

Final arguments in Six Nations girl's cancer case

By Donna Duric
Writer

BRANTFORD—A Brantford judge is now left to deliberate on a decision in a precedent-setting case of a Six Nations girl who chose to forego chemotherapy in favour of traditional and alternative medicine to fight her leukemia.

Justice Gethin Edward heard final arguments in court Wednesday where McMaster Children's Hospital made an application seeking to force the Brant Children's Aid Society to intervene in the girl's case and return her to chemotherapy.

The 11-year-old girl underwent chemotherapy for 10 days in August before stopping due to debilitat-

ing side effects and a desire to pursue alternative treatments.

The hospital informed the CAS about the matter but after investigating, the CAS decided not to intervene. That's when the hospital took the CAS to court.

McMaster oncologists have argued the girl has an 80 to 85 per cent chance of survival with chemotherapy but without it, she will die.

CAS lawyer Mark Handelman has argued the case should have been sent to the provincial Consent and Capacity Board instead of playing out in front of the courts. The CCB adjudicates over cases where a person's capacity to con-



Justice Gethin Edward
(Photo by Donna Duric)

sent to or refuse treatment is in question.

Handelman said the girl is not in need of protection and the hospital simply doesn't like the decision the girl and her mother made.

"This mother is doing everything possible to protect her child," said

Handelman. "She's just doing things that doctors disagree with."

Handelman argued that McMaster doctors only wanted to "put chemicals into her" which McMaster lawyer Daphne Jarvis denied.

Jarvis did say, however, that chemotherapy should be imposed on all children if it presents the possibility of a cure.

"It's imposed all the time and it's usually with the cooperation and heartache of the parents," said Jarvis.

She hypothetically asked if a First Nation's child's life was worth the risk of evaluating whether or not traditional medicine works to cure acute lymphoblastic

leukemia.

"We think not," she said, answering her own question.

Jarvis said the hospital respects Haudenosaunee medicine but believes the girl should be using both chemotherapy and traditional medicine.

"McMaster will not stand in the way of traditional healing used by (the girl). This child deserves the benefit of both."

When Edward suggested the CCB might be able to make a better medical decision than the courts, Jarvis said the board has "no teeth or ability to enforce child protection" the way the courts do.

The mother and daughter, who recently returned

from an alternative treatment center, Hippocrates Health Institute in Florida, cannot be identified due to a publication ban.

The mother told CBC: "We would not make a choice that would compromise her health or life. There is enough case evidence behind Onkwehonwe medicine and the practices at [the Hippocrates Health Institute] that we know we have made the right choice," she said. "My daughter feels great. I truly believe that there will be a positive outcome and this will be ended soon."

Edward, who called the case "complex", will be making his decision on Nov. 14 at 11 a.m. at Brantford Provincial Court.