

Hmong Family Prevents Forced Surgery on Son

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Fresno, Calif. — Ger Xiong, a Hmong refugee, didn't understand a word the judge said. But he left the courtroom victorious, carrying Kou, his disabled 7-year-old son, on his hip.

After a year of legal warfare that took the Fresno case all the way to the U.S. Supreme Court, Kou's parents defeated an attempt by social workers to force their son to have corrective surgery on his two club feet, a move that would have shattered the Hmong family's religious beliefs.

It was a bittersweet ending to a cultural clash that pitted the family's right to maintain its ancient way of life in Southeast Asia against Kou's right to modern medical treatment. And in the end, the judge, the family and the four lawyers who fought it out agreed it was the only solution.

"The system clearly has done the best it can for the child and the family," Superior Court Judge Lawrence J. O'Neill said, reversing his initial decision to order the surgery. "The child and the family must now do what is best for themselves."

Wendy Walker, a University of California, Berkeley anthropologist who studies the Hmong, said such cases are becoming increasingly common as Hmong and American cultures collide.

"Where these tensions will play out are in medical issues," she said, "because the Hmong are animists. They believe in spirits everywhere."

O'Neill ruled after a psychiatrist found that forcing the surgery would so traumatize the boy, his parents and their extended family that they might die of shock, what the doctor

called "sudden death syndrome."

The surgery the court sought to order would have taken several years and many operations to complete. To perform it over the parents' objections would have meant taking Kou from his home, an outcome that all parties conceded would be devastating for the child.

Even under the best of circumstances, the operations would not have enabled Kou to walk normally, medical experts testified during the two-day trial last year.

So the psychiatrist, Dr. David A. Fox, concluded that more harm than good would come from operating on the boy, who can walk haltingly with the aid of special boots and even play a bit of soccer with his schoolmates.

The parents and other members of the Hmong refugee community opposed the operation because they feared it would bring disaster on the entire Hmong community. They believe Kou was born with club feet so that a warrior ancestor whose own feet were wounded in battle could be released from a sort of spiritual entrapment.

The parents do not regard Kou's club feet as a deformity but as a sign of good luck. And they think their son is special because of it.

The case, which began in O'Neill's courtroom, was appealed by Kou's court-appointed attorney to the District Court of Appeal, the State Supreme Court and finally to the U.S. Supreme Court. All three courts denied it a hearing.

Then the case came back to O'Neill, who was forced to reconsider his earlier decision after the county social services agency discovered that no doctor would perform the surgery unless the parents consented.

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