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*Equal rights for children under the law*



*Statue to the Circuit Rider at the Oregon Capitol*

## Followers sentenced to long prison terms in baby's death

On October 31, Followers of Christ parents Dale and Shannon Hickman of Oregon City, Oregon, were sentenced to 75 months in jail for the death of their baby David. It is by far the longest sentence of the four Followers cases prosecuted in Clackamas County.

The jury took less than four hours to convict them of second-degree manslaughter.

David was born at home September 27, 2009, weighing 3.5 pounds; he lived nine hours. He was attended only by unlicensed church midwives. Several other relatives were also in the home with his parents, but no one considered calling for medical care.

Shannon calculated her due date as between Halloween and Thanksgiving. She had miscarried in a previous pregnancy, which she testified was "a hundred times" more painful than the labor with their first child. When she went into labor in September, her relatives thought she was having another miscarriage.

Home video showed the baby was pink, crying, and moving his arms at birth. The parents claimed he appeared healthy until five or ten minutes before he died.

### Did parents know baby was in trouble?

A defense witness specializing in fetal medicine testified that the baby died very quickly of a staph infection and medical intervention could not have saved him. "The baby was doing fine until he fell off a cliff," he said.

He conceded, however, that a baby born that prematurely should have been in a hospital.

Prosecution witnesses testified that the baby would have struggled to breathe almost from the moment of birth and that he had better than a 99% chance of surviving with medical care.

Dale admitted to an investigator that he eventually was aware his baby might not survive. But in court he said he believed his son was cared for properly and no other care was needed.

Dale said Shannon woke him at 2:15 a.m. saying the baby was in trouble. Dale took David in his arms, anointed him with oil, and prayed. The baby died no more than five or ten minutes later, Dale said.

When prosecutor John Wentworth asked him why he didn't call 911 when he realized the baby was failing, Dale replied, "Because I was praying."

Dale said his faith meant everything to him and that "everything that happens, whether it's good or bad, it's God's will." Even now looking back at his baby's life and death, Dale believes they could not have done anything differently.

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### **God willed baby's death**

Shannon's aunt testified even more bluntly. "It wasn't God's will for David to live," she said. A church midwife, the aunt said she would anoint with oil but not call a doctor when a baby was struggling to breathe.

She did disclose that Shannon was concerned for the baby and that one grandmother was holding David's arms as he died and begging him to "Come on, Baby."

"What lesson was learned from David's death?" Wentworth asked.

"I don't know," the aunt replied.

### **Mom not concerned about premature birth**

Shannon claimed she never had any concern or worry about the baby. She testified that she saw him only once or twice and then just barely. She never held him.

She testified that anointing with oil was not restricted to serious illnesses, that their daughter Daisy asks to be anointed when she scrapes her knee or gets a paper cut.

While very painful, a miscarriage would not cause Shannon to go to a hospital because Dale didn't want her to go.

Though she knew her baby was arriving several weeks early, Shannon didn't think he needed medical care because God "has the power to help you deliver a healthy baby at 35 weeks or 34 weeks or 33 weeks or 32 weeks."

### **Wife must let husband make all decisions**

Shannon, who is a granddaughter of the church founder, Walter White, testified extensively that her religion required her to defer to her husband, the head of the household, in all matters.

Wentworth asked if she was allowed to give her husband her opinion on caring for her children's health.

"If I gave him my opinion and he told me to shut up and I didn't, then my marriage could be in jeopardy. We don't believe in divorce, so I have to be careful about what I do and I have to submit to my husband," Shannon said.

He would not beat her, but would probably yell at her if she expressed an opinion without being asked, she said.

If her husband is not available to make a decision, she has to submit to another man such as her father or father-in-law, she testified.

She admitted knowing that her baby took only two breaths in the last five minutes of his life.

### **Parents and midwife learned nothing from death**

She testified that she and her husband did what they thought best at the time and "it's God's will whatever happens."

Wentworth repeatedly asked her whether now, with the knowledge of her son's medical condition, she thought she should have done anything differently.

She repeatedly refused to answer, saying that she couldn't change the past and asking Wentworth if he had ever been pregnant.

In the Followers, "we have a religious group sacrificing children's lives, year after year, decade after decade. We have to do something," prosecutor Michael Regan told the court at sentencing. They are not fundamentally different from a black-robed pagan group that sacrifices a sick child in the dead of night, he said.

Regan said the Followers are in most respects decent, law-abiding folks but have stubbornly and arrogantly refused to change their care for sick children.

### **Parents offer to get children medical care**

The Hickmans pleaded for mercy for the sake of their surviving children, 7-year-old Daisy and an infant son. They said they would comply with any probation terms and had taken their surviving children to a pediatrician.

Shannon's attorney, John Neidig, asked the judge for leniency for her because of their religious belief that "the husband is the head of the household like Christ is the head of the church."

### **Jail "a modest penalty" for baby's death**

In 1999 the Oregon legislature repealed a religious defense to second-degree manslaughter but added a provision allowing the judge to reduce the sentence for devotees of faith healing when s/he found "substantial and compelling reason" to do so.

Judge Robert Herndon said he found no such reason and gave both parents the minimum sentence mandated for non-religious defendants. He called incarceration "a modest penalty for causing the



death of a vulnerable person. . . .” He said the image of the tiny baby’s struggles often came vividly into his mind. This death was “so preventable,” he declared. The church midwife was “the most dangerous person in Clackamas County,” he said.

The Followers’ testimony that none of them ever considered calling a doctor or said they would do things differently with the benefit of hindsight and of the medical examiner’s report made a strongly negative impression on the judge and jury, we believe.

### **Prosecutor sent letters to all church members**

Clackamas County District Attorney John Foote said his office gets no “satisfaction or pleasure out of prosecuting these cases,” but does it because “children are dying.”

Foote said he had personally reached out to church members twice. The second time he wrote letters directly to every church member, urging them to use doctors for their children.

### **Many Followers now getting medical care**

It has brought some scattered results. “We have evidence. . . that many members of the church are now quietly taking their children to doctors outside Oregon City,” Foote said. “We’re very hopeful in the long term that we won’t have to prosecute these cases anymore.”

The *Albany Democrat-Herald* opposed the long prison term and suggested the couple were being punished for their minority religious beliefs. *The Oregonian* acknowledged that it was sad for their two children to be separated from their parents for so long, but also said the stiff sentence sent a clear message to people who for decades have let children die without even considering getting medical care. “Not God’s will, but felony manslaughter,” its editorial was titled.

### **Newborn deaths rarely prosecuted**

It’s also a strong message for the country. Most jurisdictions take no action when babies die in unattended home deliveries. In general the law does

not require medical care until the baby is born alive. And after the baby is delivered, officials may think parents would not understand the baby’s distress or maybe the baby just doesn’t immediately have the status of personhood in their minds. Several readers said it was unfair to prosecute parents who loved their baby when they could have legally killed him by abortion before birth.

We know of only one other religion-based medical neglect case in which criminal charges were filed for the death of a baby within the first 24 hours after delivery. Those parents, Gary and Rachel Carlton, were acquitted by an Elkhart County, Indiana, jury in 1990.

Sources include *The Oregonian*’s coverage of the Hickman trial available at [www.oregonlive.com](http://www.oregonlive.com) and *The Albany Democrat-Herald*, Nov. 3, 2011.

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## **Oregon in review**

The amazing saga of Oregon has been in several CHILD newsletters over the years, so I will synopsise the ancient history briefly. Through the 1980s and 1990s Oregon steadily became the worst state in the nation for religious exemptions. Legislators and, frankly, organizations that should have known better such as the Oregon District Attorneys Association, gave the Christian Science church everything it asked for. By 1997 Oregon had religious defenses to murder by abuse or neglect, manslaughter, criminal mistreatment, and criminal non-support plus two religious exemptions to neglect in the civil code.

### **Spiritual healers allowed to cause deaths of children with “extreme indifference”**

Perhaps most shocking was the murder statute allowing those who care for a child “solely by spiritual means” to cause a child’s death “recklessly under circumstances manifesting extreme indifference to the value of human life” by “failure to provide adequate. . . medical care.” Oregon Revised Statutes 163.115

### **Public officials indifferent on child deaths**

Oregon also had a great many preventable deaths of children among churches objecting to medical care. Only one was prosecuted before

2008, the death of a 7-year-old Church of the First-born boy from untreated leukemia. Several public officials in Clackamas County where another faith-healing church, the Followers of Christ, was located seemed indifferent to the deaths of sect children. Longtime coroner Dr. John Shilke later told the press he couldn't remember a death he got "excited about" or whether he referred any deaths to the district attorney.

### **New medical examiner does forensic investigations**

When Dr. Larry Lewman became the state medical examiner, he developed professional forensic investigations of the deaths and sent his reports to the district attorney, who took no action.

In January, 1998, I spoke at a national child abuse conference. The new Clackamas County district attorney Terry Gustafson came up afterwards and told me about Followers' children dying without medical care. She wanted to do something to stop them. A few weeks later an 11-year-old boy in the church died of untreated diabetes.

### **78 child deaths: no charges**

Gustafson announced that Oregon's religious defenses prevented her from filing any charges, but she and Lewman alerted the media. The press went to the Carus Cemetery owned by the Followers church and found 78 children buried there. KATU television broke the story and ran reports on it for eight days straight. *The Oregonian* sent two journalists from coast to coast reporting on faith deaths and the Christian Science church's lobbying for exemptions.

### **5 religious exemptions repealed in 1999**

A CHILD member asked his state legislators to sponsor a bill repealing the exemptions and Representative Bruce Starr, R-Hillsboro, did so in 1999. The Christian Science church fought the bill relentlessly. During the seven-month struggle legislators proposed about 75 amendments, many of which were attempts to mollify the church.

The bill that was finally enacted repealed five of the nine religious exemptions targeted in Starr's original bill. I made four trips to Oregon to work for it, and Oregon CHILD members were very active with letters and testimony at legislative hearings.

We hoped that the compromise bill would be enough to persuade the Followers to change their behavior and for many years it seemed that it had. But in 2008 and 2009 three Followers children died without medical care, and in 2010 a fourth was permanently harmed by medical neglect.

### **All religious exemptions from care of sick children repealed in 2011**

We asked Bruce Starr, now a state senator, whether he would carry another bill to repeal the remaining four religious exemptions from providing medical care for sick children. Again he was willing.

My husband and I decided to move to Salem during the 2011 session to work for the bill, which actually began in the House with Rep. Carolyn Tomei, D-Milwaukie, as lead sponsor. The bill passed the House unanimously, and the Senate made it an emergency bill to take effect the day after the Governor signed it.

Oregon is now one of six states with absolutely no religious exemptions pertaining to medical care of sick children.

## **The four prosecutions**

From 2009 to 2011 four sets of Followers of Christ parents were tried for medical neglect of their children. Taken together they show Oregon's now-strong determination to protect children throughout their minority from the first hours of life to the later teen years.

The difference in jury attitudes and the state's degree of success over the four trials is striking.

### **Baseball-sized growth on toddler's neck**

With more than 80 children buried in Carus Cemetery since the 1950s, Raelene and Carl Worthington were the first Followers of Christ parents to be charged for a child's death. It sounded like a slam-dunk case for the state. A growth on their 15-month-old daughter Ava's neck was the size of a baseball. It cut off her breathing, interfered with swallowing, and exacerbated or caused pneumonia. Followers were performing healing rituals over her the last two days of her life. There were 200 Followers in the home when she died.

The parents told the police they would not have gotten medical care for her regardless of the symptoms. Obviously the parents and many people around them knew the little girl was seriously ill and had willfully chosen not to get medical care.

### **Parents claim illness didn't look serious, also claim they saw evidence of divine healing**

At trial, however, the Followers claimed that they didn't think the growth was a serious problem because adults in their family had them. They claimed they did those same healing rituals for all kinds of trivial problems; the rituals did not indicate awareness of a serious illness. Moments before Ava's death they saw her breathing become easier in response to their rituals so they broke their fast and went into the kitchen to eat. They claimed to be totally surprised and shocked by Ava's death, so shocked in fact that they didn't know what they were saying to the police.

### **Jury thinks good intentions force acquittal**

The jury believed the parents. They acquitted the mother of all charges and the father of manslaughter. They managed a 10-2 verdict convicting the father of the minor crime of criminal mistreatment for which he served two months in jail. (Oregon allows convictions with 10 or 11 votes.)

The jury forewoman told the media that, given their culture and religion, the parents may have had no awareness that their baby was seriously ill. She also said the jury did not believe the parents "intended" to harm their child even though the jury had been instructed that intention was not an element of the crime.

### **16-year-old dies of chronic condition**

The second Followers case charged was that of Jeff and Marci Beagley, Ava's grandparents. They were in Ava's home when she died and were interviewed by the police then. "This is what we do," Marci told them of the Followers' practice of relying exclusively on faith to heal.

Three months later their 16-year-old son Neil died of complications from a bladder outlet obstruction that he had probably had all his life. On autopsy, urine was found to be sloshed throughout his abdomen and even in his lungs.

### **Can teens refuse necessary medical care?**

A public official initially told the press that Oregon law allowed Neil to refuse medical care. In fact, though, Oregon law allows minors to consent to medical care at age 15 but not to refuse it.

The Beagleys were charged with criminally negligent homicide. On the stand they said their son did not want to go to a doctor and they "wanted to honor Neil's wishes."

### **"It just has to stop."**

They were convicted and sentenced to 16 months in prison. Judge Steven Maurer called his decision "heart-wrenching," but added, "The fact here is that too many children have died. Unnecessarily, needlessly, they have died, and there is a graveyard nearly full of their bodies. It has to stop. It just has to stop."

### **Hemangioma pushes eyeball out of socket**

The third set of Followers parents to be tried were Timothy and Rebecca Wyland. Their baby Alayna had a hemangioma pushing the eyeball out of its socket. Her condition was reported anonymously to the police when she was eight months old.

At the family court hearing the Wyland said they never considered getting medical care for their baby [even though they saw this grotesque deformity on their baby's face every day]. Rebecca said that was because she had faith in God, while Timothy said, "Sometimes God lets children die."

The court gave physical custody of the baby to the Department of Human Services (DHS), but the Wylands were allowed to have her on weekdays until evening.

With court-ordered medical treatment the growth shrank, and Alayna's vision greatly improved but will probably never be normal.

The Wylands were charged with felony and misdemeanor mistreatment. In less than an hour the jury unanimously convicted them of a first-degree felony.

In June, 2011, they were sentenced to 90 days in jail and three years probation. Terms of probation included complying with a court-ordered treatment plan, notifying a probation officer when they used healing rituals, and notifying the officer

whenever one of their children had a serious injury or illness.

### **Dad won't commit to medical care without DHS supervision**

In July the Wylands asked the court to return full custody of their daughter to them. Though they had complied with all terms of the court order, when a DHS worker asked them if they would continue to follow the court-ordered treatment plan without state supervision, Mr. Wyland replied, "Only time will tell." He added that God was the best healer and He decides who will be cured. The judge expressed alarm at his attitude and ruled that DHS should continue to have custody of the baby.

### **4<sup>th</sup> trial: quick verdict, harsh sentence**

At the fourth trial the jury deliberated only four hours before unanimously finding the Hickmans guilty of manslaughter. The judge had authority to impose no prison time, but instead sentenced them for the maximum prison term allowed and called it "modest."

Of course each jury was made up of different individuals, but the progression of outcomes is startling. In the first trial the jury deliberated for days, acquitted on three of four counts, and managed only a 10-2 vote to convict on a relatively minor charge even though the parents and many fellow church members had plenty of time to know and obviously did know that the toddler was seriously ill. In the last trial both the judge and jury had no reluctance to send the strongest possible message though the neglect of this child lasted "only" nine hours.

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## **When will they ever learn?**

Many of us had high hopes that infant David Hickman would be the last Oregon child to die because of religion-based medical neglect. Officials have reason to believe that many Followers of Christ in Oregon City are now taking their children to doctors.

### **Another Oregon faith-healing sect loses a child**

The Followers, though, are not the only church in Oregon with religious objections to medical care. On December 20 Austin Lewis Sprout, age 16, a ju-

nior at Creswell High School in Oregon and a member of the school's basketball team, died at home.

Austin's mother, Brandi Bellew, and stepfather, Russel Bellew, attend the General Assembly and Church of the Firstborn in Pleasant Hill, Oregon. CHILD has information on more than 60 Firstborn children who have died of untreated diseases nationwide since 1976.

### **"Highly treatable"**

On February 10 a Lane County grand jury indicted the Bellews for second-degree manslaughter. Relatives posted \$20,000 bail for them. They are prohibited from having contact with any person under the age of 18 and even with each other before the trial.

Authorities have declined to release the cause of death, but have said it was "highly treatable."

Austin had six siblings ranging from teen-aged to 8 months old. They are in foster care with relatives.

### **Boy was given a choice; "we live to die"**

Many Church of the Firstborn members came to Sprout's home to pray for the boy during his illness. The church believes in following the direction in James 5:14-15: "Is any sick among you? Let him call for the elders of the church; and let them pray over him, anointing him with oil in the name of the Lord: And the prayer of faith shall save the sick, and the Lord shall raise him up. . . ."

Austin's uncle Shawn Sprout said the parents gave their son the option to seek medical care when he was sick. "It was his choice to trust in God. And obviously, if he wanted to call the hospital, it was up to him and we gave that option to him so it was his choice to trust in God," said Shawn Sprout.

Sprout said he believes Austin passed away because it was God's will. "It's what we live for. We live to die so we can go to heaven," the uncle said.

### **Boy had lost father to treatable illness**

The boy's death is not the first medical neglect tragedy to strike the family. In 2007 his father Brian died at age 35 of untreated sepsis following a leg injury. In 2010 his grandmother died at age 54 of untreated acute myeloid leukemia.

People who knew Sprout had heard the boy struggled with "flu-like symptoms" for at least a

week before his death, Creswell Middle School teacher Stan Mercer said.

Mercer described Austin as very polite, respectful, and hard-working. “He was a fantastic kid,” Mercer recalled. . . . “That’s why it’s so heart-breaking to hear about this.”

Mercer also remembered Austin “just sobbing” at his father’s death. “I remember thinking, ‘What a tragedy,’” he said.

Loyd and Christina Hays were the first Oregon parents prosecuted for withholding medical care on religious grounds. Their son Anthony, age 7, died of a treatable form of leukemia. Mr. Hays was a bishop in the Brownsville Church of the Firstborn.

In 1996 a Linn County jury convicted Loyd Hays of criminally negligent homicide but acquitted his wife of all charges. He was sentenced to probation.

Sources include *The Eugene Register-Guard*, Dec. 23 and 28, 2011; Jan. 21, Feb. 14, 16, 18, 2012; and KVAL News, Feb. 11, 2012.

## What more can Oregon do?

There have been five indictments since March, 2008, all of them after Oregon’s laws had been changed to allow some charges for religion-based medical neglect. One was eight months after Oregon had repealed all religious exemptions from a parent’s duty to provide medical care for a sick child. Furthermore, the last couple to be indicted let their child die several weeks after two parents had been sentenced to 75 months in prison.

What more can Oregon do to protect the children of such stubborn, reckless parents? The only things we can think of are more educating of the mandated reporters, enforcement of the reporting laws, and also expansion of them.

### School did not report boy’s illness

Austin Sprout was a public high school student who died on December 20 after an illness that continued for one to two weeks. If he missed several days of school, or if he manifested symptoms at school, we feel school personnel should have been more alert and concerned. They should have called the parents and asked whether he was getting medical care. School officials are mandated reporters.

They should have reported Austin to state child protection services as a child at risk of serious harm.

Schools in most states are required to maintain records on the immunization status of their students. The schools therefore know which children have religious exemptions from immunizations. When one of those unimmunized children is home sick or appears sick at school, staff should be highly concerned. They should be in contact with the parents, ask probing questions, and report to CPS.

### Oregon principal refuses to report illnesses

In 1999 after Oregon had repealed five religious exemptions, we called a school principal in Linn County where the Church of the Firstborn has lost children. Even after we pointed out that the religious exemption had been repealed from the reporting law, the principal said he had no intention of reporting to state child protection services when Firstborn children were sick or injured. “I don’t have anything against the Firstborners’ religious practices,” he said. “They’re no different than the Christian Scientists or other groups who believe in readings and prayers to heal disease.”

### Should everyone be a mandated reporter?

Besides giving mandated reporters more training on their reporting obligations, Oregon might consider expanding the list of persons who must report. Eighteen states and Puerto Rico require everyone who has reason to suspect child abuse or neglect to report it to state child protection services. Oregon requires only “public or private officials” to report.

Hundreds of fellow church members were in the toddler Ava Worthington’s home as she lay dying. Many were in Austin Sprout’s home in the last days of his life. If every Oregonian was required to report child abuse and neglect, maybe one of those church members would have done so.

Many states are, we believe, reluctant to make everyone a mandated reporter for fear intake workers would be flooded with unsound reports by untrained persons. It would be helpful to have some scholarship comparing the effectiveness of reporting for protecting children in states that make everyone a reporter and in states that require only professionals to report.

Enforcing the reporting laws is just as important as who the mandated reporters are. Charges for

failure to report are very rare, and in many states the penalty is very low.

## A family torn apart by dogma



Lucia Greenhouse's memoir, *fathermothergod: My Journey out of Christian Science* (Crown, 2011), has been widely praised and draws large crowds at her public readings.

She captures a child's perception with near-perfect pitch in selected memories. The child's trust

in the religious precepts so important to her parents is juxtaposed with her nagging awareness that something about her world does not make sense.

Both parents express tender love for their children, but it is also conditioned on the assumption that the whole family will rely on Christian Science for healing all problems and will not question it.

When Lucia throws up at public school, the school nurse calls her father, who tells his daughter her illness will disappear when she "knows the Truth" and she should go back to her classroom.

When the parents see an opportunity to advance the father's career as a Christian Science "practitioner" or spiritual healer, they move the family from Minnesota to London, England, and put the children in Christian Science boarding schools. They don't ask for the children's feelings about their plans, and when the children object, the father tells them to do "your part for the Cause." The children are also enlisted to keep the plan secret from the non-Christian Science relatives and to do "metaphysical work" to protect the move from "mental malpractice" by others.

In 1985 Lucia's mother becomes seriously ill. Again, the parents impose secrecy because of the Christian Science belief that disease is a moral issue. It is caused by sin, broadly defined to include fear and doubt: either the sins of the sick person or of others whose evil thoughts are mental malpractice. Even others' awareness of the disease can be malpractice that prevents a Christian Science healing. Thus, unlike the Pentecostal faith-healing sects

that call upon the entire congregation to pray for a sick member, Christian Science tries to limit awareness of the disease to as few people as possible.

This created excruciating conflicts for Lucia and her siblings. Their parents were adult converts to Christian Science. Their relatives were not Christian Scientists. Their mother's brother was a medical doctor. Yet the siblings were expected to prevent their maternal grandmother, aunts, and uncles from seeing their daughter and sister and learning that she was seriously ill.

Lucia's mother spent more than six months at Tenacre, a Christian Science sanatorium in New Jersey, where unlicensed "nurses" with no medical training encouraged everyone to have a cheerful attitude and expect a spiritual healing. A nurse tells Lucia that her parents dance "sweetly" and "tenderly" in the hall alone at night. Lucia's father saddles his children with guilt, telling them the illness is their fault for straying from the faith.

Finally the mother becomes delirious and screams to go a hospital in Minnesota and be with her parents. The Christian Science administrators absolve themselves of responsibility, saying care is always the patient's choice. The children talk their mother into agreeing to treatment at a nearby hospital.

There surgeons find widespread colon cancer. A young doctor lashes out at Lucia, asking how she could have let her mother get into such bad shape. Her uncle, the medical doctor, is furious with her father. He obtains the medical records and tells Lucia that her mother has been bedridden for months and could not possibly have danced at the sanatorium.

The denial of reality, secrecy, guilt trips, and impossible demands are all too familiar to CHILD newsletter readers. The radical nihilism of Christian Science theology with its basic creed that the material body and world are unreal can be used to cruel effect by both charlatans and the sincere faithful.

