

# Children's Healthcare Is a Legal Duty, Inc.

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*Equal rights for children under the law*



*One of hundreds of child graves in Peaceful Valley Cemetery*

## Idaho—worst in the nation

Idaho has many more deaths of children due to faith-based medical neglect than any other state. The story is so big and so awful that I haven't had the fortitude to write it, but now I will try.

We first became aware of the existence of the Idaho Followers of Christ late in 1998 from Mark Larabee's investigative reporting in *The Oregonian*. In 1999 we were consumed with the work to repeal nine religious exemptions in Oregon. At the end of July a compromise bill repealing five was passed by the legislature.

We turned to Idaho again. We wrote to the prosecuting attorneys in the Idaho counties where the deaths had occurred. We wrote to statewide professional associations and *The Idaho Statesman*, the largest newspaper in the state. We got no expressions of concern or even any *pro forma* replies.

In 2011 my husband Doug and I moved to Salem to work for repeal of Oregon's four remaining religious exemptions pertaining to medical care of sick children. In May we were driving home to Iowa, thrilled with the success of repeal. But en route we stopped at a library and read an

astounding report online by KATU-TV in Portland about two medical neglect deaths of Idaho FOC children in March and quoted the prosecutor as saying the parents had the absolute right to let their children die because of Idaho's religious exemption laws.

We had not had Idaho on our "black list" of states with religious exemptions to homicide but some digging into the statutes showed the prosecutor was right. Although Idaho did not have a religious exemption in the manslaughter statute, the statute required proof that another crime had been committed. The only other crimes that could be charged for medical neglect were non-support and criminal mistreatment. Both had religious exemptions. Since the prosecutor could not charge those crimes, he also could not charge manslaughter.

We wrote more Idaho media and got no response. The Oregon station KATU and *The Oregonian* were the only media that cared about the many Idaho children who had suffered and died without medical care until October, 2013, when KATU's extensive report was picked up by a Boise CBS affiliate.

Linda Martin became a prominent advocate for repeal of Idaho's religious exemptions. She had lived in Idaho for 45 years and grown up in the Followers of Christ. She knew of many FOC children who had died without medical care, including several related to her.

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The national and international media became interested. Now living in Oregon, Linda made many trips back to Idaho and spent countless hours trekking through the FOC-owned Peaceful Valley Cemetery, showing reporters graves of children, and sharing her knowledge of them.

### **First bill to limit exemptions introduced**

In 2014 Representative John Gannon, D-Boise, introduced a bill that obviated the criminal mistreatment exemption when the child had died or suffered “permanent disability.” The bill was referred to committee, but House Speaker Scott Bedke, R-Oakley, would not allow a hearing held on it. We were told it was too controversial to discuss in an election year and to wait until 2015. But then the 2015 legislative session came and went with no bill to protect children in anti-medical sects even introduced.

### **Heider reverses position**

In the fall of 2015 Senator Lee Heider, R-Twin Falls, promised to support a bill to protect these children and asked the Attorney General to prepare it but after attending a Followers of Christ church service in January, 2016, he said he opposed the bill. He claimed the deaths of the children were “not a child protection issue” but a “religious freedom issue” and that the Followers of Christ were just “normal” parents who loved their children.

Heider nevertheless promised to allow a public hearing on the bill in the Health and Welfare Committee he chairs. Of course a bill has little chance of being passed by a committee whose chairman opposes it, but child advocates were grateful for that small consideration.

Gannon then tried to introduce the bill prepared by the Attorney General but Heider would not allow the bill to be printed. Heider claims it was given to him too late; Gannon disputes that.

### **Governor calls for legislative study, already has task force**

When the UK’s *Guardian* newspaper published a lengthy report about the deaths of children in Idaho’s anti-medical sects, Governor Bruce Otter proposed that the legislature appoint a “study group” for the issue.

Meanwhile, in 2014, Linda Martin addressed the Governor’s Task Force on Children at Risk, which is mandated to make recommendations to the

governor to reduce deaths of children. The task force’s reports did not mention medical neglect deaths until 2015 when the group discussed two children who had died without medical care in a sect opposed to medical care. The task force recommended “re-evaluation” of Idaho’s religious exemption laws and said current law was “confusing” and might prevent protection of the children.

### **Task force told not to make recommendations**

In 2016, the task force’s report mentioned five deaths of babies from whom medical care had been withheld. Significantly, however, the task force had no recommendation about them. That October the task force sponsored a state conference titled “Keeping Children Safe” but never mentioned the five babies or the issue of faith-based medical neglect. A CHILD member asked an organizer about the omission and was told that the task force was not allowed to mention it.



*Dan Sevy defends rejection of medical care  
Credit: Betsy Z. Russell/ Spokesman-Review*

The legislature’s work group to study faith-based medical neglect met twice. Prosecutors and administration officials in child protection work testified about harms they had seen in heartbreaking detail and about how the exemptions limited their ability to protect children.

### **Bereaved father: medical practice of Satan**

Followers of Christ spokesman Dan Sevy testified that parents should have the legal right to do whatever they sincerely believed in, that children have no rights, medical science has many failures, and medical practice is “of Satan.” His sons

Gabriel and Rockwell died of pneumonia as teenagers, slowly drowning in their own bodies as their lungs filled with fluids. Twenty-two children with the last name of Sevy are in our spreadsheet of Idaho fatalities in anti-medical sects. See [www.idahochildren.org/articles/known](http://www.idahochildren.org/articles/known).

Martin's testimony had vivid details on the suffering and deaths of Followers children among her relatives and the clearest, strongest argument for repealing the exemptions of all witnesses.

### **Did the deaths need more study?**

It is hard to know whether Governor Otter or the legislature ever had any serious intention of getting protection for the children in faith-healing sects from its work group or was just window-dressing to deflect media attention. The Governor's Task Force on Children at Risk already existed but had been told not to speak about faith-based medical neglect. The issue did not in our view need more study. It needed more action.

### **No recommendations, report, urgency or passion**

The legislative work group quickly announced they would make no recommendations. Later the co-chair told us the work group would not even issue a report. They posted data indicating that Idaho's child fatality rates were below the national average. These were highly misleading if intended to excuse the faith deaths.

We did not hear the legislators of the work group express urgency or passion about protecting the children. Co-chair Senator Dan Johnson, R-Lewiston, did, however, spend many hours studying materials and in 2017 wrote a description of five possible actions—from doing nothing to broadening the exemption to include all religions and all users of “alternative” health care.

At the last possible moment of the session he introduced SB1182, which did not touch the criminal code exemptions and made minor, confusing changes to the civil code that the Department of Health and Welfare said would not help them investigate cases.

### **Weak bill defeated for wrong reasons**

The bill was defeated on the Senate floor by 24-11 because of strange-bedfellow opponents, some of whom thought the state had no right at all to intervene in families. Senator Patti Lodge, R-Houston, who chairs the Judiciary Committee and is

married to a federal judge, said the Constitution gives the Followers “the right to live without interference.” Senate Majority Leader Bart Davis, R-Idaho Falls, opposed the bill because he did not want to “punish people criminally for a firmly held religious belief,” though the bill did not affect faith healers' *carte blanche* in the criminal code.

Representative Christy Perry, R-Nampa, represents Canyon County where most of the FOC deaths have occurred. She dismisses concerns as mostly coming from out of state and says her constituents oppose requiring parents to obtain medical care. She claims the Followers “do not look to the government to help them at all” and therefore the government should stay out of their lives.

### **Perry: allow parents to let child be with God**

She claims those calling for reform act as if “death is an anomaly” when it's just “a fact of life.” She says where the Followers “go for eternity” hinges on rejecting medical care and that's more important to them than a statute.

“If I want to let my child be with God, why is that wrong?,” Perry asked.

### **More than ten times above state average**

No-one knows how many Idaho children have died or been seriously harmed because of faith-based medical neglect. Some data do, however, indicate that their mortality rate is far above the statewide rate. For example, in Peaceful Valley Cemetery, which is controlled by the Followers of Christ, 35% of the graves for those dying from 2002 through 2013 are minor children or stillborns, yet only 3% of Idaho deaths in that time frame statewide were minor children or stillborns.

CHILD has posted names of all children buried in Peaceful Valley in marked graves and names of many Idaho children whom we believe were in anti-medical sects and are buried in several other cemeteries. See [www.idahochildren.org/articles/known](http://www.idahochildren.org/articles/known). We have heard that some FOC children are buried in unmarked graves.

### **Was the baby born dead?**

Also, we suspect that some of those signed off as stillborns were born alive. We asked an Idaho coroner if he and other coroners always check for air in the lungs when a family tells them the infant was stillborn. He said going into Followers' homes with so many children and church members present

is stressful and air could have gotten in without lung function so it is not a definitive marker of live birth. We have the impression that coroners sometimes just accept the family's word that the infant was stillborn and do not take the body for testing or further examination.

After four years of advocates' hard work for protection of Idaho children in anti-medical sects, there is still no Republican legislator willing to sponsor a bill giving parents a legal duty to get medical care for their children. Many Democratic legislators do support repeal of religious exemptions, but they are a small minority in Idaho.

### **Oregon and Tennessee cared**

When the media publicized 78 deaths of children in the Oregon Followers of Christ, the public was outraged and religious exemptions were repealed. When reliance on faith healing was an issue in a Tennessee child's death, Tennessee repealed its religious exemption to felony child abuse nearly unanimously even though, as in Idaho, some 75% of Tennessee state legislators are Republicans.

### **Are kids a priority to Idaho voters?**

We believe that if any other state had half as many faith deaths of children as Idaho has had, it would repeal its religious exemptions to medical care of sick children. Idaho legislators pay no political price for their indifference to the lives of children. All supporters of a religious right to deprive children of lifesaving medical care were re-elected in 2016 while two Democratic physicians inclined to help us, Senator Dan Schmidt and Representative John Rusche, were defeated.

We commend the good, continuing work of Protect Idaho Kids Foundation and Child-friendly Faith Project for protection of the children in Idaho's faith-healing sects. See [www.protectidahokids.org](http://www.protectidahokids.org) and [www.childfriendlyfaith.org](http://www.childfriendlyfaith.org).

Sources include Cliff Weathers, "GOP lawmaker: It's OK for children to die in the name of God," *Salon.com*, Feb. 25, 2015; Shane Kavanaugh, "Living on a prayer: why does God kill so many children in Idaho," *Vocativ*, Nov. 17, 2014; reports at [www.idcartf.org](http://www.idcartf.org), and recordings at <http://lso.legislature.idaho.gov/MediaPub/2017/Chambers/SenateDailyJournal03-21-2017.pdf> and [legislature.idaho.gov/sessioninfo/2016/interim/cr/fh/](http://legislature.idaho.gov/sessioninfo/2016/interim/cr/fh/)

## **Idaho used to be smarter**

Several Idaho state legislators have told the media that letting parents deprive their children of lifesaving medical care on religious grounds is a bedrock principle of Idaho's historic commitment to religious freedom and parental rights. It's the way Idaho has always done things, they claim.

Senator Lee Heider has taken this claim a hundred miles further with his assertion that Idaho does not require any parents to seek medical care regardless of their motivation. It is astonishing that the chairman of the Health and Welfare Committee is so unknowledgeable. In fact, Idaho, like all other states, requires parents to provide children with the necessities of life including medical care. Those who believe in faith healing are the only parents excused from the law.

### **State once had good neglect laws**

What is perhaps even more astonishing and interesting is that Idaho had excellent laws on provision of necessities for nearly a century. In 1887, before Idaho had even become a state, the Idaho territory enacted an excellent, clear, and simple law against child neglect:

"Every parent of any child who willfully omits, without lawful excuse, to furnish necessary food, clothing, shelter, or medical attendance for such child, is guilty of a misdemeanor."

Medical science was not nearly as advanced or effective in 1887 as it is today, yet way back then Idaho required parents to provide medical care without religious exception.

### **State constitution: religious liberty limited**

The Idaho Constitution ratified by popular vote in 1889 guarantees "liberty of conscience" but adds that it "does not excuse acts of licentiousness or justify polygamous or other pernicious practices, inconsistent with morality or the peace or safety of the state." Article I, Section 4

The essence of Idaho's statute requiring medical care remained until 1971 when the legislature enacted a new criminal code, which contained the first religious exemption to child endangerment. The new criminal code was very unpopular, and in 1972 the legislature repealed it and reinstated the former criminal code (SB1603), which had no religious exemptions.

## No discussion of exemption letting kids die

In the last week of the 1972 session, however, SB1626 was introduced with some amendments to the just reinstated former criminal code, which included religious exemptions to criminal non-support, criminal injury of dependents, and manslaughter at Idaho Code 18-401 and 18-1501. The minutes for SB1626 say the purpose of the bill was to “[take] out some archaic and inconsistent statutes,” but in fact it also included adding the religious exemptions.

SB1626 was passed unanimously the same day it was introduced. The House made a few amendments unrelated to the religious exemptions and then the amended bill was passed unanimously by both chambers within five days after it was introduced.

Incredibly, the laws that have been a death sentence for scores of Idaho children—laws that allow some parents to deprive children of lifesaving medical care—were passed with no debate or discussion.

## Do responsible parents need an exemption to manslaughter?

The Idaho Bar Association called them “the Christian Science amendments,” and Lin Paporello, the Idaho lobbyist for the Christian Science church, testified that they were put in the criminal code at the urging of her church. Like the church’s lobbyists elsewhere, she also claimed legislators agreed to the exemptions because they knew Christian Scientists were “responsible” parents.

However, there is no evidence on what the legislators thought. Legislators were told the purpose of the bill was to remove archaic, inconsistent statutes and probably did not even notice that the bill also added religious shields in the criminal code.

## Feds coerced passage of civil code exemptions

Idaho’s civil religious exemptions from providing medical care for sick children were enacted in 1976 because of a short-lived, but very bad federal policy. In 1974 the federal government began requiring states to enact religious exemptions to their child neglect laws in the civil code. If states wanted federal money for their child protection programs, they had to enact a religious exemption to child neglect. Only eleven states had such religious

exemptions at that time, but with federal money at stake, states rapidly began passing them. Idaho enacted 16-1602(28) and 16-1627(3) in 1976.

After many deaths of children in faith-healing sects were widely publicized, the federal government dropped the requirement in January, 1983. Since then several states have repealed their religious exemptions but Idaho’s remain.

Sources include Brian Morrin, “Children dying of treatable illnesses and Idaho law protects the practice,” KBOI-TV, Jan. 19, 2016, and Idaho Legislative Services.

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## Canyon County coroner sides with parents

Vicki DeGeus-Morris has been the elected Canyon County coroner since 1990 and is a good example of why some Idaho healthcare providers have called for a statewide medical examiner system.

Her credentials are dubious. She is a member of the International Association of Coroners and Medical Examiners but is not accredited by them. DeGeus-Morris is “honoured” by inclusion in *Cambridge Who’s Who*, a work which is widely skewered on the internet as vanity publishing and an expensive scam.

She has certification as a medical examiner from the American College of Forensic Examiners International, but *ProPublica* has found that you don’t need any coursework in forensics to get certified. A journalism student passed their online multiple choice test after 90 minutes of video instruction and paying \$495.00. For another \$50 she got a white coat. We called ACFEI to ask about DeGeus-Morris’s credentials to be a certified medical examiner; they said they would not release them without her written permission.

Coroners’ records are public records under Idaho law but DeGeus-Morris usually stonewalls requests for them.

## No concern about children expressed

Of greater concern than all of the above is her lack of compassion for the suffering of helpless children. Her focus and a source of pride to her is that she has “wonderful” relationships with



Followers of Christ parents that make it easier for her to do her job.

She says they are good parents because when she goes to their homes to sign off on a dead body, the home is clean, the children are clean and well-mannered, their hair is combed, etc.

### **Followers move to Idaho because coroner treats them “fairly”**

She even bragged that some Followers of Christ are moving from Oregon to Idaho because she is so tolerant of their medical neglect. They know that in her jurisdiction, “they can continue to live the way that they choose,” she told KIVI-TV. “They’re basically leaving their state to come over here because they’re being treated fairly [here].”

“I don’t believe in judging people; I believe in doing my job,” she said. In our view, however, she is not doing her job when she neglects to call law enforcement or allows potential crime scenes to be altered before calling law enforcement or does not order autopsies that are necessary to determine cause of death.

DeGeus-Morris opposes repealing the religious exemptions because if we “force our beliefs on [the Followers]. . . , they may go underground.” But many of their children are already underground.

Sources include Leah Bartos, “No forensic background? No problem,” *ProPublica*, April 17, 2012; Karen Lehr, “Canyon County Sheriff urging lawmakers to make change to faith-healing laws in Idaho,” KIVI-TV, Feb. 3, 2017; Nigel Duara, “An Idaho sheriff’s daunting battle to investigate when children in a faith-healing sect die,” *Los Angeles Times*, April 18, 2017.

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## **Two of our heroes**

Canyon County Sheriff Kieran Donahue is one of the strongest voices for protecting the Followers of Christ children. He has testified in the legislature and spoken to media.

### **Law should be equal for everyone**

In response to legislators’ argument that people should not be punished for “a firmly-held religious belief,” Donahue asked, “Where does it end?” If it’s okay for the Followers to let their children die,

is it okay for people in other belief systems to do whatever they want?

“The law should be equal across the board for everyone,” Donahue said. He called Idaho’s religious exemptions “an embarrassment” and “an atrocity.”



*Sheriff Donahue testifying at the Capitol  
Credit: Betsy Z. Russell/ Spokesman-Review*

“If it was cattle being treated like this, no medical care, in distress, if you saw that from the street, we’d have a search warrant and we’d be kicking down doors,” he said.

### **Sheriff’s investigations obstructed**

Donahue has formed a special unit within his office to investigate deaths of Followers of Christ children. The sheriff’s ability to investigate is, however, extremely hampered by Idaho laws and the elected Canyon County coroner Vicki DeGeus-Morris. He cannot get a search warrant without probable cause. Without an autopsy or sign of violence listed in the coroner’s report, he has no legal right to look into the death.

In 2011 the coroner told media that she does not order autopsies of Followers’ children. (Her office has done some since then.) Idaho law requires the coroner to investigate when a crime is suspected but she does not believe the Followers abuse or neglect their children.

The law does require the coroner to refer unattended deaths to the sheriff or chief of police. But the law also says the requirements shall not “be construed to affect the tenets of any church or religious belief.” Idaho Code 19-4301

Given Idaho’s religious exemptions to criminal mistreatment and manslaughter, the coroner has no reason to suspect a crime when children in faith-

healing sects die without medical care and therefore no obligation to “investigate” or autopsy. She still should be referring unattended deaths to law enforcement but she may read the above religious exemption to coroner’s procedures as permission not to do so.

It appears from some of her coroner reports that she goes to the family’s home, asks some questions about symptoms, and then writes down her own conclusion as to cause of death. Sometimes she releases a body to the family without referring to law enforcement. Sometimes the sheriff is notified only hours after the scene has been significantly altered.

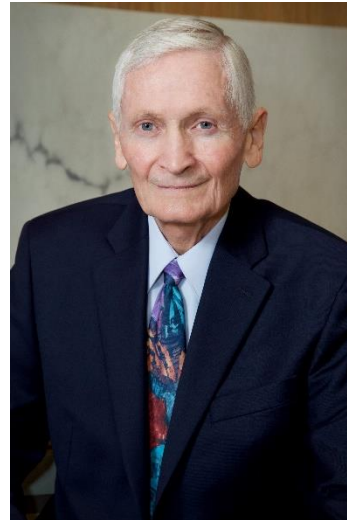
### Death scene corrupted

“In nearly every instance involving the Followers of Christ, the scene of a child’s death is corrupted,” Donahue told *The Los Angeles Times*. Bodies are moved, bathed, and dressed in different clothing. Bedding may be changed and the entire potential crime scene may have been cleaned.

By the time the sheriff’s personnel get to the home, witnesses to the death will not respond to questions from law enforcement. “They’ll just stare at you, not saying a word. And at that point, our crime scene is gone. All we have is a body,” Donahue told *The Times*. “We don’t know whether they killed the kid, whether they starved the kid to death — we don’t know.”

Though the Idaho legislature and county coroner have shown no respect for his concerns, Sheriff Kieran Donahue is respected nationally. The National Sheriffs’ Association gave him its 2017 Crime Victims Services Award, a prestigious award given annually to only one sheriff in the nation.

Another of our heroes is Justice Jim Jones of Boise. Shortly after he retired from the bench as Chief Justice of the Idaho Supreme Court,



he wrote a powerful column, “Does the right to life end at birth for some kids?” He called for repeal of the religious exemptions to criminal neglect, pointing out that Idaho has many laws protecting children against harms less serious than fatal medical neglect—laws that have no religious exemptions.

Sources include Lehr, *op cit.*; Duara, *op cit.*; and Jones, “Does the right to life end at birth for some kids?,” *Idaho Press-Tribune*, Feb. 24, 2017.

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## Oregon Followers charged with homicide

In June Sarah and Travis Mitchell of Oregon City, Oregon, were charged with homicide by abuse or neglect and criminal mistreatment in the death of their newborn baby Ginnifer. They are members of the Followers of Christ, which has let scores of children die in Oregon because of their religious beliefs against medical care.

Sarah gave birth to twin girls, Ginnifer and Evelyn, on March 5. Ginnifer died about four hours later. A church elder called the medical examiner about 90 minutes after that.

Deputy Medical Examiner Eric Tonsfeldt found Ginnifer in her mother’s arms plus about 60 church members and three unlicensed midwives. He reported that he first received “vague,” “stilted and forced” answers with no explanation about symptoms. Eventually they said she had become lethargic, less fussy, and suddenly stopped breathing.

### Surviving twin discovered

Then family members told Tonsfeldt about Evelyn in another room. He examined her and told them the baby needed to go to a hospital. He repeated his instruction. “Thank you for your input,” the grandfather replied but didn’t say they would comply.

**CORRECTION:** In the #3-4, 2016, CHILD newsletter we quoted *Yankee* magazine as saying that Christian Science spokesman Robert Peel died in a hospital “bewildered by the church’s rejection of him.” A Christian Science practitioner has informed us that Peel was taken unconscious to the hospital. He did not choose to have medical care and was not bewildered in the hospital.

After Tonsfeldt left with the body he called police and requested a welfare check on the surviving infant. When the police arrived, the Followers asked if they were being required to get medical care. After being told they were, Followers took Evelyn to a hospital in their own car with the patrol car following behind.

### **Death would not have been sudden**

The twins were born premature; Ginnifer weighed 3 pounds 6 ounces. Her lungs collapsed after birth. Dr. Karen Gunson, who did the autopsy, said a caregiver would have noticed her struggling to breathe shortly after birth. The baby would have looked uncomfortable and fidgety. Skin discoloration and bluing would have been visible. Her death would not have been sudden, Gunson said.

The charge of homicide by abuse or neglect carries a mandatory minimum sentence of 25 years. It is defined as causing the death of a child under 14 years of age or a dependent person “recklessly under circumstances manifesting extreme indifference to the value of human life.” Oregon Revised Statutes 163.115

### **Mom knew the danger, law, and consequences**

Sarah Mitchell is a sister of Shannon Hickman; they are granddaughters of the Followers of Christ founder, Walter White. Sarah was in the home of Shannon and Dale Hickman in 2009 when their premature baby David was struggling to breathe and then dying. She testified at their trial where they were convicted of manslaughter. They were sentenced to 75 months in prison and are still serving their sentence.

Sarah had every reason to know that premature babies struggling to breathe are in danger of dying, that Oregon law requires parents of all faiths to obtain necessary medical care for children, and that Oregon could exact a severe penalty for failure to obtain medical care.

### **What public policies will stop these deaths?**

The death of Ginnifer is extremely disappointing to us. We hoped that David Hickman would be Oregon’s last medical neglect death. But after religious exemptions were repealed in 2011 there were two medical neglect deaths of children in Oregon Church of the Firstborn. With the second—the death of 13-year-old Syble Rossiter to diabetes—the parents were sentenced to ten years in prison.

### **Good laws have saved Oregon lives**

Now with the death of Ginnifer some may believe that clear laws and even long prison sentences cannot change faith-based behavior. We, however, continue to believe they do motivate many parents to provide their children with necessary medical care. In Oregon there were three preventable deaths of Followers children within seven months before the media coverage and repeal of five religious exemptions in 1999.

After those laws were repealed, there were no neglect deaths of Followers children until 2008. In 2008-2009 there were three neglect deaths and one grotesque endangerment of a child’s health.

After the other four religious exemptions to medical care of sick children were repealed in 2011, there were no neglect deaths of Oregon Followers children until Ginnifer died this year.

In most states we don’t know how many children have died or suffered serious harm because of religious beliefs against medical care. Because Oregon has a statewide medical examiner system that is very alert on this issue, we feel confident in the above chronology.

There is anecdotal evidence that many Oregon FOC parents are now taking their children to doctors. Maybe Sarah and Shannon as granddaughters of the founder feel a special obligation to carry on his teachings no matter what.

And even if a strong law does not prevent every tragedy, it is still important in our view for the law to make a statement that we value the life of a child.

### **What else can Oregon do?**

Oregon has no religious exemptions from medical care for sick children. Oregon prosecutors have filed charges in every case of serious harm caused by faith-based medical neglect since 2008 and won convictions.

What else can Oregon do to protect children in anti-medical sects? We suggest strengthening the reporting laws. In the Followers’ cases, there are often scores of church members in the home when a child is dying. There should be a way to charge them with failure to report abuse or neglect.

### **Expand list of reporters, increase penalties**

Current Oregon law requires only certain professionals to report child abuse and the penalty is only a misdemeanor. ORS 419B.010 We would



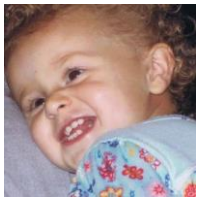
like the list of mandated reporters to be expanded to include everyone who is giving aid or assistance to a child including spiritual assistance. We would like the penalty for failure to report to be graduated according to the resulting harm. If the child dies because of failure to report, the crime should be a felony with prison time.

See “Court docs reveal details about death of FOC infant,” KGW.com, June 8, 2017.

## Another Faith Tabernacle death, charges against parents and pastor

Faith Tabernacle and First Century Gospel Church have had the lion’s share of Pennsylvania faith deaths with the Christian Science and Amish churches also losing children due to medical neglect in the commonwealth.

No charges have been filed in the great majority of these deaths and the only prison time has been for parents who have let more than one child die without medical care.



In November, 2016, two-year-old Ella Grace Foster died of pneumonia in Upper Tulpehocken Township, Pennsylvania. Her obituary says she was “lifted in the arms of Jesus.” A police affidavit

said her parents Jonathan and Grace attributed her death to God’s will and told police their Faith Tabernacle Church prohibits all medical care. They claimed Ella had just “not been feeling well” and then had “peacefully passed.”

In February, 2017, the Fosters were charged with manslaughter and endangerment. Their six surviving children are in state custody.

### Severe symptoms would have been observable

In March Reverend Rowland Foster, the church pastor and Ella’s grandfather, was charged with failure to report child abuse or neglect. Grace had called him to their home to anoint Ella. He had directly observed Ella during two visits within the last 24 hours of her life.

A forensic pathologist testified at a preliminary hearing that during that time frame Ella would have been fevered, coughing severely, and struggling to breathe. He said a single dose of antibiotic given

even an hour before she died would have had a high likelihood of saving her life.

### First in the nations?

We do not know of any other cases of a pastor being charged for failure to report medical neglect of a child. In the wake of the Jerry Sandusky scandal at Pennsylvania State University, the commonwealth increased penalties for failure to report including as much as a seven-year prison term.

Pennsylvania law may however make it extremely difficult to obtain a conviction for failure to report faith-based medical neglect of a child. Pennsylvania has an exemption to the definition of abuse (which includes neglect) at Penn. Consolidated Statutes Title 23 §6304(b) for those who deprive the child of medical care because of “sincerely held religious beliefs” of “a bona fide religion.”

CHILD has lobbied sporadically over several years for repeal of the exemption and has reported on children such as Benjamin Reinert and Brandon Schaible who could be alive but for the exemption. When the legislature did a big overhaul of the child abuse laws in 2014, they threw us a crumb and added a proviso that the exemption did not apply “if the failure to provide needed medical or surgical care causes the death of the child.” PCS 23 §6304(b)(5)

### No reporting duty until child dies?

This exemption to the exemption made it possible for the state to monitor parents who had lost a child due to faith-based neglect instead of walking out their door as the Department of Human Services did after Kent Schaible died.

It also, however, may create a conundrum for the would-be reporter. If failure to provide medical care on religious grounds is not child abuse until the child dies, when does a mandated reporter have a duty to report?

Several excellent pieces of journalism have been published about these cases including Daniel Walmer, “Children have died from Lebanon’s Faith Tabernacle for 100 years,” *Lebanon Daily News*, March 7, 2017; Michael Rubinkam, “In sect that shuns medicine, case against pastor is novel,” *AP*, March 16, 2017; Stephanie Weaver, “Woman tracks cases of neglect based upon faith,” *Reading Eagle*, March 3, 2017; and the editorial, “State must not allow faith-based medical neglect; Pennsylvania must repeal the law that facilitates such tragedies,” *Reading Eagle*, March 26, 2017.

## Minnesota parents reject medical care for son, opt for quackery

Seven-year-old Seth Johnson died in March, 2015, in Plymouth, Minnesota, with no medical care. He was malnourished, in the sixth percentile for body mass index. He had an inflamed pancreas that likely caused severe pain over weeks. He had many bruises and breaks in his skin, possible infections, and large lesions consistent with pressure ulcers on his heels indicating that he had not been mobile for awhile.



*Seth Johnson*

His parents Timothy and Sarah Johnson met at Bethany Global University, which promotes Jesus's "Great Commission" to "make disciples of all nations." Matthew 28:16-20 The doctrine is interpreted by many fundamentalists as a command to adopt children. The Johnsons adopted Seth; they have six surviving children.

The last time Seth was seen by a licensed provider was in 2013. The doctor found no physical problems. Seth was home-schooled.

### Parents diagnosed from internet searches

The parents say that in his last weeks of life, Seth started hurting himself. He threw himself down stairs. He stopped sleeping. His body shook. It took hours for him to eat.

Instead of seeking medical help, the parents relied on "their own research," the criminal complaint says. They decided Seth had a traumatic brain injury, reactive stress disorder, post-traumatic stress disorder, and fetal alcohol syndrome, though no-one had suggested such conditions in his medical records. Their reading about drug-affected

babies indicated to them that his symptoms were just "fits."

### Opposed drugs, used "medical honey"

They had "issues with going to doctors," the complaint says, and did not want Seth put on medications. They treated him with vitamins, Neosporin for his wounds, and "medical honey."

The parents went out of town for the weekend and left their teenaged son to care for him. When they returned they found Seth on the floor and unresponsive.

"They prayed for his health," the complaint states, then sat him at the table and put two small bites of pizza in his mouth. Then they put him on a mattress in the floor. They considered seeking medical care but decided to wait until morning.

In the morning the father found him covered in vomit and unresponsive. He called 911.

### Child neglect a misdemeanor; dependent adult neglect a felony

The Hennepin County District Attorney did not file charges against the parents until December, 2016. He first considered a manslaughter charge but the statute requires the state to prove that the defendants caused the death. Reportedly, the medical examiner was not able to determine whether the child had sepsis.

The prosecutors opted for a criminal neglect charge at the most serious level, that of gross misdemeanor. Neglect of a child is not a felony in Minnesota law though neglect of a vulnerable adult is.

The parents did not appear for their first court date and reportedly are still out of the country.

It will be interesting to see if the Johnsons will raise Minnesota's religious exemption to neglect in their defense. The law says that "spiritual means or prayer" for treating a child constitute "health care" and therefore a parent who "selects and depends" on such means is not negligent. Minn. Stat. 609.378 Media reports suggest that the parents were mainly depending on their amateur diagnoses and "natural" remedies, but maybe they will say they were actually depending on faith, which gave them the insight to use natural remedies.

Sources include Paul Walsh, "Charge: Plymouth parents let son suffer without medical attention before his death," *Minneapolis Star-Tribune*, Jan. 4, 2017, and <http://hsinvisiblechildren.org/?s=seth+johnson>.

## **Destitute Amish family gives daughters and wife to “prophet”**

Parents in Bucks County, Pennsylvania, who gave nine of their daughters to a self-proclaimed prophet, pled guilty to child endangerment in April and the prophet has been convicted of 17 sexual abuse charges including conspiracy in June.

The downward slide of Amish parents Savilla and Daniel Stoltzfus seemed to begin in 2001 when Daniel killed his baby son in a farm equipment accident. The father never forgave himself, relatives said.

### **Amish suspicious of outside influences**

A few months later the Stoltzfuses took out a \$300,000 loan from an Amish support program to promote his business. But Daniel also met a charismatic person named Lee Kaplan who quickly drew him into his spiritual orbit.

As the Stoltzfuses took up born-again Christian beliefs and Kaplan began spending more time in their home, Amish authorities became suspicious. Mr. Stoltzfus’s Amish employees refused to come to work. The Amish lending program demanded repayment of the loan.

### **9-year-old promised in marriage**

Kaplan gave them money and partnered with them in a new business outside of the Amish community. The Stoltzfuses promised he could have their then nine-year old daughter as his wife in gratitude for his financial help. Soon he—a man in his fifties—was sleeping in their home with their nine- and ten-year-old daughters.

In 2003 the Stoltzfuses asked to be excommunicated by the Amish. In 2009 the family of twelve or more children including a two-day-old baby were evicted from their home. They lived at a campsite and several addresses before renting a farmhouse.

### **God willed the daughters to be his wives**

Kaplan claimed it was the will of God for their daughters to become his wives. He claimed he would strengthen the Stoltzfus bloodline by having sex with their daughters. The Amish are descendants of about a dozen Swiss Anabaptist families, and baptized Amish members are forbidden to marry outside the faith. Some diseases among the Amish have been linked to their limited gene pool.

He claimed he would provide the girls with education. It turned out to be only musical training and the meaning of womanhood.

Kaplan told them dreams were messages from God and that their daughters would have dreams of being his wives. Some of the daughters did claim to have such dreams.

### **Mom moves in with daughters, becomes jealous**

The daughters moved into Kaplan’s house. Mrs. Stoltzfus said she was startled when her oldest daughter gave birth at age 14 but decided it must be alright because Kaplan always followed “the leading of God.”

So then Mrs. Stoltzfus herself, the mother of 14 children, moved into Kaplan’s home. She wrote letters to her husband. Eventually she became jealous of her daughters because Kaplan preferred to have sex with them.

### **Mom, daughters claim good life with prophet**

When a neighbor reported suspected abuse of the children and social services intervened, authorities found medical neglect as well as sexual abuse.

At Kaplan’s trial the daughters testified they had a good life with him, that there was mutual love, and they considered themselves his wives. A recording was played in which a daughter told her mother that God “will make us a shining example to all the people.”

Kaplan’s defense attorney argued that the family took advantage of Kaplan’s generosity. He claimed Kaplan “was advancing their lives” and bringing “them out of the darkness that was their lives beforehand.” He called the female relationships with Kaplan “a cultural difference.”

### **Costs of insular culture**

Karen Houser, spokesperson for Pennsylvania Coalition Against Rape, said the daughters’ belief they are his wives was entirely understandable. They have been told that since they were young children and do not have experience in the outside world to give them better grounding.

Houser predicted it could take many years for the girls to understand why the relationship with Kaplan was wrong. In the meantime they have been sent back to the Amish community.

We at CHILD notice how deferential the media is to the Amish. They accept the Stoltzfus description of what happened as “gifting” a child to Kaplan



but it looks suspiciously like selling a child and could be described as sex trafficking.

We have also seen no recognition that the Amish lifestyle and values contributed to these lurid events. The children had no birth certificates or doctor. Like their mother they had no education past eighth grade. The patriarchal Amish culture trained them to defer to men's decisions and to aspire only to marriage. Mr. Stoltzfus's business was dependent on Amish financing and rules. The family had no role models or mentors outside of the Amish community until Kaplan came along.

### High court gives Amish unique rights

In 1972 the U.S. Supreme Court ruled in *Wisconsin v. Yoder*, 406 U.S. 205, that the Amish had a constitutional right to withdraw their children from school after eighth grade. The Court held that the survival of the insular Amish culture depended on keeping their children away from worldly influences and preparing them for their adult roles "of an Amish farmer or housewife." The Court noted that child labor alongside parents has a long tradition in agriculture.

The Court said its ruling posed no "harm to the physical or mental health of the child or to the public safety, peace, order, or welfare."

Only Justice William Douglas dissented. "If [a child] is harnessed to the Amish way of life by those in authority over him, and if his education is truncated [cut off], his entire life may be stunted and deformed. The child, therefore, should be given an opportunity to be heard before the State gives the exemption honored today," he wrote.

### Many harms unleashed by *Yoder*

Justice Douglas's concerns were prescient. A plethora of religious exemptions was enacted after 1972. Home schooling with minimal regulation was allowed in many states. And in the 21<sup>st</sup> century with the high price of land, the Amish cannot maintain a purely agricultural economy. They have had to take up many businesses. If a young person does want to leave the Amish community, he or she is at a big disadvantage with only an eighth-grade education in a one-room Amish schoolhouse taught by a person with only an eighth-grade education.

Sources include *Lancaster Online*, May 31 and June 25, 2017; *CNN*, June 22, 2017; *CBS News*, June 24, 2017; *Philadelphia Magazine*, Apr. 6, 2017; and [www.pennlive.com](http://www.pennlive.com), June 1 and 2, 2017.

## The children Idaho abandons

Children in Idaho's anti-medical sects have died of readily treatable diseases for decades. They could have flooded our world with delight, imagination, and love. Instead, they are dead.



Arrian Jade Granden was a normal, vivacious teenager in Parma. She went to public school and was out for sports. She had wild ideas on fashion and loved her new puppy.

But Arrian died at home in 2012 after suffering nausea and vomiting for three days. She became weak and lethargic and unable to eat or drink. She was unconscious for four or five hours and then suffered cardiac arrest. The pathologist found gastrointestinal hemorrhage and a ruptured esophagus.

Imagine what it would be like to vomit so much that your esophagus ruptures. But we have never heard an Idaho Republican lawmaker express empathy for these children.

A child welfare program manager and prosecutor testified to the legislative work group that between them they had seen ten cases of faith-based medical neglect in 2015. Though Idaho law gives a narrow right for Family and Community Services to intervene **if** they get a report, it appears that they seek a court order only when medical care is necessary to save life. In five of the cases the child was terminally ill by the time FACS learned of the situation; both public officials said they closed those cases and did not mention getting any palliative care for the children.

The program manager told of another case of a broken bone. FACS got a court order for medical care. "The doctor said the bone probably will not heal well and the child will be in a lot of pain, but will be o.k., so we closed the case," she said.

Really?

As John Dos Passos said, "Our only hope will lie in the frail web of understanding of one person for the pain of another." We don't see that hope in Idaho government.