

Parents of seized sextuplets can't question MDs

Couple opposed transfusions

Susan Lazaruk, The Province

Published: Sunday, June 03, 2007

The parents of sextuplets who were apprehended for blood transfusions against the couple's will have been denied leave to ask the court for the right to cross-examine the social workers and expert doctors.

A B.C. Appeal Court judge made the ruling Friday.

"None of the social workers have been cross-examined, and two of the doctors have never been cross-examined," said John Burns, lawyer for the parents, who cannot be named. "If there had been a fair hearing, they would have been cross-examined."

Burns said the next step is to petition a panel of three appeal judges for the right. He said he has to review the single appeal judge's ruling before deciding.

A B.C. Supreme Court judge had earlier denied the lawyer a request to question the social workers and doctors about the authority they relied on when apprehending four of the premature sextuplets for the transfusions.

The parents, both Jehovah's Witnesses, oppose the procedure on religious grounds. Two of the babies died soon after birth, on Jan. 7.

The trial judge ruled that cross-examining witnesses on their affidavits isn't normally done.

The parents were given little or no notice of the apprehensions at the end of January and beginning of February.

Two of the babies were removed from the parents' care without a court hearing; two were apprehended after an ex parte, or one-sided, court hearing over the phone. The parents were given only 20 minutes' notice of the hearing in one case.

Their lawyers have argued for the right to test, through questioning in court, the social workers' and doctors' reasons for forcing blood transfusions on the babies.

They maintain there was no medical emergency that would justify the apprehensions.

The parents want to prevent similar apprehensions in future.

They are appealing the two court orders and have applied for a judicial review of the removal of two children without court orders. That case will be heard this summer.

slazaruk@png.canwest.com