

Brant CAS won't take little girl seeking traditional healing

By Donna Duric

Writer

Makayla Sault is staying home.

The Brant County Children's Aid Society (CAS) says it will not interfere with a decision by the parents of a New Credit girl to take her off chemotherapy and put her on "traditional medicine."

Andy Koster, CAS executive director met with New Credit council and said there are no plans to apprehend Makayla and he supports her decision.

"There's no concern right now on that," he said. "I've already talked to the (New Credit) chief (Bryan LaForme) and said we don't have any plans to apprehend the child. We want to just see what we can do to make the situation better. This is, by all accounts, a very loving family and the child is going through a very difficult situ-

ation."

He called Makayla's situation "tragic" and said the organization has an obligation under the Child and Family Services Act to investigate but has some flexibility.

He added, "I'm supportive of her right to take traditional medicine and it's something our NSB (Native Services Branch) staff actually contemplated with some of their clients. It's not something we're against at all."

New Credit Elected Chief Bryan LaForme and other members of council met with Brant Child and Family Services officials at the New Credit community hall Monday afternoon, along with Sault's parents.

"The CAS has assured us that they will not come in and apprehend (Makayla)," said LaForme, adding that the family was relieved. "She's not in any danger as far as

protection is concerned. She comes from a loving family and they have no intention of coming in and apprehending her."

Sally Rivers, director of Brant Family and Child Services, Native Services Branch (NSB), said she and executive director Andy Koster decided there was no need for intervention.

"Today, we've decided that Makayla is not in need of protection," said Rivers. "She has a loving family...who have chosen a different form of treatment to address her cancer and we're satisfied with that treatment."

A Toronto-based lawyer told Turtle Island News there is no need for the CAS to get involved in the case of a 11-year-old New Credit girl as she fights leukemia.

Mark Handelman, who specializes in health and end of life law, says Makayla Sault's



Makayla Sault, 11, (centre, pink hat) stands with her parents Ken and Sonya Sault, and an entourage of aunts and uncles, and grandparents.

decision to end chemotherapy and switch to traditional medicine treatments boils down to whether or not she is capable of making her own health decisions.

He said her treatment team should have referred her case to the provincial Consent and Capacity Board before notifying Brant County CAS.

"One of two things has happened: either she's capable of making her own decision and doctors don't like it, or she's incapable of making her own decision and the doctors don't like the decision that her parents are making," said Handelman. "Nothing that I read indicates wrongdoing (on the part of the parents)."

He said there is no law in Ontario establishing an age minimum when it comes to determining whether or not a child is capable of making his or her own health care decisions.

"It's not an issue of a criminal case, it's an issue of a treatment decision and Ontario has a very unique tribunal - the Consent and Capacity Board - that resolves these with regard to incapable people," said Handelman. "One important aspect of this case is, in Ontario there is no minimum age of consent to treatment decisions. Every person gets to make their own decision with regard to their age if they're capable. So the first question is, did the treatment team for this young

lady assess her capacity and find her incapable to make her own decision? And if they did that, did they advise her of her right to challenge the finding of incapacity by going to the Consent and Ca-



Brant CAS director Andy Kostner and NSB Sally Rivers outside the New Credit building. Earlier Sally River from the Brant CAS NSB presented Sonya Sault with a gift (Photo by Donna Duric)

capacity Board? If they did not do that, then she is presumed to be capable and therefore entitled to make her own treatment decision, even if the doctors, or her parents for that matter, don't like it."

He said he believes doctors acted wrongly in this case. "Instead of going to the board, the doctors contacted CAS," he said. "As an underlying principle of health care, people say we respect the dignity and autonomy of individuals, but it doesn't seem to me they're respecting this young lady's autonomy. I think the right way to handle it is, if she's capable, you respect her decision. If she's not capable, then you challenge her parents' decision at the Consent and Capacity

Board."

Sonya Sault, Makayla's mother, said her daughter decided to end chemotherapy and switch to traditional medicine and she and her husband Ken respected her wishes. "We support her 100 per cent," said Sault, Makayla has been off chemotherapy for the past five weeks and she is currently being treated by a traditional healer on Six Nations, according to her mother.

Makayla delivered a moving speech to New Credit Elected Council on May 12 informing them of her decision. "My name is Makayla Rain Sault," she read from a letter she wrote to council. "I am writing this letter to tell you that

this chemo that I am on is killing my body and I cannot take it anymore. It has brought me to the point where I had to get carried everywhere and had to get everything done for me because I felt so sick. I have asked my mom and dad to take me off the treatment because I don't want to go this way anymore." She said she came to her decision after a personal visit with Jesus. "I don't want to die in a hospital on chemo, weak and sick," Makayla said. "Jesus came into my room and he told me not to be afraid, so if I live or if I die, I am not afraid."

Makayla was diagnosed with a type of childhood cancer called Acute Lymphoblastic Leukemia.