

Religious Exemptions to Medical Care

Children need medical care to thrive, and under state law, parents are obligated to provide it. There are, however, religious exemptions in many states that negate the force of this obligation and that can endanger children. These exemptions can be found in both criminal and civil law.

The scope of the religious exemptions in state law pertaining to sick and injured children varies widely. Some protect only a right to pray. Some provide a right to rely exclusively on prayer for minor illnesses. Others confer a legal right on the parents to withhold even life-saving medical care from children. Some apply to all harms short of death. Many contain ambiguities that have been interpreted in different ways by the courts.

Doctors and other professionals are obligated to report suspected child abuse or neglect. They provide a safety net for the child who is endangered. Still, some states open the door for mandated reporters to not report the failure to provide medical care if it is religiously motivated. Some church officials have advised members that the exemption laws were passed because legislators understood prayer to be as effective as medicine.

States with a religious defense to the most serious *crimes* against children include:

Idaho, Iowa, Ohio, Virginia, Louisiana, and Mississippi with religious defenses to manslaughter
Washington and West Virginia with religious defenses to murder of a child
Arkansas with a religious defense to capital murder

The most known injuries to children because of faith-based medical neglect have occurred in Idaho. The webpage idahochildren.org lists 182 Idaho children and stillborns who died after the state legislature enacted religious exemptions to criminal non-support, criminal injury, and manslaughter (with no discussion) in 1971. There is reason to believe that all the fatalities were in anti-medical religious sects.

Child mortality in these sects appears to be greatly elevated. In the Peaceful Valley Cemetery, which is controlled by the Followers of Christ, 35% of those buried between 2002 and 2013 are minor children or stillborns. By contrast only 3% of all Idaho fatalities between those years are minor children or stillborns. No charges have been filed in Idaho's faith deaths because all crimes that could be charged in medical neglect cases have religious exemptions. For more information go to www.idahochildren.org.

Efforts are ongoing to persuade Idaho and other states to protect their children from religiously-motivated medical neglect. To find out more detail about your state, go to the CHILD USA homepage.



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