

Child Deaths in Idaho

2013

A Report of Findings by the
Idaho Child Fatality Review Team

www.idcartf.org

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with a tissue or the crook of their elbow when they cough or sneeze. They should avoid touching their eyes, nose and mouth. Those who do get sick should limit contact with others as much as possible to keep from infecting them (www.cdc.gov/flu/protect/preventing.htm).

Refusal of medical care because of religious or personal beliefs

After 3 consecutive review years, the Idaho Child Fatality Review team has identified a total of 10 deaths to infants and children in families who did not seek medical intervention due to religious beliefs. These cases were identified by information provided on death certificates and coroner reports. Since Idaho Vital Statistics does not compile the number of deaths to children who are not treated medically on the basis of religious beliefs, it is difficult to estimate the actual number of preventable deaths to religious objectors.

Year of Review	2011	2012	2013
Number of <i>identified</i> deaths to children who were not treated medically due to religious objections	3	2	5

All 5 of these 2013 deaths were to newborn infants (less than one month of age). Statewide, perinatal conditions are a leading cause of death to infants (resulting in a total of 58 deaths in Idaho that year). The category includes deaths related to prematurity, respiratory issues and various labor complications. However, the team determined that the 5 deaths to infants who were reportedly not medically treated (for example, those caused by meconium aspiration, intestinal blockages, and sepsis) may have been prevented with proper and timely medical treatment.

Idaho civil and criminal codes (*Section 16-1602 (28)(a)*, *Section 16-1627(3)*, *Section 18-15-1501(4)*) provide religious exemptions on child abuse and neglect (<https://legislature.idaho.gov/idstat/Title16/T16CH16.htm>).

Idaho Statutes:

Juvenile Proceedings, Section 16-1602(28)(a): “[N]o child whose parent or guardian chooses for such child treatment by prayers through spiritual means alone in lieu of medical treatment, shall be deemed for that reason alone to be neglected or lack parental care necessary for his health and well being. . . .”

Juvenile Proceedings, Section 16-1627(3) in Authorization of emergency medical treatment : “In making its order under subsection (a) of this section, the court shall take into consideration any treatment being given the child by prayer through spiritual means alone, if the child or his parent, guardian or legal custodian are adherents of a bona fide religious denomination that relies exclusively on this form of treatment in lieu of medical treatment.”

Crimes and Punishments, Section 18-1501(4) in Injury to children: “The practice of a parent or guardian who chooses for his child treatment by prayer or spiritual means alone shall not for that reason alone be construed to have violated the duty of care to such child.”

While most states offer some level of exemption for parents who withhold medical care for their children on religious grounds, Idaho is reportedly one of six states where religious exemptions for negligent homicide, manslaughter or capital murder are allowed (www.spokesman.com/blogs/boise/2016/apr/13/idahos-faith-healing-exemption-child-deaths-draws-international-attention/).

The CFR Team’s position is that these exemptions may prevent authorities from investigating and monitoring neglect cases and discourage reporting of these incidents. Apart from strengthening laws to protect children from preventable deaths, current law is confusing for medical providers and investigative agencies.

Governor Otter addressed the issue at the beginning of the 2016 legislative session by asking legislative leaders to form a committee to study Idaho’s faith-healing exemption. A bill seeking to modify the exemption was originally proposed in 2014 but to date has not received a legislative hearing.