stinks, but death stinks more.

Caryn Sullivan of Mendota Heights is a writer ([www.carynsullivan.com](http://www.carynsullivan.com)) whose columns appear frequently on these pages. Her e-mail address is [carynsullivan@comcast.net](mailto:carynsullivan@comcast.net).