

STATE OF MINNESOTA  
COUNTY OF BROWN

IN DISTRICT COURT  
FIFTH JUDICIAL DISTRICT  
JUVENILE DIVISION

Child Maltreatment Case  
 Children's Mental Health Case

In the Matter of the Child of:  
Colleen Hauser and Anthony Hauser,  
Parents.

**CHILD IN NEED OF  
PROTECTION OR  
SERVICES PETITION**

TO THE ABOVE-NAMED COURT:

Petitioner, alleges and states as follows:

1. The information of the child is as follows:

Name	DOB	Race	Gender	Address
Daniel Hauser	3-26-96	Caucasian	Male	23164 223 <sup>rd</sup> Ave. Sleepy Eye, MN 56085

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(no interpreters needed)

2. The identifying information of the custodial parent of the above-named child and who the Petitioner designated as parties is as follows:

Name	DOB	Race	Address
Colleen Hauser	4-20-69	Caucasian	23164 223 <sup>rd</sup> Ave. Sleepy Eye, MN 56085
Anthony Hauser	10-23-64	Caucasian	23164 223 <sup>rd</sup> Ave. Sleepy Eye, MN 56085

3. The identifying information of the child's:

	Name	Residence	Address
Legal Custodian:	Colleen & Daniel Hauser (parents)	Sleepy Eye, MN 56085	23164 223 <sup>rd</sup> Ave.
Person with custody:	same as above		
Nearest known relative:	same as above		

FILED 4-14-09  
NO. JV-09-68  
Carol Meleck, Court Administrator  
Brown County, Minnesota

4. That the facts below support the assertion that the child above named is in need of protection or services within the meaning of Minn. Stat. Section:

- Minn. Stat. §260C.007, Subd. 6(1) is abandoned or without parent, guardian or custodian.
- Minn. Stat. §260C.007, Subd. 6(2):
- (i) has been a victim of physical or sexual abuse; or,
- (ii) Resides with or has resided with a victim of domestic abuse as defined in Minn. Stat. §260C.007, Subd. 25; or
- (iii) Resides with or would reside with a perpetrator of domestic child abuse, as defined in Minn. Stat. §260C.007, Subd. 25; or
- (iv) is a victim of emotional maltreatment as defined in Minn. Stat. §260C.007, Subd. 8;
- Minn. Stat. §260C.007, Subd. 6(3) is without necessary food, clothing, shelter, education or other required care for the child's physical or mental health or morals, because the child's parent, guardian, or custodian is unable or unwilling to provide that care.
- Minn. Stat. §260C.007, Subd. 6(4) is without the special care being necessary by a physical, mental, or emotional condition because the child's parent, guardian or custodian is unable or unwilling to provide that care, including a child in involuntary placement according to a release of the parent.
- Minn. Stat. §260C.007, Subd. 6(5) is medically neglected, which includes, but is not limited to, the withholding of medically indicated treatment from a disabled infant with a life threatening condition.
- Minn. Stat. §260C.007, Subd. 6(6) is one whose parent, guardian or other custodian for good cause desires to be relieved of the child's care and custody including a child in voluntary placement according to a voluntary release by a parent under Minn. Stat. §257.071, Subd. 3
- Minn. Stat. §260C.007, Subd. 6(7) has been placed for adoption or care in violation of law.
- Minn. Stat. §260C.007, Subd. 6(8) is without proper parental care because of the emotional, mental, or physical disability, or state of

immaturity of the child's parent, guardian or other custodian.

- Minn. Stat. §260C.007, Subd. 6(9) is one whose behavior, condition or environment are such as to be injurious or dangerous to the child or others, including, but not limited to, the exposure of a child to criminal activity in the child's home.
- Minn. Stat. §260C.007, Subd. 6(10) is experiencing growth delays, which may be referred to as failure to thrive, that have been diagnosed by a physician and are due to parental neglect.
- Minn. Stat. §260C.007, Subd. 6(12) has committed a delinquent act or a juvenile petty offense before becoming ten years of age.
- Minn. Stat. §260C.007, Subd. 6(13) & Subd. 28 - Runaway
- Minn. Stat. §260C.007, Subd. 6(14) & Subd. 19 - Habitual Truant

5. The facts upon which Petitioner relies for assertion that the child is the subject of a juvenile protection matter are as follows:

Your Petitioner is now and at all times hereinafter mentioned a Child Protection Worker for Brown County Family Services.

Daniel Hauser, DOB: 3-26-96 is the child of Colleen and Anthony Hauser. They all reside together at 23164 223<sup>rd</sup> Ave., Sleepy Eye, MN 56085 along with seven other children.

Brown County Family Services (BCFS) initiated a child protection assessment on 4-7-09 after receiving a report from a medical doctor alleging the medical neglect of Daniel. The family was referred to Children's Hospitals and Clinics of MN on 1-21-09 after Daniel was seen by his family physician. He was found to have a mediastinal mass. On 1-23-09, it was determined after a lymph node biopsy that Daniel has nodular sclerosing Hodgkin disease, and is in stage IIB. Six rounds of chemotherapy along with radiation treatments at the end of chemotherapy were recommended by Children's.

Daniel did complete one round of chemotherapy after being admitted to the hospital on 2-5-09. Daniel was in respiratory distress due to a pleural effusion secondary to the mediastinal mass. The effusion had to be drained by a chest tube at that time, which was ultimately removed and the mediastinal mass decreased. Daniel was to return for his second round of chemotherapy on 3-6-09.

Both the Mayo and Children's doctors have told the parents that Daniel has "a 90% chance of being cured with standard chemotherapy and radiation and this would decrease significantly to 50% or less if the tumor is allowed to re-grow and develops resistance to chemotherapy. In addition, he would need much more aggressive chemotherapy including autologous stem cell transplant when the tumor recurs."

The family requested a second opinion, and saw an oncology doctor at Mayo

approximately 3 weeks ago. This doctor's opinion was the same as Children's on the course of treatment. The family was contacted by Children's, and the parents reported they were seeking a third opinion from a Jeff Kotulski, DO, who is an orthopedic molecular provider in Mankato which occurred approximately 2 weeks ago. The Children's doctor is willing to work with complementary therapy in addition to the chemotherapy.

Your Petitioner spoke with the parents and Daniel at their home on 4-9-09. Both parents stated they are using alternative medicines to treat Daniel's cancer. They believe the cancer is shrinking due to his special diet from Dr. Kotulski and do not want to put their son through chemotherapy and its side effects for now and possibly in the future. The family practices alternative medicines in their daily lives. They also stated they are Catholic but also are members of the Nemenah which is part of the Native American Traditional Organization. When your Petitioner asked Colleen if they are Native American, she stated their ancestors were. Colleen stated that anyone can be a member of the Nemenah, including your Petitioner even though your Petitioner was not born into a Native American family. Both parents stated they have been practicing this since they were married approximately 18 years ago.

Colleen and Anthony also stated they are not denying the chemotherapy and would start a round of it again if the cancer began to grow more. They do not want to follow through on the whole course of treatment recommended for Daniel. At this time, they are opposed to the recommendations of the Children's and Mayo doctors.

Your Petitioner called Dr. Kotulski on 4-9-09. He stated he did recommend to Colleen to see a different oncologist or get another opinion. He stated he is not treating Daniel's cancer but is providing nutritional supplement for him. Dr. Kotulski stated Daniel's form of cancer is very treatable with chemotherapy and radiation, and that if he does not receive these treatments he will not survive. He is also willing to work with the medical doctors on using the alternative treatments coupled with the chemotherapy and radiation.

Your Petitioner relayed this information to Colleen. She contacted Dr. Kotulski immediately and called your Petitioner back. She stated she wanted to get another opinion. After she made some additional phone calls, Colleen called back and stated her only other option in which she was referred by an oncologist at New Ulm Medical Center is the University of Minnesota-Fairview.

Colleen left a message on 4-13-09 that Daniel has an appointment scheduled with a pediatric oncologist on 4-16-09 at 8:30 a.m. This will be a fourth opinion from a doctor.

Based on the concern that Daniel could potentially die if he is not treated as recommended by the medical doctors, your Petitioner would like to have a hearing as soon as possible regarding this situation.

In summary, your Petitioner feels that Daniel is a child in need of protection or services of the Court.

6. The Indian Child Welfare Act does not apply.

7. The identifying information of those who are hereby designated as participants as defined by Minnesota Juvenile Protection Rule 22 who are not already identified above:

<u>Name</u>	<u>Address</u>
Child:	
Noncustodial parent:	
Alleged, adjudicated, presumed father:	
Grandparents with placement within 2 yrs.:	
Relatives with whom child resides:	
Relatives requesting notice:	
Foster parents:	
Child's spouse:	
Important persons:	
Guardian ad Litem of child's guardian:	
Indian custodian:	
Indian tribe:	

That the above facts further establish probable cause for Petitioner to believe that the above-named child is in need of protection or services within the meaning of Minn. Stat. Sec. 260C.007, as set forth above.

That immediate custody is requested.

WHEREFORE, your Petitioner prays that the above-named child be brought before the Court and that the child's status as being in need of protection or services be dealt with in accordance with law, and that the Court assume jurisdiction over the above-named children and over the child's parent.

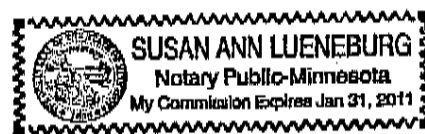
Petitioner further requests that the Court order the parent(s) to complete a financial assessment by Brown County Family Services to determine an appropriate fee for the costs of out-of-home placement, if any, to be submitted to the court for approval.

Further, your Petitioner, being duly sworn, deposes and says that she has read the above Petition and knows the contents thereof, and that the contents are true to the best of her information and belief.

Stacy Helget  
Stacy Helget, Petitioner

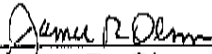
Subscribed and sworn to before me this 14<sup>th</sup> day of April, 2009.

Susan Ann Lueneburg  
Notary Public



JAMES R. OLSON  
BROWN COUNTY ATTORNEY

Petition approved for filing:

By:   
James R. Olson, #8198X  
Brown County Attorney  
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