

State of Minnesota

District Court

Brown County

Judicial District:

Fifth

Court File Number:

JV-09-68

Case Type:

Juvenile

In the Matter of the Welfare of the Child(ren) of:

Colleen Hauser and Anthony Hauser

Notice of Filing of Order

X Parent

Legal Custodian

Parent

Legal Custodian

PLEASE TAKE NOTICE THAT on November 13, 2009 the attached Order was filed in the above-entitled matter.

- 1. Effective Date. The Order shall remain in full force and effect until the first occurrence of one of the following: issuance of an inconsistent order; the order ends pursuant to the terms of the order; or jurisdiction of the juvenile court is terminated. Unless otherwise ordered, an order stated on the record is effective immediately.
2. Relief from Order.
a. Clerical Mistakes. Pursuant to Juvenile Protection Rule 46.01, clerical mistakes in an order arising from oversight or omission may be corrected by the court at anytime upon its own initiative or upon motion of any party.
b. Mistakes, Inadvertence, Excusable Neglect, Newly Discovered Evidence, Fraud. Pursuant to Juvenile Protection Rule 46.02, upon motion made within ninety (90) days of the filing of a final order of the court, the court may relieve a party or the party's legal representative from a final order or proceeding and may order a new trial or grant such other relief as may be just for any of the following reasons:
3. Petition to Invalidate Under ICWA. Pursuant to Juvenile Protection Rule 46.03, any Indian child who is the subject of any action for foster care placement or termination of parental rights under state law, any parent or Indian custodian from whose custody such child was removed, and the Indian child's tribe may file with the court and serve upon the parties a Petition to Invalidate such action upon a showing that such action violates the Indian Child Welfare Act, 25 U.S.C. § 1911-1914 1978. The form and content of the petition shall be in writing and shall be governed by Rule 33.
4. Appeal. Pursuant to Juvenile Protection Rule 47, an appeal may be taken by an aggrieved person from a final order of the juvenile court affecting a substantial right of the aggrieved person, including but not limited to an order adjudicating a child to be in need of protection or services or neglected and in foster care. Any appeal shall be taken within thirty (30) days of the filing of the order. The procedures for filing and serving an appeal are set forth in Juvenile Protection Rule 47. Pursuant to Rule 47.03, the service and filing of a Notice of Appeal does not stay the order of the trial court. The appellate court may in its discretion, and upon application, stay the trial court order.

Dated: 11-13-09

Carol Melick

Court Administrator

By:

[Signature]

Deputy Clerk

FILED 11-13-09
NO. JV-09-68
Carol Melick, Court Administrator
Brown County, Minnesota

C: J. Yost
J. Rymanowski
P. Elbert
R. Tietjen
R. Swenson, BCFS
S. Oliver
T. Sinas

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF BROWN

FIFTH JUDICIAL DISTRICT

In the Matter of the Child of:

Colleen Hauser and Anthony Hauser,

Parents.

ORDER

Court File No. JV-09-068

It is not very often that a District Court Judge has the opportunity to close a file with a sense of hope as is the case with the above file today.

The Court today received the attached report of Rachel Swenson of Brown County Family Services dated November 12, 2009. Appended thereto is a Treatment Summary of Patsa H. Sullivan, M.D., confirming that Daniel Hauser has successfully completed the prescribed course of radiation therapy as recommended by his treating doctors. This follows Daniel having previously successfully completed chemotherapy with "complete response."

This matter originally came before the Court when a CHIPS Petition was filed on April 14, 2009. At that time, Daniel Hauser was suffering from nodular sclerosing Hodgkin's disease, Stage IIB. A trial was held on May 8th and 9th. At that point four (4) different medical doctors,

three (3) of whom were pediatric oncologists, and one (1) osteopathic doctor, had examined Daniel and all agreed that he should undergo chemotherapy and that, without such treatment Daniel would very likely die. The parents were not pursuing and declared an unwillingness to pursue the prescribed course of chemotherapy. The Court found that the parents had failed to comply with the requirements of Minn. Stat. Section 146A.025, requiring parents to provide necessary medical care for a child.¹ Therefore, Daniel Hauser was determined to be a child in need of protection or Services. An updated chest x-ray was ordered by the Court, with further disposition deferred until the completion of that x-ray.

Colleen Hauser, Daniel's mother, took Daniel to Dr. James Joyce for the chest x-ray promptly after the trial and in conformity with the Court's Order. The x-ray findings of Dr. Joyce were described by him as "fairly dramatic" and showed "significant worsening" of Daniel's cancer. The mother and one Susan Daya departed from Dr. Joyce's office in some haste upon hearing this news from Dr. Joyce. The mother and Daniel were both absent from a

¹ Minn. Stat. Section 146A.025 provides, in pertinent part, as follows: "A parent who obtains complementary and alternative health care for the parent's minor child is not relieved of the duty to seek necessary medical care consistent with the requirements of sections 609.378 and 626.556"

hearing held on May 19, 2009, and the Court issued a warrant for the arrest of Colleen Hauser. Mother and child, it turns out, had departed from Minnesota and were absent until May 25, 2009, returning voluntarily and without any arrest.

On May 26th, both parents appeared before the Court and agreed on the record that a treatment plan including chemotherapy was necessary to save Daniel's life and both committed to following the prescribed course of treatment. Over the objection of Brown County and the Guardian ad Litem, the Court left Daniel's custody with his parents based upon the parents' commitment to the Court to follow Minnesota's statutory requirement that Daniel be provided with necessary medical care.

Thereafter, Daniel received multiple chemotherapy treatments under the direction of Dr. Bruce Bostrom. The Court understands from subsequent hearings and reports received in the Court file that the chemotherapy regimen was modified somewhat by Dr. Bostrom at the request of Daniel and his parents. The Court further understands that the family also continued and followed a course of modified diet, vitamins and other alternative therapies in addition to the medical treatments.

As a result of the combination of things, medical care, diet, alternative therapies, and the love and company of family, Daniel was successfully treated for his nodular sclerosing Hodgkin's disease, Stage IIB. He emerged from the prescribed course of therapy healthy and free from cancer.

An additional course of radiation therapy was prescribed for Daniel by Dr. Bostrom. The parents, as is their right, sought second and third opinions as to the necessity and advisability of radiation, ultimately agreeing that Daniel should undergo the radiation therapy.

The Court has today received documentation that the radiation therapy has been successfully completed.

By all appearances, Daniel is free of any cancer and is healthy. He will need periodic follow-up medical attention and, by all appearances, Daniel's parents will comply in the future with the requirements of Minnesota law with respect to necessary medical care for Daniel.

There appears to be no continuing necessity for Court involvement for the protection of Daniel. His parents are discharging their legal obligations and are likely to continue to do so without Court involvement or oversight.

Brown County Family Services agrees that the file may be closed and that the Petition, originally brought by that

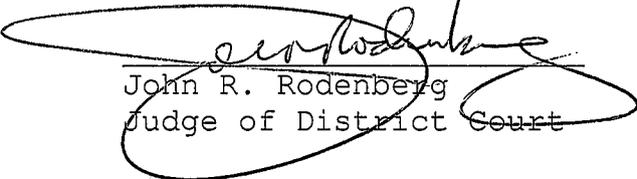
agency, may be dismissed. Based upon the most recent hearing, the Court understands that the Brown County Attorney and the Guardian ad Litem concur with this recommendation.

Now, therefore, the Court makes the following:

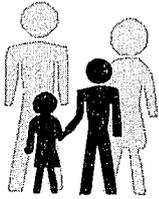
ORDER

1. The Petition herein shall be and the same hereby is DISMISSED and the file shall be closed by the Brown County Court Administrator.
2. All prior Orders of the Court herein shall be and are VACATED.

Dated: November 12 2009


John R. Rodenberg
Judge of District Court

Original: Brown County Court Administration
Copies: Joseph Rymanowski
James R. Olson
Phillip Elbert
Randall Tietjen
BCFS



Brown County Family Services

1117 CENTER STREET
P.O. BOX 788
NEW ULM, MN 56073-0788
PHONE 507-354-8246
FAX 507-359-6542
TDD 507-359-6505

REPORT TO THE COURT

Date: 11/12/09

Court File No. JV-09-068

Name of Child: Daniel Hauser

Date of Birth: 03/26/1996

Submitted by: Rachel Swenson

Title: Child Protection Social Worker

OPTIONS: (check appropriate action)

Request for Court Review Hearing
Reasons:

No Court Review Hearing Requested
Request for Court Action: The CHIPS file shall be dismissed.

Report regarding scheduled Court Review Hearing
Date of Hearing:

All interested parties agree with the recommendations cited below.
Date of agreement:

If no interested party contacts the Court within ten days of this report, the recommendations cited below will be adopted into an order.

Recommendations:

1. The CHIPS file shall be dismissed.

Background Information:

This matter was last heard before the Court on 10/26/09 at which time the Court continued to find Daniel Hauser a child in need of protection or services. The Court ordered Daniel to complete the recommended medical care, specifically the course of radiation treatments, and that the CHIPS file should be dismissed upon the Court receiving notice from BCFS along with an attached medical report regarding completion of the medical treatment. Please find this report as official notice that Daniel Hauser completed his prescribed course of radiation treatment on 11/6/09. Therefore, BCFS respectfully requests that this CHIPS matter be dismissed at this time.

List Other Documents included with this Report:

Treatment Summary from Dr. Patsa Sullivan, Radiation Oncologist at Abbott Northwestern Hospital, dated 11/6/09

FILED 11-13-09
NO. JV-09-68
Carol Melick, Court Administrator
Brown County, Minnesota

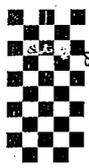
Distribution:

Hon. Judge Rodenberg, Brown County Court Administration
Robert Hinnenthal and Tricia Niebuhr, Brown County Attorney's Office
Joseph Rymanowski, attorney for the parents, 1265 Juno Ave, St. Paul, MN 55116.
Philip Elbert, attorney for the child, PO Box 26, St. Peter, MN 56082
Thomas Sinas, attorney for guardian, 2800 LaSalle Plaza, 800 LaSalle Ave, Minneapolis, MN 55402
Shiree Oliver, guardian ad litem, PO Box 518, St. James, MN 56081
Colleen and Anthony Hauser, parents, 23164 223rd Ave, Sleepy Eye, MN 56085
File

Sincerely,



Rachel Swenson, LICSW
Child Protection Social Worker



TO Rachel Swenson BCSC SO7-359-6542
FR Dr Bostrom 2 pages

Patient Name MRN Sex DOB
Hauser, Daniel M 1002274553 Male 3/26/1996

Author	Service	Author Type	Type	Filed	Note Time
Patsa H Sullivan, MD	(none)	Physician	Consults	11/10/09 1645	11/06/09 0000
Transcription ID		Transcription Status			
DIC2998413		Available			

DATE OF SERVICE: 11/06/2009

TREATMENT SUMMARY

CLINICAL HISTORY: A 13-year-old male with:
SITE: Mediastinum, bilateral supraclavicular fossa, right neck.
PATHOLOGY: Nodular sclerosing Hodgkin's lymphoma.
STAGE: IIB.

REFERRING PHYSICIAN
BRUCE BOSTROM, MD

TREATMENT SUMMARY
SITE: Prechemotherapy GTZ plus 1.5 cm margin modified.
DAILY DOSE: 1.75 Gy.
NUMBER OF FRACTIONS: 12.
TOTAL DOSE TO SITE: 21 Gy.
DATES: 10/22/2009 through 11/06/2009.

TECHNIQUE
Daniel was treated with intensity-modulated radiation therapy using 7 gantry angles and 6 MV photons. A sliding window technique was utilized.

TOLERANCE
Danny tolerated his radiation therapy relatively well. He did develop some esophagitis midtreatment, for which he declined medication. He had no skin irritation. He had mild fatigue. He denied nausea or vomiting.

DISPOSITION
Daniel Hauser has completed his radiation therapy today. He will continue close followup with Dr. Bostrom for his oncology care. He and his family have been encouraged to contact me should they have any questions or concerns in the future.

Thank you again for the opportunity in participating in the care of this patient.

PATSA H SULLIVAN, MD

PHS/vz
D: 11/10/2009 14:53:11
T: 11/10/2009 16:35:34
Voice Job ID: 13553520
Text Job ID: 2996413
cc:BRUCE BOSTROM, MD
JOMETTA LANE, MPLS CHILDRENS HOSP MAILSTOP 32-B701
JAMES J. JOYCE, MD

ABBOTT NORTHWESTERN HOSPITAL
ALLINA HOSPITALS & CLINICS
MINNEAPOLIS, MINNESOTA
NAME: HAUSER, DANIEL M
MR#: 10-02-27-45-53
DOB: 03/26/1996
LOCATION:
ROOM:
DATE: 11/06/2009 Page 1 RADIATION ONCOLOGY