

Minn. parents agree to let son undergo chemo

May 26 2009, By PATRICK CONDON , Associated Press Writer



This May 13, 2009 file photo shows Colleen, left, and Daniel Hauser at their farm in Sleepy Eye, Minn. Danile Hauser, a 13-year-old cancer patient and his mother, who fled Minnesota last week to avoid court-ordered chemotherapy for him, returned voluntarily Monday, May 25, 2009, and the boy was examined by a doctor. (AP Photo/The Journal Of New Ulm, Steve Muscatello, File)

(AP) -- The parents of a Minnesota boy who refused chemotherapy for his cancer told a judge Tuesday they now agree to the medical treatment, and the judge ruled their son can stay with them. Daniel Hauser, 13, has Hodgkin's lymphoma.

He and his mother missed a court appearance last week and left the state to avoid chemotherapy and seek alternative treatments. Colleen and Anthony Hauser told a Brown County [District judge](#) they now

understand their son needs chemotherapy.

When Judge John Rodenberg asked an emotional Colleen Hauser if she now believes chemotherapy is necessary to save her son's life, she replied, "Yes I do."

Daniel is scheduled for a round of chemotherapy on Thursday at Children's Hospital and Clinics of Minnesota.

Daniel and Colleen returned to Minnesota on Monday after almost a week on the run. Dr. James Joyce evaluated Daniel at the family's home in Sleepy Eye, and then made an appointment for Daniel to see an [oncologist](#).

That exam showed a tumor in Daniel's chest has grown - and is larger than it was when he was diagnosed in January, according to a medical report read in court by Rodenberg. The tumor is pushing against Daniel's trachea, causing pain that Daniel rated as a 10 on a scale of one to 10.

"The doctor is stating in the strongest possible terms that this course of chemotherapy has to commence and commence soon," Rodenberg said.

Attorneys for Brown County Family Services and for the guardian ad litem objected to the judge's ruling on custody, saying they wanted Daniel to stay in foster care. The judge had ruled earlier this month that Daniel would be placed in protective custody if his parents did not abide by a court order to see an oncologist.

"I do not see why the court would consider a change in custody status," said Tom Sinas, attorney for the guardian ad litem. "The only thing that has happened since we were last here is that Colleen Hauser fled the state with her son. I don't see how that is the basis for revisiting the custody decision."

James Olson, the Brown County prosecutor, said social workers at Children's Hospital told them that as recently as Monday, when Daniel saw the oncologist, the Hausers were still saying they didn't want chemotherapy.

"I am concerned that if Danny doesn't like the second round of chemotherapy he's going to say, 'I'm going to run away again,' and we're going to be right back where we started," Olson said. "These folks have had a history of changing their minds."

Attorneys for the Hausers wanted Daniel to stay with his parents and seven siblings.

"This family clearly loves and cares for Danny," attorney Tom Hagen said. "The environment at the Hausers' home is loving and caring. It is a healing place. Their main interest is in making sure Danny is OK."

Daniel did not appear in the courtroom Tuesday, but his court-appointed attorney, Philip Elbert, spoke on his behalf. He said Daniel has now had sufficient time to talk to a doctor and discuss the situation with his parents and Elbert.

The attorney said Daneil wanted to schedule one chemotherapy session at a time and then be examined before doing the next one. The judge said they had to follow the course of treatment recommended by Children's Hospital, which back in January was six rounds of chemotherapy, possibly followed by radiation. It's not clear whether that course of treatment would still apply, given the change in Daniel's tumor.

Daniel underwent one round of chemotherapy in February, but stopped after that, citing religious beliefs. The family prefers natural healing practices suggested by a religious group called the Nemenhah Band, which says it follows American Indian beliefs.

Rodenberg ruled earlier this month the parents medically neglected Daniel and ordered them to get him an updated chest X-ray as well as select an oncologist for a re-evaluation. After the X-ray showed a tumor in Daniel's chest had grown, the mother and son left town.

The FBI said the pair flew to Los Angeles a week ago, and returned early Monday.

Hodgkin's lymphoma has a 90 percent cure rate in children if treated with [chemotherapy](#) and radiation, but doctors said Daniel was likely to die without those treatments.

"Danny loves his parents and they love him. He's a fine boy, a very pleasant young man. I know he should be in the custody of his parents - as long as I'm satisfied they are going to follow the prescribed course of treatment," Rodenberg said.

Turning to Colleen and Anthony Hauser, Rodenberg said, "I'm taking you at your word. We're starting over right now."

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