

Parents' suit says baby's ashes dumped

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The parents of a baby girl whose cremated remains allegedly were dumped in a landfill will take their lawsuit against University Hospital to a Denver jury next week.

Mindi Lee Delage died on Oct. 2, 1989, shortly after her mother's pregnancy was terminated for medical reasons.

In a suit set for trial Monday in Denver

District Court, her parents said they never authorized University Hospital to dispose of their "baptized daughter's remains by dumping them in the Jefferson County Landfill."

In court documents, Connie and Mark Delage said University employees led them to believe Mindi Lee's ashes would be spread on Mount Lindo, the mountain with the lighted cross in southwest Jefferson County.

The Delages charged that the hospital dumped such remains in the landfill as a matter of policy. The lawsuit does not detail what that alleged policy was.

Bobbi Barrow, spokeswoman for the University of Colorado Health Sciences Center, yesterday said she couldn't comment "on what will be said in court."

However, she said, "As the result of that

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particular case, the hospital has reviewed and updated its cremation policy" so families have a clearer understanding of their options.

The hospital has always offered to send remains to a local mortuary for cremation at no charge if families can't afford to pay. Barrow wouldn't say which mortuary provided that service in October 1989. "At that time, we left (disposal) in the hands of the mortuary," she said.

The Delages' attorney, Sharon Liko, said yesterday that Connie Delage agreed to terminate her pregnancy at seven months' gestation when it was discovered the baby had numerous abnormalities.

Her heart was on the wrong side of the body and her internal organs were in the chest cavity.

Delage was given drugs to induce labor, the suit said, and Mindi Lee was born while the woman was left alone in her room. Mindi Lee was baptized and died an hour after birth.

After the death, Liko said, University employees approached Connie Delage.

"While she was dazed and under the influence of several drugs" they asked her to sign an authorization for the hospital to perform an autopsy and dispose of the body.

When Delage was advised to terminate the pregnancy and again before she signed the document, she was told Mindi Lee would be cremated at Aspen

Lakewood Mortuary and her remains would be spread on Mount Lindo, Liko said.

"Because of their financial plight, cost of burial was an issue," the lawyer said. Mark Delage is a laborer. Connie Delage cares for the couple's two children.

Liko said Connie Delage later asked to see a copy of the authorization, but the paper couldn't be located. The woman also was told that she had three to four weeks to decide what she wanted to do with the body, according to the lawsuit.

Delage revoked her permission for the autopsy and disposal, but University employees went ahead with both procedures, the suit charged. While Connie Delage recuperated, her mother learned that Aspen Lakewood Mortuary had no record of the cremation. And she was unable to find Mindi Lee's name on a plaque at Mount Lindo, Liko said.

In March 1990, a private investigator hired by the family's attorney discovered that the ashes had been dumped in the landfill. And in a May 24, 1990, letter to Connie Delage, a University employee acknowledged that Mindi Lee's remains were there, according to Liko.

The suit seeks unspecified damages from University citing negligence, negligent misrepresentation, breach of contract, outrageous conduct and violation of civil rights.

Anjali Budhiraja contributed to this report.