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Written by Rita Swan

*Equal rights for children under the law*



*Janis Price at the Capitol in Augusta*

## **Some 2005 State Legislation Maine**

In June, Maine enacted LD482, titled “An Act to Ensure Adequate Medical Care for Children.” It originally repealed four of Maine’s religious exemptions from laws protecting children’s health. The amended bill repealed only one and added two code sections.

### **CHILD’s work for repeal**

Two Maine CHILD members, Sudie Butchenhart of Harpswell and Janis Price of Peaks Island, spent hundreds of hours working for the original bill. They got nine legislators from both parties to sign on as cosponsors and Representative Benjamin Dudley of Portland as chief sponsor.

CHILD President Rita Swan made three trips to Maine to meet with advocates and legislators and to testify for the bill. CHILD’s medical consultant, Dr.

Seth Asser, made five trips from Rhode Island, and John Kiernan, the prosecutor in the death of a Christian Science child, came once from Boston to build support for the bill.

### **Christian Scientists claim excellent record**

Many Christian Scientists testified against the bill at a hearing held by the Joint Standing Committee on Health and Human Services. They argued that Americans should be allowed to have more than one health care system in a country founded on freedom of choice. They said that no Maine child had died under Christian Science treatment in the last seventy years and that their record of healing children’s diseases through spiritual treatment was therefore excellent.

Christian Scientists, they said, make a free choice to rely on spiritual treatment because they “have proven over and over again that the spiritual method of healing works” and it is not fair to outlaw it because of a few, unrepresentative failures in other states.

We take seriously the demand to follow Jesus, who healed the sick without medical attention, a Christian Science spiritual healer (“practitioner”) said. If Jesus lived in Maine today and this bill had passed, he wouldn’t be allowed to heal kids or raise the dead, another complained.

Susan Purcell disputed the bill’s “assumption that medical science is more effective than Christian Science.”

### **INSIDE**

Utah regulates therapeutic boarding schools .....	5
Maryland repeals another religious exemption .....	6
Florida pair convicted for religion-related abuse .....	6
Abuse charged at Christian boarding school.....	7
Children accused of witchcraft .....	8

### **Kids trust recognized CS methods**

The church's method is "safer, quicker, and more effective than medical science," she said. She asked legislators not "to impose a lesser form of care on us."

Children usually choose Christian Science as soon as they are old enough to reason because they trust it, she said.

Paul Trowbridge assured legislators that Maine's current exemptions were only for Christian Science and not "cults" or weird, unrecognized sects. "Should it be abuse or neglect to pray for your child?" he asked.

For parents following an accredited, recognized method of healing to be termed abusive or negligent even in serious cases seems unfair, he said.

### **Public dissatisfied with medical doctors**

Other Christian Scientists argued that the general public is dissatisfied with doctors. "We love prayer and rely on it quickly, but I've noticed that those who rely on doctors postpone going to doctors as long as they can. I don't think they like to go to doctors," one testified.

"In the twentieth century, allopathic medicine was established as the one state-licensed system and there was great hope that it would heal all diseases. People must not be totally satisfied with allopathic medicine, however, or they wouldn't be searching for other [methods of healing]," another said.

Witnesses also testified that Christian Science spiritual treatment could not be combined with medical science "just as it wouldn't be good for a patient to have two different doctors or two different drugs prescribed."

### **Maine is for natives**

Finally, the Christian Scientists played on Maine's famous suspicion of outsiders. They pointed out that some proponents were from outside the state and that Janis and Sudie had lived in Maine only a few years. The church lobbyist closed her written testimony with the statement, "THIS BILL IS 'FROM AWAY' AND WE FEEL IT SHOULD 'STAY AWAY.'" (emphasis in the original)

### **Child advocates respond**

Lewiston psychiatrist Dr. Owen Buck testified that there is "little data on longevity in faith healing groups because generally these groups refuse to participate in scientific studies." He cited William Simpson's studies showing higher mortality rates among Christian Scientists.

He pointed out that the bill did not prevent parents from praying for their children and concluded that faith healers must want exemptions from child endangerment and neglect because they think they will eventually "need to use them."

### **Neglect just as harmful as abuse**

Rhode Island pediatrician Seth Asser stated, "Freedom to believe, to worship is not a blanket license to do anything one claims to be divinely inspired. Even the ACLU, staunch defender of First Amendment freedoms, has repeatedly stated that the health of children trumps the religious choices of parents. We don't allow physical abuse or sexual molestation to be excused on religious grounds. Neglect doesn't make the headlines like violence or sex but it is equally harmful. Medical neglect of children is the *only* form of child maltreatment that has legal protections."

Evert Fowle, President of the Maine District Attorneys Association, also testified for the bill. He said that the religious defense to child endangerment in current law raised doubt as to whether charges could be filed for harms short of death.

### **Reality of CS childhood described**

Price's testimony was especially powerful:

All of us must abide by the law, and all of Maine's children deserve equal protection under the law. At a time when Maine is striving to provide equal access to health care for all Maine citizens, it is important to remember a small group of children who have no access to health care due to their parents' religious beliefs.

The exemptions violate these children's rights to equal protection under the law given to them under Article XIV (14) of our Constitution, their Constitution. LD482 does not



*Nancy*

violate their parents' First Amendment right under the same Constitution to religious freedom. For more than a hundred years, courts have consistently ruled that the First Amendment does not include a right to harm a child or allow harm to come to a child.

LD482 simply levels the playing field. It makes the laws religion-neutral. It makes all parents accountable under the same laws, thus giving their children equal protection of the laws. It eliminates exemptions to reporting laws, thus improving the chance that the state can intervene to protect the child.

My siblings and I were raised in a Christian Science home. None of us ever got medical care of any kind, no Band-Aids, no aspirin, no Pepto-Bismol, nothing to soothe the ordinary bumps and bruises of childhood. We were instead blamed for our illnesses and injuries and told to pray until we corrected our erroneous thinking that had caused the condition. I had relatives who were Christian Scientists and knew many other church members, and none of them had medical care either. I left the religion at age 23.

Janis went on to tell about watching her seven-year-old sister Nancy suffer and die of cancer without even sedatives. She also testified about Nancy in the Rhode Island legislature (see the CHILD newsletter #2, 2004).

## Cases relevant to Maine

Legislators wanted to know if Maine had had cases of faith-based medical neglect. The only Christian Science child's death in Maine that we could document was that of Owen Brewster, who had died of untreated influenza at age 15 in 1933. His father was Governor of Maine, a U.S. Senator, and a Congressman.

Bill supporters also pointed out that a Massachusetts sect called The Body of Christ, opposed to both medical care and the government, had let two babies die without medical care and, after waiting several months for a resurrection, had then taken their bodies to Maine's Baxter State Park and buried them there without permission in 1999. The group believes that New Jerusalem will be established in Maine.

Bill supporters also testified that Boston-area Christian Scientists Ginger and David Twitchell, who had let their son Robyn die of a bowel obstruction without medical care in 1986, had moved to Maine after Massachusetts repealed a religious defense in the criminal code. The Twitchells still have two minor children.

## DHHS switches positions on bill

Unfortunately, the Maine Department of Health and Human Services (DHHS) changed legislative liaisons. Through the fall and in April, the DHHS told Price that it supported the bill, but announced its opposition five days before the legislative hearing. They said they were instead preparing a reporting requirement for Christian Science practitioners and other religious leaders.

## Sponsor requires agreement with church

Late on May 15, Dudley e-mailed Price his proposed compromise. She replied with suggestions for more protective compromises. The next morning Dudley met with Price ten minutes before the legislative work session on the bill. He would not budge an iota. The Christian Science church had accepted his amendment, and he did not want one word changed. He gave Price a take-it-or-leave-it ultimatum.

Price called Evert Fowle, who felt the amendment did establish that parents must get medical

care needed to prevent substantial harm regardless of their religious beliefs. He urged Price to accept it, and she reluctantly did.

### **Church opposes medical care requirement**

As shown to Price outside the hearing room, the amendment added a provision to the criminal child endangerment law requiring all parents to provide “necessary medical care.” But in the hearing room, Dudley told Price that the Christian Scientists wanted the standard to be “necessary health care,” so it would have to be that wording.

Dudley then went before the legislative committee and extravagantly proclaimed how “surprised” he was that he had been able to get agreement from all sides. He also said the Christian Scientists were “just delightful” to negotiate with, a compliment which the church repeated at its international meeting.

As amended, the bill repealed a religious exemption to reporting a child fatality to the medical examiner and added failure to provide “necessary health care” to the definition of criminal child endangerment.

### **DHHS says clergy reporting can’t be required**

A week after the amended bill passed the committee, the Maine DHHS, which opposed the original bill and had said it was instead preparing a reporting requirement for religious leaders, dropped all pretense of drafting a reporting law. They said it couldn’t be done because of the confidentiality expected in communications between pastors and parishioners.

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## **What does Maine’s new law mean?**

Though Maine chose to retain its religious exemptions to endangerment and neglect, counsel for the Maine Medical Association and the Maine Department of Health and Human Services and the president of the Maine District Attorneys Association assured CHILD members that religious objectors do not have a legal right to deprive children of “necessary health care” under the bill as amended

by chief sponsor Benjamin Dudley and then enacted.

### **What does the church tell its members the law means?**

What we still do not know, however, is what the Christian Science church tells its members the laws mean. For that information, we wrote Anne Wold, the church’s lobbyist for Maine, asking these three questions:

1. Do you agree with Evert Fowle, president of the Maine District Attorneys Association, that the bill has created a clear legal duty for parents to obtain medical care for sick and injured children regardless of their religious beliefs?
2. Do you agree with Evert Fowle that Christian Science parents in Maine could be charged with endangerment or manslaughter for withholding medical care from sick or injured children?
3. Have you advised your members in Maine that state law requires them to get medical care for sick and injured children?

Wold did not reply to the letter, but instead arranged a meeting with Fowle and asked if he had made such representations to us. To our surprise, Fowle told Wold and other Christian Scientists that he had not.

We then wrote Fowle that it sounded as if the Christian Scientists left his office thinking “they don’t have a legal duty to get medical care for their children.”

He left a message that he did not give them such an idea, so we asked him how our letter to Wold misrepresented him. He did not reply.

### **Another change in the bill**

In the midst of that back-and-forth, we were startled to discover that the amendment, which Dudley told CHILD member Janis Price could not be changed one iota, got one more change after it passed the committee.

The word “knowingly” was added so that the new section states that a person commits the crime of child endangerment who “being the parent, foster parent, guardian or other person having the care and custody of the child, knowingly deprives the child of necessary health care, with the result that the

child is placed in danger of serious harm.” 17-A Maine Revised Statutes Annotated §554

Unfortunately, “knowingly” just happens to be the *mens rea* for the religious defense to child endangerment. It states that “a person who in good faith provides treatment for a child or dependent person by spiritual means through prayer may not for that reason alone be deemed to have knowingly endangered the welfare of that child or dependent person.” 17-a MRSA Ch. 23 § 557

*Black’s Law Dictionary* states that a person acts “knowingly” with respect to a crime, in this case endangerment, when he is aware that his conduct endangers the child and he is aware “that it is practically certain that his conduct will cause such a result”—in this case the result that the child is placed in danger of serious harm.

### **Do faith healers know they are depriving children of necessary health care?**

Adding “knowingly” to the “necessary health care” requirement seems to us to pose quite a hurdle for the prosecutor in a religious objector case. It requires the prosecutor to prove that the faith-healing parent knew that he was depriving his child of necessary health care and knew that danger of serious harm to the child had resulted from his conduct. Christian Science calls upon its members to avoid acquiring knowledge of disease, medical treatment, and the body, and many do avoid it.

In CHILD’s view, Maine’s new law should have prohibited “recklessly” depriving the child of necessary health care rather than “knowingly” depriving the child of such care. Then the standard would have been objective and not dependent on the parent’s knowledge.

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## **Utah to regulate therapeutic schools**

In 2005 Utah passed a bill to require state licensure and regulation of therapeutic residential facilities for young people. As is common with legislatures, the catalyst was a death.

In 2004 a bill that would have required regulation of all boarding schools was killed on the last day of session by the Utah House Speaker. Six days

later Robert Lichfield, founder of World Wide Association of Specialty Programs and Schools headquartered in St. George, Utah, donated \$30,000 to the speaker’s re-election campaign.

### **Death blamed on lack of regulation**

A few months later Anson Arnett, 31, was at work alone in Maximum Skills Life Academy of Cedar City, Utah, when two 17-year-old wards of the academy killed him with a baseball bat.

Arnett’s father publicly blamed his son’s death on Utah’s laissez-faire attitude toward its therapeutic residential facilities.

### **“Big business” in Utah**

State Senator Tom Hatch, who opposed the 2004 bill, sponsored a licensure bill in 2005, saying Arnett’s death had changed his mind. Hatch admitted to favoring the least government regulation and said residential facilities are an industry important to Utah’s economy, which he did not want to drive out with too much regulation.

“This is a big business in the state of Utah,” Hatch said. “It seems California has gotten so heavy-handed in regulation that it’s losing its schools to other Western states.”

### **Good bill passed**

As finally passed, however, his bill, SB107, appears to be strongly protective of children. All facilities purporting to provide behavior modification or therapeutic intervention for children will have to be state-licensed and inspected at least twice a year. One inspection must be unannounced. Providers must use a nationally recognized method of behavior modification. Corporal punishment is prohibited. Children must be allowed to make phone calls out and send uncensored mail unless a licensed mental health provider determines that such contacts would be detrimental to the child.

The controversial WWASPS facility, Majestic Ranch, must now be licensed. Scores of allegations of child abuse and neglect at Majestic Ranch and other WWASPS facilities have been reported.

Utah’s known deaths of young people in its residential facilities have occurred during hikes in wilderness therapy programs. In 1990 two girls died from heat stroke and dehydration in Utah’s



behavior modification camps. That same year Utah became the first state to require state licensure of camps.

The horrific death of Aaron Bacon in 1994 is vividly described in Jon Krakauer's article "Loving Them to Death," *Outside* magazine (October 1995).

In 2002 two youths died during strenuous hikes in Utah wilderness therapy programs.

All five camps that allowed these deaths closed down following state investigations and in some cases, civil suit judgments.

### **Camps founded with religious zeal**

Most of Utah's wilderness therapy camps and residential treatment programs are not run by churches or described as promoting religious doctrine. Some, however, have Mormon associations. Brigham Young University, which is closely tied to the Mormon church, began an outdoor "expedition" program for failing students in 1968 and rapidly expanded such programs through the 1970s.

"At the core of its wilderness programs," Krakauer writes, "was a spiritual component. . . . They were intended, first and foremost, to be deeply religious experiences that promoted faith in the Mormon ideal. As one result, graduates of BYU courses established similar programs across the West with evangelistic zeal."

"In the early days," said a former BYU student, "the staff at these programs received almost no training in things like logistics or safety. Because we were doing 'God's work,' there was a strong belief that God would look after everybody."

Many improvements have been made since then, but there is room for more, given the risks to children and young people.

Sources include the *Salt Lake Tribune*, Nov. 26, 2004, and Krakauer's article.

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## **Maryland**

Our shortest article on legislation is also the sweetest because it is about a clear-cut victory. In 2005, Maryland legislators repealed the state's religious exemption to termination of parental rights with 'nary a peep of doubt or objection.

Since 1990 Maryland has repealed religious exemptions to child abuse and neglect, to finding a child in need of assistance, and now to termination of parental rights.

The legislature has also rebuffed two efforts by Christian Science lobbyists to add a religious defense to the criminal code and some preventive and diagnostic measures.

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## **Florida couple sentenced for religion-related abuse**

In September, John and Linda Dollar of Beverly Hills, Florida, were sentenced by plea agreement to 15 years in prison for torturing and starving their adopted children. Under Florida law they will have to serve at least 85% of their sentence. Their parental rights have been terminated.

### **Torture and malnourishment**

The abuses suffered by the children horrified the nation. They said they were shocked with a cattle prod. They had toenails yanked out with pliers. Their feet were bound in vices and beaten with mallets. They were locked in closets and cardboard boxes at night and deprived of food for days at a time.

One Christmas some of the children received as their only present the rice that had been taken away from them weeks before because of misbehavior.

Signs of abuse were hidden for years because the Dollars moved frequently, home-schooled the children, and kept the abused ones inside most of the time. Two others who were not abused were allowed to play outside.

The Dollars were well-educated. Linda had a master's degree in business education; John was a commercial real estate appraiser. They drove a Lexus and had a luxury mobile home estimated to be worth \$250,000.

### **Dollars ran Christian school**

Warning signals may also have been missed because of the Dollars' professions of faith. They were not members of a "cult" or isolated small sect, but Baptists in the predominant religion of the

South. "I thought they were a good Christian family," said one neighbor. A realtor said "they loved the Lord" and "seemed like the real thing."

For a year the Dollars ran a Christian school. In retrospect, some parents who enrolled their children there remembered oddities. Convinced that all computers would crash at the millennium, the Dollars hoarded supplies and food. They would not allow the pupils to have Pokemon cards because they considered them satanic.

The children's plight was discovered in January, 2005, when the sixteen-year-old took two trail mix bars from the mobile home and tried to run away again. His head was cut severely, either from a fall or from Dollar grabbing him and throwing him down. Mrs. Dollar called 911, and the boy was taken to a hospital.

#### **14-year-old weighed only 36 pounds**

He weighed only 59 pounds. State child protection services took custody of all the children. Twin fourteen-year-old boys weighed only 36 and 38 pounds, the average weight of a 3 ½-year-old. The abused children had not gone through puberty.

In the home, investigators found pliers, mallets, a bag of what looked like toenails, and a lock on the outside of the closet door, which supported what the children had told them.

A psychologist who examined the children said they suffered from post-traumatic stress disorder and that the Dollars had led the children to believe they deserved to be tortured.

The Florida Department of Health and Rehabilitation Services had many months of home visits, background checks, and interviews with the Dollars over a period of years before approving them as foster parents and later adoptive parents. The Dollars wrote on state forms that they "found God sending us children who needed us and we needed them."

#### **Abuse missed by mandated reporters**

HRS officials were not the only ones fooled by the parents. In compliance with Florida home-schooling laws, a school administrator gave academic tests to the children annually, and doctors had to sign health and immunization forms for them at least once. The administrator asked why the chil-

dren were so little; the Dollars told her they were adopted from "a family of small stature."

Awaiting trial in jail, the Dollars wrote to each other. "In time God will reveal his plan for us," Linda wrote. "I love the kids so much. I just can't believe this is happening."

John called upon their "friends through Christ" to stand by them and complained that the media "seems to have crucified us without facts and truth."

#### **Religious principles led parents to abuse**

As part of the plea agreement, the parents were required to apologize at sentencing. "We are sorry that the children are hurt," Dollar said. "We are firm believers in the God almighty [and] because of those principles we were led to do certain things."

Though the parents blamed God or their understanding of Him for the abuse, the lead detective Lisa Wall wanted to give God credit for a happy ending. At sentencing, she claimed the children disclosed the abuse only because the parents had taught them about God.

The children told the truth, Wall said to the parents, "because of their love for God, which was from your teachings" and that saved the parents from the destructive path they were on.

Wall thanked the parents for agreeing to a plea and again credited their faith. The plea, however, did have advantages for the parents. If convicted by a jury, they could have been sentenced to 150 years in prison. Also, the agreement prevented prosecutors from discovering whether the Dollars were receiving public money for the support of their special needs adopted children.

Taken in part from the *St. Petersburg Times*, Feb. 14, Apr. 8, 13 and 19; and Sep. 9 and 15.

#### **School owners on trial for abuse**

In May, the owners of the Abounding Grace School for Boys in Lexington, North Carolina, will go on trial for felony child abuse. Stan and Lee Mitchell started the school for troubled boys in 1995 because they felt a divine calling to save souls.

Lee did not finish high school, and Stan has only a GED, but they felt qualified by their faith to

teach and administer a school. Mitchell's criminal record includes several driving offenses, breaking-and-entering, and drug possession. "But," says Mitchell, "God saved me and turned me around, and I wanted to save the youth. . . ."

In 2000 they affiliated their school with the Believers' Baptist Church and registered it with the state as a non-public boarding school. Ron Helder, director of the North Carolina Division of Non-Public Education, says the school complied with state requirements, but the division has little oversight of how individual schools are run and offers little protection when abuse is reported.

"That's something that goes with the turf when you start a school that deals with at-risk or out-of-control kids like this," Helder said.

### **Parents agreed to corporal punishment**

The boys followed a structured routine of enforced silence, church attendance, chores, and schoolwork. Breaking the rules brought swats—or "licks"—with a paddle. Parents had to sign a statement acknowledging that "Brother Mitchell" could give a boy up to five licks for every violation.

Corporal punishment is legal in North Carolina schools, but the law leaves it up to the administrator to decide what is reasonable, Helder said.

Two boys told social workers they had been hit 200 times with a paddle that the workers described as a "typical school paddle"—about 18 inches long and more than an inch thick.

"All we were trying to do is what the parents asked us to do, give the guys old-fashioned standards and make them act the way boys used to be," Mitchell said. He has closed the school.

### **Methodist youth speak out**

In 2004 after the United Methodist Church became the first Christian denomination to call for prohibiting corporal punishment in schools, Methodist youth called for North Carolina to ban it in schools at their state model legislature and sent copies of their resolution to public officials.

Taken in part from the *Winston-Salem Journal*, July 31, 2005.

## **Children Accused of Witchcraft**

In the Democratic Republic of Congo, *Sojourners* magazine reports, many believe that among children, disruptive behavior, changes during puberty, and epilepsy are signs of witchcraft. This belief is strengthened by revivalist church pastors who hold themselves out as experts at confirming or "discovering" these signs of witchcraft. Thousands of children are exorcised by clerics and often violently.

"Many religious and magical movements, whether Catholic, Pentecostal, African, or fetishist," says *Sojourners*, "use this belief to profit financially, and nearly all of those practicing exorcisms do so for the purposes of financial gain."

Accusing children of witchcraft, the magazine says, is a form of social oppression motivated by money when children should be honored as God's creatures with inalienable rights and dignity.

"To rebuild the reputation of Christianity in the Congo and to be faithful to all of the biblical values, a prophetic voice needs to re-emerge within the churches and must be accompanied by prophetic actions. It is important that Christian churches and believers help demystify characteristics among children that are considered to be witchcraft, educate others about the behavior and development of children, and prevent violence against children," *Sojourners* concluded.

Taken from Luis Enrique Bazan, "Child witches and the church," at [www.sojo.net](http://www.sojo.net).

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## **About CHILD Inc.**

For more information on CHILD and a membership application form, visit its web page at [www.childrenshealthcare.org](http://www.childrenshealthcare.org). To reach CHILD by mail, phone, fax, or e-mail, see the contact information on page 1.

CHILD is a national membership organization dedicated to stopping ideological child abuse and neglect. CHILD is a member of the National Child Abuse Coalition.