

### C) Forced Chemotherapy

Before Cassandra could have her first round of chemotherapy to treat Hodgkin lymphoma, she had to have a port placed in her body to deliver the cancer-fighting drugs. During this surgical procedure, she had to be strapped to the bed against her wishes, for she was adamantly against receiving chemotherapy—a treatment she deemed poisonous to her body, despite knowing that without it she would almost certainly die. Had Cassandra been at least 18 years old, she would have had the legal right to refuse the cancer treatment. From a legal and moral standpoint, the doctrine of informed consent and informed refusal protects the liberty of competent adults to make autonomous medical decisions. However, being only 17, Cassandra's wishes were dismissed by the Connecticut Supreme Court. The judges unanimously ruled that Cassandra could be forced by the state to receive chemotherapy, because she lacked the necessary maturity to make her own medical decisions."

After receiving her diagnosis, Cassandra and her mother, Jackie Fortin, began to miss medical appointments, in order to avoid the prescribed chemotherapy. According to Cassandra, her mother urged her to reconsider her staunch position against chemotherapy. Unable to change her daughter's mind, Fortin ultimately decided to respect the girl's decision. Given that Hodgkin lymphoma is a highly treatable form of cancer, but fatal without treatment, Cassandra's doctors reported Fortin for neglect to the Department of Children and Families (DCF). Shortly thereafter, Cassandra was removed from her home and placed under the custody of the state. As Kristina Stevens, a DCF representative, declared, "If the system . . . [didn't] react and respond, this child. . . [would] die."

While young children clearly lack the capacity to make autonomous medical decisions, adolescents, especially older ones, pose a challenge to the doctrine of the presumed incompetence (i.e., lack of legal ability) of minors. Adolescents find themselves at a transitional stage between the incompetence of childhood and the competence and autonomy of adulthood. Thus, as Dr. Saskia Nagel, a neuroscientist and philosopher, has argued, "[a]utonomy should not be viewed as an all-or-none phenomenon. One does not have it fully or not at all." Instead, she proposes that autonomy should be considered a "gradual phenomenon that develops over time.

This idea was echoed by Joshua Michtom, Cassandra's public defender, when he said that teenagers "can get contraception. They can get addiction treatment. They can donate blood. They can be tried as adults for certain crimes. So there's recognition overall that maturity doesn't happen overnight. You don't go to sleep a 17-year-old knucklehead and wake up an 18-year-old sage?" Thus, some states have adopted the mature minor doctrine, which grants individuals under 18 with a sufficient level of maturity the right to refuse medical treatment. However, the courts have recognized that "this right is not absolute . . . [and] could be limited by the state interest to preserve life."

Today Cassandra is in remission. Though she is looking forward to returning to her home and resuming her normal life, she is still troubled by what happened to her: "I will never be okay with how this all happened - being taken away from home, hospitalized and especially being strapped to the bed . . . I still wish I was given the right to explore and go with alternatives. . . Anybody should have that right. Minor or not."