



## **Religious Exemptions in Cases of Child Medical Neglect: Concerns Regarding Christian Scientists' Spiritual Healing Practices**

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### ***Introduction***

For this paper, I will discuss the practices of faith-based healing with a focus on the spiritual healing practices of Christian Scientists in the United States. I will argue that in the case of minor children, the use of faith-based healing in lieu of medical treatment is a form of child abuse and neglect and that parents responsible for the death of their children should be held accountable for their actions no matter what religious beliefs they may have. I will support my argument with examples of child medical neglect cases in the United States along with disturbing statistics regarding the death rates of children who have died due to a lack of medical intervention for treatable diseases and preventable illnesses.

Christian Science is the most recognized spiritual healing group that “encourages members to overcome the need for medicine” (Manca, 2011, p. 789). Spiritual healing practices often involve the use of prayer, the laying on of hands, and the rubbing of oils in replacement of medical treatment (Alvarez, 2014, pp. 62-63). Not only does the Christian Science text emphasize that medicine is not ideal, it states that medicine is “ineffective” (Manca, 2011, p. 792). Manca (2011) adds that members of the group who have found success and a sense of meaning within the system may feel as though they have more control over life events, including illnesses and diseases, because God will protect them (p. 793). Schoepflin (2003) states that churches, such as Christian Science and Jehovah’s Witness churches, with doctrines against the use of medicine often base these principles on the belief that reliance on medical treatment serves Satan and distances the believers away from God (Alvarez, 2014, p. 63).

### ***Defining Child Neglect***

Child neglect in the Child Abuse Prevention and Treatment Reauthorization Act of 2010 (CAPTA) is defined as “[a]n act or failure to act which presents an imminent risk of serious harm” (Alvarez, 2014, p. 61). Under the U.S law, individuals deemed incompetent to give consent re-

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garding health care decisions must have this right exercised for them by another – children fall into this category (Alvarez, 2014, p. 61). Parents or other legal guardians of the child have the power to make decisions regarding health care on their behalf however, caregivers do not always do what is in the best interest of the child resulting in cases of medical neglect (Alvarez, 2014, p. 61). If parents or other legal guardians fail to care for the child properly, they may be charged with assault, manslaughter, and other crimes (Bullis, 1991, p. 546). Child abuse laws create criminal penalties for “omission of proper childcare or for acts contrary to a child’s health or safety” (Bullis, 191, p. 546). Forty-seven of the fifty states have statutes that exempt parents who treat their children’s serious illnesses by spiritual means from prosecution and although there are limitations upon this exemption, this excuse is still offered as a defense in the death of children (Bullis, 1991, p. 545). The Virginia statute defines an “abused” or “neglected” child as one “whose parents [...] responsible for [their] care neglects or refuses to provide care necessary for [their] health; however, no child who in good faith is under treatment solely by spiritual means through prayer [...] [is] considered to be an abused or neglected child” thus, the statute includes an exception for spiritual healing when defining abuse or neglect of a child (Bullis, 1991, p. 545).

Christian Scientists and other advocates of religious exemption laws base their convictions on two premises – first, the constitutional right to freedom of religion (Hickey & Lyckholm, 2004, p. 268). They argue that by not allowing Christian Scientists who are parents to raise their children according to their religious principles is to deny Christian Scientists the full right to practice their religion (p. 268). Second, they “take exception to the government interfering with their rights as parents” and argue that the government should not have the power to revoke the ability of parents to make decisions, particularly medical decisions, for their minor children (Hickey & Lyckholm, 2004, p. 268). When, and if, criminal charges are indicted in the event of a child’s death, parents or legal guardians of the child have used their first amendment right to treat their child’s illness according to their religious beliefs (Bullis, 1991, p. 541).

### *The Case of James “Andrew” Wantland*

A specific case in which failure of Christian Scientist parents to provide conventional medical treatment resulting in the death of their child, and where prosecution has not occurred, is discussed by Hickey and Lyckholm (2004). In the fall of 1992, twelve-year-old James “Andrew” Wantland from La Habra, California began to feel lethargic and experienced weight loss and frequent urination (p. 266). Andrew complained to his father, a Christian Scientist, and his paternal grandmother about his symptoms (p. 266). Andrew’s father believed his sons symptoms would eventually pass and therefore, did not attend to them (p. 266). Within a few days, Andrew was emaciated and began vomiting (p. 266). A Christian Science practitioner was contacted by Andrew’s father and provided healing prayer without physically seeing Andrew in person (p. 266). The young boy’s condition continued to deteriorate and three days later, a Christian Science nurse was called to the Wantland home (p. 266). Upon the nurse’s arrival, Andrew was unresponsive, and his father decided to abandon spiritual healing and call 911 (p. 266). Andrew was then transported to the nearest hospital where he was declared dead as a result of complications associated with juvenile diabetes (p. 266) – a disease that is completely treatable through the use of insulin injections. The Orange County District Attorney’s office made the decision to not press criminal charges against Andrew’s father however, a civil lawsuit was filed against him, his mother (Andrew’s paternal grandmother), and the First Church of Christ by Andrew’s mother – who had

been divorced from Andrew's father for many years at the time of her son's death (p. 269). Andrew's mother stated that she had not been contacted throughout her son's illness and stated that she would have wanted her son to receive medical treatment for his symptoms (p. 269). The court ruled that Andrew's father, who had legal custody of his son, and Andrew's paternal grandmother acted "reasonably" under their rights to freedom of religion and would therefore, not be charged with abuse or medical neglect of a child (p. 269).

### ***Ethical Concerns***

There are many ethical concerns surrounding the religious exemptions made for parents who choose to use the "power of prayer" rather than medical care when treating their severely ill children, especially when the child dies from completely treatable diseases. Medical ethicist, Kenneth Kipnis, questions the "degree of respect owed to parental decisions regarding their children" (Hickey & Lyckholm, 2004, p. 270). He states that "it would be a disservice for our society if, because of religious exceptions, we were to protect all children from abuse and neglect by their parents except those of Christian Scientists" (p. 270). Adding "[w]here it becomes evident that parents, for whatever reason, cannot be expected to meet the standard, the larger community has a duty to relieve the parents of responsibility" (p. 271). In a situation where a child has died, many would question whether the parents or legal guardian would be "fit" to care for other children and whether they should be prosecuted for neglect and wrongful death of a child (Hickey & Lyckholm, 2004, p. 273). According to Asser and Swan (1998), the number of children lacking "sufficient medical care" as a result of their parents' religious views is difficult to determine since religious groups with doctrines against medical treatment tend to be discrete and secretive about their use of spiritual healing out of fear of government interference such as the involvement of child protective services (Alvarez, 2014, p. 63). Asser and Swan (1998) add that the number of child fatalities due to medical neglect is likely 30-50% higher than reported (p. 63). The two evaluated child deaths involving the use of spiritual healing in lieu of medical treatment and found that over 80% of the cases they reviewed had an expected 90% survival rate and 10% had a greater than 50% survival rate had the children received the necessary medical attention (p. 63). These findings by Asser and Swan (1998) provided evidence to support the argument that spiritual healing is not comparable to contemporary medical treatment and that current state laws do not protect the health and welfare of children "suffering from religious based medical neglect" (Alvarez, 2014, p. 63).

### ***Additional Cases of Child Medical Neglect***

After taking an in-depth look at specific cases of children in the United States who have died as a result of not receiving proper medical care due to their parents' religious beliefs, my stance is clear – this is child abuse. In 1984, four-year-old Shauntay Walker from Sacramento, California, died of meningitis because of her Christian Scientist mother's beliefs against contemporary medical treatment (*Victims of Religion-Based Medical Neglect*, 2022). Shauntay suffered for seventeen days and at the time of her death, she weighed just 29 pounds (*Victims of Religion-Based Neglect*, 2022). In 1977, 16-month-old Mathew Swan from Detroit died of spinal meningitis because his Christian Scientist parents insisted that they could heal their son using

spiritual “treatments” (*Victims of Religion-Based Neglect*, 2022). After nearly two weeks, the Swans took their young son to the hospital only because they thought he had broken a bone – not to receive treatment for his illness (*Victims of Religion-Based Neglect*, 2022). At the hospital, doctors informed the parents of their son’s serious diagnosis and just a week later, Mathew died in intensive care (*Victims of Religion-Based Neglect*, 2022). Rita Swan, Mathew’s mother, left the Christian Science church shortly after her son’s death (*Victims of Religion-Based Neglect*, 2022). In these two cases, and many others, the lives of children are in the hands of the parents. Children are immensely vulnerable and completely dependent on their parents as they are not capable of making decisions in their best interest at such a young age. Unfortunately, it appears that in certain cases, parents of ill children are not capable of making decisions in their child’s best interest either.

## Conclusion

While I am strongly opposed to the use of the “spiritual healing defense” in cases involving children of (almost) all ages, I do believe it can be used under *very* specific circumstances. During the 1990’s, seventeen-year-old Bethany Hughes from Calgary, Alberta, refused to accept blood transfusions due to her beliefs as a Jehovah’s Witness (*Father to Sue Jehovah’s Witnesses Over Teen’s Death*, 2002). Bethany’s mother identified as a Jehovah’s witness and her father did not, leaving her family divided by her decision (*Father to Sue Jehovah’s Witnesses Over Teen’s Death*, 2002). Against her will, Bethany received 38 blood transfusions after the province took custody of her (*Father to Sue Jehovah’s Witnesses Over Teen’s Death*, 2002). A few days before Bethany succumbed to her battle with leukemia, she said her hope was to prevent other mature children from enduring what she had gone through and expressed her frustration stating, “I am almost 17 and I can’t make a decision that a person one year older can make” (*Father to Sue Jehovah’s Witnesses Over Teen’s Death*, 2002). Her father who fought for medical treatment for his daughter blamed his ex-wife and the legal organization that represents the Jehovah’s Witness religion for his daughter’s death (*Father to Sue Jehovah’s Witnesses Over Teen’s Death*, 2002).

This is a case in which I believe the “spiritual healing defense” regarding a child is fair. Bethany was just one year away from being a legal adult in Canada and for this reason, I believe she was mature enough to make decisions regarding healthcare on her own behalf and do not view her mother as being responsible for her death. I do not view the “spiritual healing defense” as being a valid form of defense in cases where young, innocent children die because of their *parents’* beliefs. I believe that in most cases, mature children like Bethany, are capable to choose what they believe in and what they do not, and which practices they wish to engage in and the ones they do not – young children do not have this ability or choice. This is where it is the state’s duty to step in and fight for the rights of children who are being medically neglected and abused by their parents. It is absolutely crucial that there is a clear separation of church and state however, in the United States, this divide seems to be blurred. It is the state’s responsibility to enforce laws in which all parents are held accountable if they fail to provide their child with the medical treatment necessary to keep them alive. National legislation should only make accommodations and exemptions in cases involving mature children and adults who are capable of making their own decisions regarding their health. Under no circumstances should these exemptions be made for adults whose religious beliefs and lack of action result in the death of their young child. If I, as

someone who does not identify as a Christian Scientist, were to treat my child displaying symptoms of meningitis, type one diabetes, or any other life-threatening illness, with the rubbing of oil, I would be charged with medical neglect and child abuse, rightfully so. At the end of the day, abuse is abuse, and religious beliefs should *not* influence the process of justice.

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