

Children's Healthcare Is a Legal Duty, Inc.

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Today the Wisconsin Supreme Court upheld the reckless homicide convictions of Dale and Leilani Neumann and ruled that Wisconsin's religious defense to felony child abuse at 948.03(6) does not preclude a homicide charge.

CHILD opposes all religious exemptions from child health and safety laws. In our view Wisc. Stat. 948.03(6) serves no good purpose and encourages parents to withhold medical care from seriously ill and injured children. We hope the Wisconsin legislature will respond to Justice Prosser's call for statutory change.

We believe that children have a constitutional right to equal protection of the law including the equal protection of medical care. The only way they will have equal protection is for all parents to have a duty to provide medical care at the same threshold of seriousness of a child's illness or injury. When a Methodist, a Jew, or an atheist would have a legal duty to provide medical attention for a child, the devotee of faith healing should have that same duty.

We have information in our files on more than 300 U.S. children who have died since 1975 after medical care was withheld on religious grounds. Only about a quarter of the deaths were prosecuted.

We disagree with the majority's holding that the "legislature has carefully considered under what circumstances it is willing to allow reliance on treatment through prayer." 948.03(6) is purely verbatim what the Christian Science church lobbyist gave to the legislators. It was intended to be a privilege for Christian Scientists and rewards absolutism and fanaticism. For example, the parent must rely only on prayer to have the protection of the religious defense. If the parent combines prayer with herbal remedies, palliative measures, or orange juice or calls 911 at the last minute, he loses the religious defense.

Furthermore the state wrote in its reply brief to the Wisconsin Supreme Court, "[The Legislature] was willing to accommodate prayer-treating parents even if their children suffered great bodily harm, but not if their children died."

That still leaves Wisconsin with a statute allowing a huge range of serious harms to children. CHILD has members with serious and permanent disabilities because their Christian Science parents did not get them medical care during childhood. One member had to have her leg amputated because of medical neglect.

Sincerely,



Rita Swan

