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Leah and Douglas Dyer

The Dyer Trial

By Linda Rosa, R.N.

In 2001, Rita Swan came to Colorado on behalf of CHILD to support passage of HB1286, a bill repealing the state's religious exemptions from felony child abuse, negligent homicide, reckless endangerment, and manslaughter. Thanks to Rita Swan, HB1286 passed. (1) But 15 years later, that didn't stop defense attorneys from asking a jury to "honor the spirituality" of Colorado parents charged with class 3 felony child abuse, while the prosecution asserted the Dyers deprived their daughter of medical treatment of a seizure disorder for more than four years. It took the jury less than 24 hours to find the Fort Collins couple guilty of class 3 felony child abuse after an unusually long ten-day trial that ended November 8, 2016. (2)

Doug Dyer, 46, and Leah Dyer, 49, were found guilty of knowingly and recklessly ignoring the medical needs of their seven-year-old daughter Stephanie, leaving her profoundly malnourished and brain-damaged after four years of uncontrolled epilepsy. In opening remarks, Leah Dyer's attorney asked the jury to consider Leah's belief that their home was haunted with spirits who made the girl fall down and have "spells." The attorney said:

It is not criminal to believe in spirits or ghosts. She put salt around the girl's bed and around the house. We need to honor that spiritual component. The evidence is that the parents loved her and acted in their line of thinking.

Stephanie Dyer had been a healthy three-year-old when her parents took her to the Poudre Valley Hospital in April 2009, worried about the onset of "spells." The hospital's on-call neurologist, after observing the girl having two seizures within a half hour, ordered an MRI and EEG. Both tests were normal, with no focal abnormality identified.

Doug Dyer told the doctor he believed his daughter was "possessed." The doctor had a better explanation: these were seizures that could be controlled successfully by medication, even if the reason for the seizures could not be found, which is not uncommon. He prescribed Lamictal and a follow-up exam, noting that it is often necessary to adjust seizure medications and dosages.

Stephanie's parents, however, never took her to a doctor again, even after the Lamictal was clearly not stopping the seizures. The parents kept giving the Lamictal and regularly asked for prescription refills, which various doctors at a local clinic serving Medicaid patients provided until February 2013 without seeing the child.

In October 2013, four and a half years after the visit to the ER, Leah's estranged mother, a retired nurse, called the Fort Collins police, concerned by a

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report from another family member that her granddaughter was not attending school and might have health issues. The Department of Human Services and police tried to visit the home on October 27th, noting noises inside the house, blocked windows, and security cameras. They tried again the next day, and an annoyed Leah Dyer allowed them in her cluttered home. They found seven-year-old Stephanie on the living room floor, in a diaper, surrounded by stuffed animals in front of a TV. Cat litter and animal feces were on the floor.

Seizuring girl rushed to hospital

When the girl had a seizure, someone called for an ambulance. Mrs. Dyer refused permission for medical attention, but seizures constitute an emergency and parental permission is not needed. An officer on the scene testified that the girl,

. . . did not look in good health. We knew in less than one minute that she needed to go to the hospital. She had a seizure history that we didn't know much about. She was underweight, drooling, [and had] abnormal movements. [She was] unresponsive, staring, and appeared younger than a 7-year-old.

In near-vegetative state

The girl's condition was dire. She weighed only 37 pounds—just pounds more than her weight taken in the ER more than four years earlier. She presented with a decorticate posture that indicates brain damage. And indeed, she was in a near-vegetative state, unable to walk, talk, eat, swallow, sit or hold her head up. She was incontinent of bowel/bladder and had regressed developmentally to age three months. Being unable to swallow saliva made her a risk for choking and pneumonia.

Stephanie got a thorough workup at Children's Hospital in Denver where physicians were "unable to find a genetic or neuro-degenerative disorder" but concluded that the girl's "mild atrophy involving the frontal lobes and cerebellum" was "consistent with a history of untreated seizure disorder, which over time affected her brain growth." (3)

Stephanie later had surgery to release contractures in her legs and feet in hopes that she would one day walk. The presence of contractures gives some indication of the care she was receiving at home: contractures are permanently hardened and shortened muscles and tendons caused by long periods of inactivity of the limbs.

Amazing progress but permanent damage

Stephanie has made amazing progress in her therapeutic foster home and through the many medical and rehabilitative services at Children's Hospital. In only six months, after nearly continuous care by specialists in dozens of fields, she went from 37 to 60 pounds and grew nearly six inches. (4)

Today, three years after being removed from the Dyer home, Stephanie is walking, attending special education classes, and starting to speak in sentences through an electronic communication device. She is currently on three seizure medications and has been seizure-free for 18 months. While reported to be mostly a happy child, she exhibits some behavioral problems because of the brain damage. She will require a lifetime of specialized care.

Excuses and blame

In interviews with the police and numerous psychological evaluations, Doug and Leah Dyer gave differing accounts of Stephanie's decline. They claimed it began just a few weeks before she was removed from the home when they made an appointment with Children's Hospital. (No evidence of this appointment was found.) Leah also blamed Children's Hospital for the girl's condition and tried to stop the insertion of a feeding tube, claiming her daughter could eat on her own if she wanted to.

The prosecution, however, showed the jury a photo of Stephanie on her grandfather's lap, taken 18 months earlier in May 2012. The girl was very thin, with floppy limbs, apparently unable to hold up her head, expressionless, and with a slack jaw.

The Dyers told the police that they never had access to a working car to take Stephanie to the doctor, an excuse that didn't hold up in court since the girl had Medicaid coverage, which provides transportation. And while it became clear that the parents did not trust modern medicine, they did see physicians when they needed medical care for themselves. So why didn't they take this clearly ailing child to the doctor?

Parents' faith in paranormal

Defense lawyers asserted it was because of the parents' spirituality. Many of the mental health experts and others called to testify referenced the Dyers' superstitions and beliefs in the paranormal.

Leah's mother testified that Leah believed her home was haunted by ghosts and spirits: "She said doors were opening and pictures moving. She said that she was slapped on the butt by a spirit." Leah's grown daughter from another marriage claimed that the Dyers "moved the girl's bed into their bedroom to watch her" because they were "genuinely afraid" of the spirits, and that Leah "sprinkled holy water" in the home and had security cameras in the home for recording spirits.

Capable of knowing right from wrong despite personality disorders

Robert McIntyre and two other psychologists evaluated Doug Dyer and all agreed that he had a schizotypal personality disorder with paranoid and narcissistic features. Leah Dyer's evaluation indicated a histrionic personality disorder, with features of mistrust, disordered thinking, rationalization, intellectualization, and argumentative paranoia. These disorders did not, however, constitute an "impairment to forming a culpable mental state," according to these experts.

McIntyre testified Doug had "a supernatural explanation for his daughter's condition. . . . He thought she did not have a seizure disorder." Doug claimed the hospital had not given them "an official diagnosis" and therefore they saw and treated it as a non-medical problem. McIntyre also noted that Doug claimed his daughter pointed to the ceiling at a spirit and their cat hissed when it sensed a spiritual entity.

Parents blame girl for her condition

While the Dyers claimed Stephanie was possessed—continually "pushed to the floor" by a spirit that hovered above her—the parents also blamed their daughter for not walking and talking, saying she was "stubborn" and "lazy." (If she was being held responsible for not freeing herself from being possessed was never made clear.) Curiously, Leah also said once after her arrest that Stephanie had been "exploring her body and movement."

Westword, Denver's weekly tabloid, reported that the Dyers "looked into the spiritual realm, but they ran into roadblocks in trying to have their home blessed to get rid of the spirits." (5) Wiccans did eventually perform a blessing of the home, and the Dyers reportedly were trying to raise funds via Craigslist for another "cleansing."

It was surprising to hear mention in court of a fellow I knew: Bryan Bonner. He had been interviewed by the police in connection with providing "ghost hunter" services to the Dyers. But Bonner would not appreciate being called a ghost hunter. Bonner and his associate Matthew M. Baxter are minor Colorado celebrities. "Bryan & Baxter" (B&B) run Rocky Mountain Paranormal Research Society. (6)

They are unique in being entirely skeptical about the paranormal. Their aim is not to investigate the paranormal but to investigate claims about the paranormal in order to reassure people "who are frightened by weird and sometimes terrifying occurrences that happen in their businesses and homes. . . and educate the public." Back in 2008 B&B had a weekly radio show exposing the paranormal. (7)

Parents retain paranormal investigators

Bonner says that the Dyers contacted B&B because of the parents' belief that "the family home was haunted or even had 'demons.'" The Dyers said they saw shadows walking around the entrance to the garage near the kitchen and saw "demon eyes" in the bathroom window. Their camera system caught a shadow going down a hallway. Lights were on in rooms after being turned off. They had found their daughter mysteriously out of her crib. They saw her levitating in her bed. They had a psychic friend who regularly talked to ghosts and demons in their home. Their research (which could not be verified) suggested their home was on an ancient site where many Native Americans had been killed.

After an initial consultation, B&B spent an entire night in the Dyer home. On arriving, they found the Dyers had invited guests and were making a party out of the investigation. After the guests were shooed out, the pair were able to explain the spirits away as reflections of car lights, hair on a camera lens, smoke from burning sage, and floating dust. They also debunked the device the Dyers' psychic friend used to "talk to the dead." Of their daughter Bonner told me:

The claim of the daughter being found in the middle of the room was explained by the fact that children learn how to climb out of their cribs/beds all of the time and this was nothing unusual. The claims that the daughter was seen 'levitating' was not easy but we suggested that

she may have something like epilepsy and with the parents expecting paranormal activity they may have misperceived a seizure as something else. We suggested that they have her taken to a physician and have her checked.

Mom rejects rational explanations

Leah Dyers was not willing to accept rational explanations, and for over a year she called B&B, sometimes several times a day, to convince them of the validity of new paranormal events in her home. She also consulted at least four paranormal groups during this time. Leah told B&B she had spent “several hundred dollars” consulting an out-of-state psychic and had herself hosted a now-defunct “ghost-hunting/pagan” podcast. It became fairly certain to Bonner that the Dyers did not hire B&B for their expert opinion, but to confirm their beliefs.

Epilepsy: the sacred disease

Bryan & Baxter could well have thought of epilepsy from the parents’ description of their daughter’s “levitation.” Seizures have long been associated with the paranormal. They figure in the literature on demon possession, exorcism, prophets, and shamanism. Ancient Greeks called epilepsy the sacred disease and sought relief from it in temples. Furthermore, people with temporal lobe seizures have reported paranormal experiences such as out-of-body experiences and time distortions. B&B were not able to shake the Dyers’ belief in the paranormal or reassure them about malevolent entities or get them to consider counseling.

Medical cause unknown; therefore parents insisted cause was spiritual

Years later, Doug Dyer told Detective Trujillo that if he had ever believed his daughter had seizures, he would have “carried her in his arms to the hospital.” The Dyers did take their 3-year-old daughter to that one visit to the emergency room in April 2009. The doctors told them the girl was having seizures and needed medical supervision to control them. But the Dyers rejected the diagnosis. Because the doctors could not find the cause of the seizures, the Dyers claimed the cause was spiritual.

Hedging their bets

One forensic psychologist was asked in court for an opinion on why the Dyers kept giving the girl the Lamictal if they really thought her problem was

“other-worldly.” He replied, “It’s called hedging one’s bets.”

Foster parents should believe in ghosts?

In closing, the defense team gave themselves the difficult challenge of characterizing the Dyers’ primitive superstitions as a belief system—a different world view in which their “special” daughter could talk to spirits—that deserved the jury’s respect, while at the same time, trying to establish that the Dyers were so delusional, paranoid, and disorganized in their thinking they should not be held responsible for making a thorough mess of their daughter’s life. The Dyers did the best they could with the “spiritual beliefs” they had, their attorneys said. Without explaining what it meant, the attorneys bandied about a phrase Doug Dyer used in some interviews—his belief that his daughter’s “blood and brain don’t match.”

For good measure, the defense put blame on the medical system for not explaining epilepsy well enough to the parents. They even faulted DHS for placing Stephanie with “a foster family that does not believe in ghosts.”

Prosecution: parents knew girl was getting worse but hid her from outsiders

The prosecution was more direct and clear-cut. They made the case that the Dyers minimized their irresponsible behavior with excuses at every turn. The parents never claimed not to understand what was required of them by doctors; they could see the child was getting worse and hid her away from others. They also showed that the Dyers’ spirituality and paranoia didn’t preclude them from enjoying the benefits of modern medical care themselves—the medical care they denied their daughter. That the Dyers were considering treating the girl with cannabis oil showed they recognized the girl had a medical problem.

A year before the trial the Dyers filed a civil rights suit against the city, county, and public officials complaining of “unreasonable search and seizure” and removal of their child.” (8) On February 17, 2017, at the sentencing hearing, the Dyers continued to blame everybody except themselves. “We’re not mental. I’m very sound and very secure and I’m very just. Nobody likes that,” Leah said.

Eighth Judicial District Judge Gregory Lammons saw it differently and sentenced them to fifteen years in prison. “Parents have a duty to protect their children and these parents failed. They failed utterly,” he said. (9)(10)

Apparently, Doug and Leah Dyer still don’t understand how close to death their child was when she was removed from their home. DHS intervention no doubt saved her life, but alas, it was too late to save her from lifelong disabilities.

Faith in superstitions and battle against demons

Doug and Leah Dyers relied on a different type of faith healing, but faith healing nonetheless. Their irrational superstitions and belief in the paranormal led them to have their home blessed, to bring in experts on the paranormal, and to sprinkle salt and holy water around little Stephanie’s bed to keep away the spirits that were harming her.

Beliefs in spirits no excuse for medical neglect

In opening and closing arguments, the Dyer defense never claimed that their clients’ deeply held beliefs were “religious” beliefs or that they were engaged in “faith healing.” It was rather the bald assertion that parents guided by their “spiritual” beliefs, should enjoy that same exemption that was repealed in 2001.

(1) “Victory in Colorado,” Children Healthcare Is a Legal Duty, Inc., Nos. 1 & 2, 2001.

<http://childrenshealthcare.org/wp-content/uploads/2010/10/2001-01-02-fnl.pdf>

(2) “Dyers found guilty in Fort Collins child abuse case,” Jason Pohl, 10 Nov 2016, *The Coloradoan*.

<http://www.coloradoan.com/story/news/2016/11/10/dyers-found-guilty-fort-collins-child-abuse-case/93611166/>

(3) Affidavit for Arrest Warrant, Douglas James Dyer, 2 Aug 2014.

<https://www.scribd.com/doc/237204433/Douglas-Dyer-Arrest-Affidavit>

(4) “High-profile child abuse trial begins Thursday,” Jason Pohl, 27 Oct 2016, *The Coloradoan*.

<http://www.coloradoan.com/story/news/2016/10/26/high-profile-child-abuse-trial-begins-thursday/92783654/>

(5) “Leah Dyer Blames Media in Abuse Case: 7-Year-Old Weighed 37 Pounds, Couldn’t Walk,”

Michael Roberts, *Westword*, 19 Aug 2014.

<http://www.westword.com/news/leah-dyer-blames-media-in-abuse-case-7-year-old-weighed-37-pounds-couldnt-walk-5836529>

(6) Bryan & Baxter, *Wikipedia*.

https://en.wikipedia.org/wiki/Bryan_%26_Baxter

(7) Bryan & Baxter: Paranormal Radio for the Adventurous.

<http://web.archive.org/web/20080106162117/http://www.modernparanormal.com/;http://radioamerikanow.com/?p=1366>

(8) Dyer et al v. Lajeunesse et al, case #1:15-cv-02404, 440 Civil Rights, Colorado District Court, filed 28 Oct 2015.

[https://www.pacermonitor.com/public/case/9695726/Dyer et al v Lajeunesse et al](https://www.pacermonitor.com/public/case/9695726/Dyer%20et%20al%20v%20Lajeunesse%20et%20al)

(9) “Dyers sentenced to 15 years for felony child abuse,” Jason Pohl, 16 Feb 2017, *The Coloradoan*.

<http://www.coloradoan.com/story/news/2017/02/16/dyers-sentenced-15-years-prison-felony-child-abuse/97994496/>

(10) “Fast facts about the Doug and Leah Dyer child abuse case”

<http://www.coloradoan.com/videos/news/2017/02/17/fast-facts-doug-and-leah-dyer-child-abuse-case/98041828/>



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She is co-author with Jean Mercer and Larry Sarner of Attachment Therapy on Trial: The Torture and Death of Candace

Newmaker (Praeger 2003). But she is best known as the mother of Emily Rosa who, at age 11, published the results of her 4th-grade science-fair project testing “Therapeutic Touch” practitioners in the Journal of the American Medical Association. See

<http://jamanetwork.com/journals/jama/fullarticle/187390> *Photo credit: Susan Gerbic*

First-degree murder in Canadian boy's medical neglect death

In February, 2017, Calgary parents Emil and Rodica Radita were found guilty of first-degree murder for the death of their son Alexandru from untreated diabetes, sepsis, and malnutrition.

While the family was living in British Columbia, Alexandru was medically diagnosed with type 1 diabetes at age 2, but according to his treating physician the mother told him more than once that her son did not have diabetes and that she and God would prove the doctors were wrong.

The next year the physician figured out that the parents were calling in fake blood sugar readings to the hospital.

“within one day of death”

In 2003, when he was five, Alexandru was again hospitalized with his diabetes out of control. He was emaciated and barely conscious, unable to swallow the food in his esophagus. A doctor noted that Alex was “within one day of death.”

At an online message board for Romanians Mr. Radita charged that the doctors were inventing diagnoses, physically abusing Alex, causing him to have other diseases, and conspiring to tear apart their family.



Alex in kindergarten during foster care

The province then placed Alex in foster care for a year. His kindergarten teacher years later described him as chubby, impish, bright, and sweet. She took his blood sugar reading each day and reported it to his foster parents. Alex participated in managing his disease and was aware of the requirements.

Parents lost a baby, rejected medical care for another, and moved multiple times

At a custody hearing Alex's social worker, Patricia MacDonald, strongly recommended that Alex not be returned to his parents. She had learned that the Raditas lived in Ontario in the early 1990s and had been involved with children's services there. One of their children was born premature and needed oxygen but the mother refused to allow it so Children's Aid took temporary custody of the infant.

Five months later the baby was given adult Tylenol and began having seizures. He was brought to a hospital but the Raditas objected to anti-seizure medication being given so Children's Aid again took temporary custody. He was returned when they agreed to continue giving medication.

MacDonald also learned that the Raditas had a daughter in Ontario who died of bronchial pneumonia at 3 ½ months old. The Raditas refused to give the baby's name or birth and death dates so she was unable to learn whether there was neglect.

MacDonald pointed out that the Raditas had already moved twice, once within Ontario and later to British Columbia, preventing investigations from being completed. She voiced her fear they would move again and neglect Alex.

Judge returns boy to parents, cites cultural differences

Nevertheless, Judge Gary Cohen returned him to his parents in 2005. Cohen wrote that the Romanian couple had lived under an oppressive regime and distrusted authority figures, that they were caring for their other seven children appropriately, and must have just made a mistake on dosage. If they had given no insulin at all, Cohen wrote, the boy would have quickly died. (This ignores the fact that Alex was nearly dead when he was brought to the hospital in 2003.) The judge declared the providers' “suspicions and concerns” to be “so far unproven.”

For the next few years medical records show the parents kept his diabetes under control and Alex progressed three grades in school. A social worker during this period, however, later testified that Mr. Radita threatened to shoot him.

And in 2008 a doctor noted that Alex's mother refused to increase his insulin. No doctor saw the boy again.

Like other provinces, BC loses track of family

A social worker tried to locate the Raditas after they missed two doctors' appointments. By then, however, the Raditas had moved to Calgary. The social worker could not find them and her team leader directed her to close the file on the family due to lack of information.

Alex had an Alberta health insurance card. Prescription records show thousands of dollars of diabetes-related drugs and equipment purchased in Alberta but none in the last six months of his life and there are no records of medical exams or services for him in Alberta.

Alex did not attend school in Alberta. He was briefly enrolled in an online curriculum but submitted no work and was dismissed from the program with no followup.



The parents gave a birthday party for their son four months before his death. Photos from the party show him posing with a present and a Birthday Boy rosette pinned on his shirt. They also show an emaciated, gaunt child with sunken eyes and sores on his face. Sores and wounds are very slow to heal for diabetes patients.

37 pounds, waist 3 inches across

On May 7, 2013, Alex died. The parents called members of their Romanian Apostolic Church and claimed Alex had been resurrected from the dead. When members came to the home and saw the boy, they were shocked and told the parents to call 911.

Emergency workers were even more shocked and some needed psychotherapy later. Dressed in a diaper and t-shirt, the 15-year-old boy weighed only 37 pounds. His waist was about three inches across. He had 44 ulcerating wounds on his body. Some were necrotic. One was so deep his jawbone was

visible. A salivary gland was exposed in a neck wound. A toe would likely have required amputation, an expert testified. Most of his teeth had rotted down to the root. He had no neck muscles—the tissues had liquefied and the area was filled with pus. One worker said he looked “mummified.”

Stubbornness masked as religiosity

Alex's sister testified that the family had religious beliefs against medical care. However, church members testified that the Romanian Apostolic Church has no objection to any medical care. Furthermore, the Raditas continued to give insulin for some years after they quit taking their son to doctors. Their history suggests that they were determined to prove the doctors wrong even while giving insulin and used religion to justify their stubbornness.

Elements required for first-degree murder

The criminal code of Revised Statutes of Canada requires that first-degree murder must be killing that is both “planned and deliberate.” RSC §231(2) If there is “forcible confinement” the death may be first-degree murder even if it was not both planned and deliberate. RSC §230

Crown prosecutor Susan Pepper emphasized those three elements to prove the charge. The Raditas had been given plenty of information that their son required insulin to live. They had seen the life-threatening consequences when insulin was withheld. Yet they deliberately deprived him of insulin not once, not just for a day or two, but repeatedly and for long periods of time.

Starvation may have prolonged life

Like Judge Cohen, many may wonder how Alexandru survived as long as he did if he was actually getting no insulin. The answer appears to be starvation. Before insulin was discovered and made available to treat humans in 1922, the only thing that could prolong life for diabetic children was a starvation diet. With no pharmaceutical records of insulin purchased during the last six months of the child's life, a medical expert testified at trial that Alex probably got a little bit of food and a little bit of insulin during much of those last months.

Such testimony only bolstered Prosecutor Pepper's argument that the death of Alexandru was planned and deliberate.

Forcible isolation criminal, even by parents

She also emphasized that Alexandru was forcibly confined and isolated. The parents deliberately prevented the outside world from knowing his condition. They didn't send him to school or participate in a home school program. They didn't take him to doctors. They didn't call in any blood sugar readings to health care providers. They moved from province to province until they got to a place where no-one bothered them about Alex's needs.

"The plan was simple—wean him off of insulin, keep him out of sight and pray," Pepper said.

Proving herself right and the doctors wrong was more important to the mother than whether her son lived or died, Pepper charged.

"The solution to a dying Alex was prayer and only prayer," she continued.

Alexandru's emotional suffering

Beyond laying bare Alexandru's horrible, grotesque, physical suffering, Pepper also spoke of the emotional suffering he must have felt. The boy knew he had diabetes, he knew he required insulin to live, he knew how his diabetes had to be managed from his year in kindergarten and foster care. Did he ever ask his family for a different outcome? Did he ask himself what was happening as he went downhill? Was he afraid? As he became bedridden and confined to one room, he must have felt "a profound loneliness" from "knowing the world is not for you," Pepper said.

The Raditas were sentenced to life imprisonment with no possibility of parole for 25 years. They have seven surviving children.

Policy change?

Alex's death has generated calls for an inter-provincial alert system on at-risk children. While there are protocols *encouraging* cooperation between provinces, a *mandate* and a *national database* are needed to keep track of children with open case files, experts say.

CHILD also believes that more monitoring of home schooling is needed. When Alex failed to turn in any work for the online home school program, he should not have just been "kicked out" as one reporter put it, but public officials should have followed up. Parents should not be allowed to remove their children from school with no oversight ever after.

Finally, pharmacists (see Dyer case above as well) should not be allowed to supply prescription drugs for years for patients who are not being seen by a physician.

Sources include: *CBC News*, June 27, 2016; *Canadian Press*, Sept. 15, 2016; *Vancouver Sun*, Sept. 15, 2016; and *Global News*, Feb. 24, 2017.

Mom who used "natural" remedies guilty in son's death

In January, 2017, a Calgary mother who rejected medical care for her son was found guilty of failure to provide necessities and negligence causing death. Seven-year-old Ryan Lovett died in March 2013 of meningitis, pneumonia, and a strep infection. His mother Tamara delivered him at home without medical attention and never took him to a doctor. His birth was not registered, and he did not have an Alberta health card.

A forensic investigation of her computer and cellphone showed that as early as January 2013, Tamara was searching for information on children's nosebleeds and reading about "the dangers of prescription drugs." In February she searched on "children, swollen groin, lymph nodes," "oil of wild oregano testimonials," norovirus, radiation sickness, earaches, et al. The day before her son died she was searching on jaundice, dandelion tea, herbs to help the liver, and other home remedies.

Lovett testified that she thought he had only a cold or the flu but the internet records indicate greater concerns. Ryan was bedridden for ten days while his mother "treated" him only with dandelion tea and oil of oregano.

Lovett testified that she did not see serious symptoms until the last two days. She acknowledged that Ryan was then in pain with swollen limbs, constipation, and yellow eyes. He fell in the bathroom.

A friend, Barbara Lapointe, had often taken Ryan for the weekend and brought food for the impoverished single mother and son. When Lapointe came to see Ryan the last time, she was shocked and thought he was going to die. She offered to take him and his mom to the hospital. Lovett refused.

The next day when Ryan's speech became slurred and he collapsed again, Lovett called 911. An emergency room physician testified that the boy

was dead on arrival, cold to the touch, and with pupils fixed and dilated.



Ryan and his mother (from Facebook)

Unlike several other child victims, Ryan was enrolled in school. His attendance, however, was very erratic. LaPointe said his mother provided no structure and Ryan was often up with her until “the wee hours” of the night.

When the police interviewed her after Ryan’s death, Lovett was very distraught and called herself a failure. But when the police asked her what she was sorry about she said she should have taken him to the hospital herself instead of waiting for the paramedics and should not have enrolled him in school because he might have picked up germs there and “the stress from school [might] have compounded his illness.”

Lovett will be sentenced in June.

Sources include *Canadian Press*, Nov. 27 and 29, 2016, and Dec. 2, 2016; *CBC*, Nov. 30 and Dec. 1, 2016, and Jan. 23, 2017; and *Huffington Post*, Dec. 5, 2016.

Enforce reporting laws

As reported in the CHILD newsletter 2016 #2, Alberta has a law requiring anyone with “reasonable or probable grounds to believe that a child is in need of intervention” to report the case. Yet an Alberta Justice Department spokesman said that no one has ever been charged for failure to report.

On one hand, it would seem harsh to charge Barbara Lapointe with a crime when she had tried to get medical care for Ryan. But she could have saved his life if she had reported.

Dying for God’s sake—Or just because mom prefers “holistic medicine”

By Kathleen Kakacek

*“Even so it is not the will of your Father which is in heaven that one of these little ones should perish.”
Matthew 18:14 (KJV)*

There are lots of bright, loving parents out there who are afraid of or have a problem with medical science. So when their kids get sick, they “treat” them with “alternative medicines.” What’s wrong with that?

First of all, most parents aren’t familiar with the course a disease takes, so they can mistake what appears to be “getting better” for actually getting worse—much, much worse.

Second, “alternative medicines” that have stood the test of time—that work—aren’t called alternative medicine; they’re called **medicine**.

Here’s why you don’t want to “treat” your child with holistic medicines to the exclusion of proper care from a licensed healthcare provider: In a heartbreaking case, Tamara Lovett, a Canadian mom from Calgary, Alberta “treated” her seven-year-old son, Ryan, who was sick with not just one but several treatable illnesses, with “holistic medicines.” He died. Had she taken him promptly to a medical doctor, he would be alive today. She stood trial and was found guilty of “failing to provide the necessities of life, causing death.” I don’t want that to happen to you. More importantly, I don’t want your child to die unnecessarily.

Now there is reason to be concerned about the over-use of antibiotics, and you should talk to a licensed healthcare provider if you are wondering about that. There’s also a very helpful book available to help you talk intelligently with that doctor, *Breaking the Antibiotic Habit: A Parent’s Guide to Coughs, Colds, Ear Infections, and Sore Throats* by Paul A. Offit, M.D. *et al.* **Caution: reading this book, even repeatedly, does not make you a licensed healthcare provider, and you need to take your child to a real one.** Use this book to help you have intelligent conversations with healthcare providers.

So if you like using, say, “aroma therapy,” knock yourself out; it will make your house smell good. But when your kids are sick, for God’s sake, for your own sake, and most importantly for your

children's sake, take them to a licensed healthcare provider.

Kathleen Kakacek grew up in the Worldwide Church of God. In adulthood she rejected both its claims to faith healing and its theology. She blogs at www.dyingforgod.com and asks readers to contribute accounts of their experiences in anti-medical sects.



More on quackery and the hypocrisy of faith healing

In the “good old days” doctors were regarded as authority figures who should not be questioned. Some were extremely paternalistic. I once read a scholarly journal article of about sixty years ago written by a gynecologist who advised his colleagues to listen to a woman's description of her symptoms “if she is rational.”

With the crumbling of many pillars of authority in our society and with the internet, patients' attitudes have changed radically. Today many think they can get all they need to know about diagnosing and treating disease from the internet. Their concept of “research” is internet surfing. Home remedies, natural remedies, and “alternative medicine” are everywhere. Quacks make ridiculous claims for worthless products and parents will use them for days believing they see improvements as symptoms wax and wane.

Is it faith or amateur doctoring?

In many of the faith deaths CHILD has reported on over the years, Pentecostals who oppose medical care will look up health information on the internet, make their own diagnoses, and continue relying exclusively on prayer and ritual because of their speculation on what the child's illness is. In many of the unattended home deliveries fathers and fellow believers read practical information about cutting the cord etc.

As a frustrated grandmother said to us after losing two grandchildren when her children were in an anti-medical sect, “If they claim to be relying on

faith, why are they reading all this health information?” It does smack of hypocrisy to us.

Medical info worthless but sometimes useful

The Christian Science church does not have this hypocrisy. Its theology discourages “natural remedies” and any other “material means.” Taking prune juice to relieve constipation is just as much a violation of the theology as taking a laxative or prescription drug. The theology discourages getting any information about disease and claims the doctor's information is just “false knowledge” to be avoided.

Nevertheless, the Christian Science church has its own hypocrisy in using doctors' statements to bolster the credibility of church testimonials. Church members who got to a doctor maybe because of relatives' pressures or employment requirements report their version of what the doctor told them in their testimonies for church periodicals. Perhaps the doctor said he was testing for a certain disease, but the Christian Scientist writes that the doctor diagnosed him as having the disease. There could be many misunderstandings about what the doctor said and the medical significance of the patient's outcome. But any testimonials in which a doctor's say-so can be claimed are given prominent placement and headlines in church periodicals. This despite the fact that Christian Science rejects medical science as false and the church encourages parents to seek exemptions for their schoolchildren from studying about disease.

Book rebuts “Mr. and Mrs. S”; author soon gets medical care

After my husband and I appeared on *Phil Donahue* in 1979, the church put out a call for reports of Christian Science healings of children that had been medically documented. They were compiled in Robert Peel's book *Spiritual Healing in a Scientific Age* in which we were identified as “Mr. and Mrs. S.” We asked the church to let us see any medical records verifying these healings but the church refused.

A few years later Robert Peel, the Harvard-educated author of many books defending Christian Science and its founder, was dying in a hospital, getting medical treatment, and bewildered by the church's rejection of him. (Edie Clark, “The Price of Faith,” *Yankee* (July 1992).

Religious freedom arguments raised and rejected in corporal punishment

An Indianapolis woman raised religious and cultural defenses when she was charged for injuring her son but later pled guilty to reduced charges.

Khin Par Thaing, a Burmese refugee granted political asylum in the U.S., beat her 7-year-old son and his 3-year-old sister with a coat hanger when she found them showing each other their genitals. Then she told them to kneel and pray for God's forgiveness.

Two days later a teacher observed welts on the boy and Child Protection Services intervened. The boy had 36 deep-purple welts over his body.

Bible and RFRA claimed as defenses

Thaing was charged with neglect and battery. She cited her evangelical Christian beliefs in her defense. She said she feared for her son's salvation after death. She hit him to teach the behavior God wanted from him, she said. She quoted Bible verses endorsing corporal punishment including Proverbs 23:13-14: "If you strike [the child] with the rod, he will not die. You will strike him with the rod and save his soul from hell."

Thaing cited Indiana's Religious Freedom Restoration Act, which prohibits the government from limiting religious practice unless the state can prove a compelling interest in doing so and is using the least restrictive means to achieve its interest.

The mom's culture was also an issue. A local expert on Burmese culture said beatings were normal in her culture and Burmese families need time to learn new laws and customs in America.

Thaing was not charged for hitting the daughter but temporarily lost custody of her.

What corporal punishment is reasonable?

Indiana law allows parents to use corporal punishment that is not cruel, excessive, or unreasonable. Even corporal punishment that leaves visible marks has been adjudicated to be reasonable. In 2008 the Indiana Supreme Court overturned a battery conviction of a woman who struck her son several times with an extension cord or belt. The boy complained of pain to the school nurse and bruises were visible, but the state Supreme Court held that the bruises were "neither serious nor

permanent" and overturned her conviction. *Willis v. State*, 888 N.E. 2d 177 (Ind. 2008)

After being indicted, Thaing took a parenting class and wrote in an affidavit that she had learned ways to discipline her children without corporal punishment.

By plea agreement the charges against Thaing were reduced to a misdemeanor and she was sentenced to a year of probation. Her conviction might jeopardize her immigration status.

LGBT concerns addressed, but not others

Enacted in 2015, Indiana's Religious Freedom Restoration Act was controversial for potentially allowing faith-based discrimination against gays. Boycotts were threatened, and the bill was modified to alleviate that concern.

The RFRA is being used by the First Church of Cannabis in Indianapolis in a lawsuit claiming the right to smoke marijuana during worship services.

The Marion County Prosecutor's office fought unsuccessfully to keep RFRA from applying to criminal cases. The prosecutors expect more criminal defendants to use it in the future.

Sources include *Indianapolis Star*, Sept. 1 and Oct. 28, 2016, and *Washington Post*, Oct. 30, 2016.

Abusive punishment at Indiana Christian boarding school

A pastor and assistant were convicted for abusing troubled boys at a church-affiliated boarding school in Sellersburg, Indiana.

On its Facebook page Well of Grace Boarding Academy lists goals of "reaching school age boys heading down the paths of destruction," helping them triumph over addictions and "their reckless living," restoring family bonds, and watching the transformation of their "unwanted and seemingly ruined lives" into those of "Godly young men." Boys ranged in age from eight to nineteen years old.

Sales quotas, serious bruising

The police were alerted when a boy selling candy at a Kentucky mall told an adult he was afraid of being punished for not selling enough.

Child Protective Services investigated and found several children with bruising including one with "serious bruising" on buttocks and legs.

Another child had a rope tied around his waist and was controlled with the rope for three days. Police said he was jerked around with the rope and once fell to the ground. Another student was paddled because he wet the bed, possibly because the school prohibited going to the bathroom after lights were out. Children also reported they had to chew on bars of soap for punishment.

The children, many of them from out of state, were taken into custody and parents were asked to come get them.

Crossroads Baptist Church Pastor Gerald Harris and his assistant Christopher Williams were charged with battery and neglect of a dependent.

School staff not rude, insolent, or angry

Later, Clark County Prosecutor Jeremy Mull changed the charges to criminal recklessness because Indiana's battery law requires proof that the defendants touched the children "in a rude, insolent or angry manner." Ind. Code 35-42-2-1 Mull said the adults were "calmly disciplining" the boys in a way they thought appropriate "but in fact was excessive."

The pastor was sentenced to six months house arrest and not allowed to run a boarding school.

The church itself could still operate the school, but the police and the Clarksville building commissioner found that the school did not have a certificate of occupancy to show that the building met code standards and ordered it closed.

Well of Grace still has a Facebook page advertising its program for troubled boys, but town officials say it has not applied for a permit to operate.

Indiana law allows church-affiliated residential programs to operate without a license from the Department of Child Services, which sets requirements for the protection of children, but their buildings must still meet code standards. Ind. Code 31-27-2-7

Sources include *Jeffersonville News and Tribune*, May 24, 2016, and WDRB news, Sept. 3, 2015 and May 23, 2016.

Comment: Holes in state's safety net

The licensure exemption above allows church-run facilities to ignore state requirements for criminal background checks, staff-student ratios, record-keeping, contact with parents, family counseling

services, and against harsh punishments and exhausting manual labor.

Secondly, as in the Well of Grace case above, the prosecutor had to reduce the charge from battery to recklessness because battery requires proof that hitting was done in "a rude, insolent or angry manner." Ind. Code 35-42-2-1

Recklessness, however, is only a misdemeanor in Indiana. Ind. Code 35-42-2-2 If hitting causes the child's death, homicide can be charged but for non-fatal injuries, the crime is only a misdemeanor unless the perpetrator was rude, insolent, or angry.

Prominent fundamentalist advocates for corporal punishment emphasize that parents should not spank when angry. But they also insist that the child's will must be broken and the parent should keep hitting until it is. They expect the child to apologize and to confess his love for the parent. Some claim prolonged crying is manipulative and therefore the parent should keep on hitting until the crying stops. See the CHILD newsletters 2004 issue #1, 2010 #2, and 2011 #2.

It does not take much imagination to see the danger from calm, but determined parents hitting a child for hours. As long as the child survives, however, they can be charged only with a misdemeanor.

Thirdly, there is a big hole in Indiana's medical neglect laws: religious exemptions to criminal neglect and non-support. Ind. Code 35-46-1-4 and 35-46-1-5 To our knowledge charges in faith-based medical neglect cases have been filed only in deaths, so reckless homicide was charged.

In early prosecutions of Faith Assembly deaths, neglect was charged as well. An appeals court ruled that the religious exemption did not apply to reckless homicide. *Hall v. State*, 493 N.E. 2d 433 (Ind. 1986)

Two appeals courts also upheld the neglect convictions but did so because the parents, representing themselves, did not raise an objection during the trial to the prosecutors' statements on the meaning of the exemption. *Hall v. State, supra* and *Bergmann v. State*, 486 N.E. 2d 653 (Ind. 1985). Faith Assembly had religious objections to lawyers as well as doctors.

Johnson County prosecutor Lance Hamner told us that the religious exemption prevents filing charges of criminal neglect and only in death cases can charges be filed against Indiana parents withholding medical care on religious grounds.