

Philadelphia child's death shows need for reform

The death of a Philadelphia boy on New Year's Eve, 2002, illustrates the harm done by religious exemption laws but the state has done nothing about it.

In August, 2002, the boy's mother, Joyce Reinert, died of an untreated infection after a miscarriage. As members of the Faith Tabernacle, friends and family gathered around her bed to pray, but did not get medical help.

Social worker missed fatal illness

Her oldest child, Benjamin, was devastated and sank into a deep depression, his aunt said. In December, Child Protection Services received a report on him. A worker who visited the next day reported that the boy had a pain in his foot and trouble walking, but the foot did not appear swollen or bruised.

She advised the father to seek medical care. He told her that his religious beliefs prohibited him from taking his son to a doctor. She informed him that the agency would seek a court order for medical treatment if the boy got worse.

“do what you need to do”

“You do what you need to do,” the father replied.

Another worker visited him December 30th, and Ben “seemed to be about the same.” The next day the 9-year-old died at home.

His aunt Lorraine Troutman told the press Ben did not look sick to her. “He couldn't walk, but he was talking and eating” until the last day of his life when he told her he was too tired to talk, she said.

Troutman also explained their Faith Tabernacle beliefs. Seeking medical help is turning “your heart against God” and “serv[ing] Satan,” she said.

Boy died of leukemia

“We are completely dependent on God for everything we need, financially, spiritually and physically. We trust God to heal us and . . . nine times out of ten he does. [When someone dies], “God wants that person. He takes life. He gives life,” she said.

She didn't want to discuss the deaths of her sister and nephew. “It's nobody's business why they died. That part of our life is over.”

It was, however, the medical examiner's business. His office found that the boy was severely anemic, his brain was swollen, and the cause of death was acute lymphoblastic leukemia.

Religious exemption from child abuse

Despite many deaths of Pennsylvania children in faith-healing sects, Pennsylvania has a religious exemption law stating that if “a child has not been provided needed medical or surgical care because of seriously held religious beliefs of the child's parents, guardian, or person responsible for the child's welfare, which beliefs are consistent with those of a bona fide religion, the child shall not be deemed to be physically or mentally abused.” Penn. Consolidated Statutes, Title 23, Section 6303(B)(3).

Court orders only when social workers observe life-threatening illness

Instead, “the county agency shall closely monitor the child and shall seek court-ordered medical intervention when the lack of medical or surgical care threatens the child’s life or long-term health.” *Loc. cit.*

The Philadelphia Department of Human Services was quick to use the words of the statute to justify their actions on the case. Commissioner Alba Martinez said the DHS had “closely monitor[ed] the situation, but could not obtain a court order because the boy’s injuries did not appear life-threatening.”

Doctor: sore ankle caused by cancer

While they did not appear life-threatening to the social workers, the symptoms would have concerned many others. Dr. Bruce Bostrom, a pediatric oncologist at the University of Minnesota, said that the pain in the ankle was likely “bone pain from the leukemia in the bone marrow causing inflammation of the surrounding bone.”

“The anemia was due to lack of red blood cell production,” while “the brain swelling was likely due to infiltration of the meninges” with leukemia or a meningitis infection “due to low infection-fighting white cells,” Bostrom said.

A pale face, pain so severe that the boy could not walk, a boy who lay in bed too “tired” even to talk, a boy who probably had a fever—most reasonable parents would, we think, at least call a health care professional for advice about those symptoms.

Social workers not trained to diagnose

The Pennsylvania law, however, exempts the faith-healing parents from civil abuse charges when they refuse to get medical help. Instead, it directs county social workers to “closely monitor” the sick child and to intervene only if long-term damage is threatened. But social workers cannot monitor a child’s condition as closely as parents can and should.

Furthermore, social workers are not competent to diagnose. They do not have the training to know when a child has a life-threatening illness. In the Faith Tabernacle cases, they are dealing with children whose religion prohibits immunizations, well-child checkups, medication, medical diagnosis, and even home monitoring of illness as with a fever thermometer.

The intervention provided by Pennsylvania’s current religious exemption law could be worse than no state action at all. To have a social worker come in, look at the child, and then leave gives the parent the impression that the child’s illness is not serious. When Mr. Reinert told the social worker, “You do what you need to do,” he could have been expressing the hope that the state would get a court order and save him the responsibility of making a decision against his religion.

CHILD has twice written the Philadelphia Dept. of Human Services to ask if Ben Reinert’s death has led to any change in procedures or effort for reform legislation, but has received no response.

Taken in part from *Philadelphia Inquirer*, Jan. 21, 2003; *The Philadelphia Daily News*, Feb. 1 and 5, 2003; and *Newsday*, Feb. 4, 2003.