

Toddler spared as he's airlifted out of hospital that wanted to remove his life support



SACRAMENTO, California, May 25, 2016 (LifeSiteNews) – The parents of a two-year-old California boy on life support have won a crucial interim victory in the fight to keep their son alive, the latest in a lengthy dispute over his condition and care.

Israel Stinson was airlifted to a hospital in an undisclosed location outside the United States on Saturday after weeks of searching for a facility that would provide him treatment in preparation for long-term care, in a case hinging on the contested issue of the legal definition of brain death.

The Sacramento-area Kaiser Permanente facility where Israel Stinson had been since mid-April had declared him brain dead shortly after his arrival, eschewing treatment since then and providing the child only minimal nutrition while acting to remove him from life support.

“Victory!” his Israel’s mother Jonee Fonseca said in a statement Sunday. “Israel Stinson was transferred out of Kaiser Permanente yesterday. He has been taken to another facility and is already receiving treatment.”

“It is remarkable that Israel was given more treatment in the first five hours at the new hospital than in more than five weeks at the Kaiser facility,” Life Legal Defense Fund (LLDF) Executive Director Alexandra Snyder told LifeSiteNews.

Fonseca said because of the sensitivity of her son’s case, the family is not yet prepared to release his location.

“But we can say this, in order for Israel to receive his badly needed care, he had to be transferred out of the United States,” Fonseca stated. “That’s right. After weeks and weeks of searching, no hospital facility in the United States would accept our son.”

The difficulty securing a facility to accept and treat Israel while the family sought long-term care stemmed from Kaiser’s doctors having declared him brain dead, despite the conflicting opinions of specialists retained by the family.

Snyder told LifeSiteNews that doctors at the facility where Israel is now have also said the boy is not brain dead.

“A neurologist and Israel’s pediatric specialist did an extensive examination and determined that Israel is not brain dead,” she said. “This doesn’t mean he is out of the woods, as he does have a severe brain injury. But at least he is being provided treatment and nutrition now.”

Israel's mother celebrated the fact that her son is now being "treated like a patient" and receiving basic nutrition and care.

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"Israel's medical chart at Kaiser said he was deceased. But Israel is alive!" Fonseca said. "He is right now receiving nutrients and a treatment protocol for the first time in 6 weeks."

Israel's story began April 1 when he was brought to the Sacramento Mercy General ER with a severe asthma attack. After he was stabilized, Israel was moved to the pediatric unit at UC Davis Medical Center in Sacramento, where he suffered another attack resulting in cardiac arrest. The toddler was put on a ventilator, and then transferred April 12 to the Kaiser facility for treatment at the family's request due to concern over the handling of his treatment during the second attack at UC Davis.

Less than 24 hours after his arrival at Kaiser, the hospital performed brain function testing on Israel, without the family's full knowledge or consent and against their wishes, prompting Fonseca to contact LLDF for help.

The legal battle began with a temporary restraining order enjoining Kaiser from removing life support to allow the family to find an interim facility for Israel, the ultimate goal being long-term care. The family was looking at New Jersey for this since its state law does not allow for a declaration of brain death in cases where the family members believe that life continues until the heart stops beating.

Fonseca and Israel's father Nate Stinson have maintained throughout that Israel has been responsive to their touch and voices, as well as music, and they have relied openly on their faith to get them through.

LLDF has worked with Pacific Justice Institute as the case has wound its way through the courts to the Ninth Circuit Court of Appeals, where it was again headed this past Monday before Israel's transfer over the weekend from Kaiser.

While Israel's situation has stabilized for the time being, his family's Pacific Justice Institute attorneys say the little boy's case broaches the issue of the state of California's law regarding a determination of brain death.

"While an important goal of this case has been achieved, it has also raised serious questions about the constitutionality of the California Uniform Determination of Death Act," Matt McReynolds stated in a report by The Sacramento Bee. "It has become clear that declarations of brain death do not always reflect medical consensus and do not comport with basic notions of due process. These legal claims have not been mooted, and we will be evaluating how best to pursue these important constitutional questions."

Fonseca's suit against Kaiser to prevent the facility from removing Israel from life support contended that the hospital's declaration of brain death violated her constitutional rights of due process to determine her son's care.

Pacific Justice Institute lead attorney Kevin Snider said the crisis in Israel's case was over, but a reason and opportunity to challenge the law remains, and it will be up to Israel's parents if they want to go forward with that.

After Israel's transfer Saturday to a new hospital Fonseca thanked supporters on the family's GoFundMe page, set up last month to help fund the toddler's transfer to another facility. Donations on the page have reached \$20,000, and Fonseca said that because of the support, "Israel was able to beat the odds and is now being cared for as a live human being."

The prayers of supporters have "made all the difference," Fonseca continued, giving her son the chance to recover. But with the quest to finally get him home still ongoing, she asked supporters to remain engaged in his case.

"We have a long road ahead," Fonseca stated. "Our story is not yet over."

Find all of LifeSiteNews' past coverage of Israel Stinson's case [here](#).