

RELIGIOUS EXEMPTIONS TO MEDICAL TREATMENT OF CHILDREN IN STATE CIVIL CODES

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ALABAMA

When an investigation of child abuse or neglect by the Department of Human Resources determines that a parent or legal guardian legitimately practicing his or her religious beliefs has not provided specific medical treatment for a child, the parent or legal guardian shall not be considered a negligent parent or guardian for that reason alone.

Alabama Code §26-14-7.2

ALASKA

This section does not require a religious healing practitioner to report as neglect of a child the failure to provide medical attention to the child if the child is provided treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner of the church or denomination.

Alaska Statutes, §47.17.020(d)

Medical treatment by religious means. In a case in which the minor's status as a child in need of aid is sought to be based on the need for medical care, the court may, upon consideration of the health of the minor and the fact, if it is a fact, that the minor is being provided treatment by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner of the church or denomination, dismiss the proceedings and thereby close the matter. This may be done, in the interests of justice and religious freedom, on the court's own motion or upon the application of a party to the proceedings, at any stage of the proceedings after information is given to the court under AS 47.10.020(a).

Alaska Statutes, §47.10.085

ARIZONA

13. "Dependent child":

(a) Means a child who is adjudicated to be:

(i) In need of proper and effective parental care and control and who has no parent or guardian, or one who has no parent or guardian willing to exercise or capable of exercising such care and control.

(ii) Destitute or who is not provided with the necessities of life, including adequate food, clothing, shelter or medical care, or whose home is unfit by reason of abuse, neglect, cruelty or depravity by a parent, a guardian, or any other person having custody or care of the child. . . .

(b) Does not include a child who in good faith is being furnished Christian Science treatment by a duly accredited practitioner if none of the circumstances described in subdivision (a) of this paragraph exists.

Arizona Revised Statutes §8-201.13(b)

Prohibition: [N]o child who in good faith is being furnished Christian Science treatment by a duly accredited practitioner shall, for that reason alone, be considered to be an abused, neglected or dependent child.

Arizona Revised Statutes §8-201.01

[N]o child who in good faith is being furnished Christian Science treatment by a duly accredited practitioner shall, for that reason alone, be considered to be an abused, neglected or dependent child.

Arizona Revised Statutes §8-531.01 (deals with termination of parental rights)

ARKANSAS

Nothing in this chapter shall be construed to mean a child is neglected or abused for the sole reason he or she is being provided treatment by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof in lieu of medical or surgical treatment. . . .

Arkansas Code §9-30-103(5)B

Religious bias prohibited

The Department of Human Services and the Department of Arkansas State Police shall investigate all allegations of child maltreatment without regard to the parent's practice of his or her religious beliefs and shall only consider whether the acts or omissions of the parent constitute child maltreatment under this chapter.

Arkansas Code §12-18-618

Investigative determination

upon completion of an investigation under this chapter, the Department of human services and the Department of Arkansas State police shall determine whether the allegations of child maltreatment are [unsubstantiated, true, or inactive]:

2(C) A determination of true but exempted, which means that the offender's name shall not be placed in the Child Maltreatment Central Registry, shall be entered if:

a parent practicing his or her religious beliefs does not, for that reason alone, provide medical treatment for a child, but in lieu of treatment the child is being furnished with treatment by spiritual means alone, through prayer, in accordance with a recognized religious method of healing by an accredited practitioner.

CALIFORNIA

Whenever it is alleged that a child comes within the jurisdiction of the court on the basis of the parent's or guardian's willful failure to provide adequate medical treatment or specific decision to provide spiritual treatment through prayer, the court shall give deference to the parent's or guardian's medical treatment, nontreatment, or spiritual treatment through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination, by an accredited practitioner thereof, and shall not assume jurisdiction unless necessary to protect the child from suffering serious physical harm or illness. In making its determination, the court shall consider (1) the

nature of the treatment proposed by the parent or guardian, (2) the risks to the child posed by the course of treatment or nontreatment proposed by the parent or guardian, (3) the risk, if any, of the course of treatment being proposed by the petitioning agency, and (4) the likely success of the courses of treatment or nontreatment proposed by the parent or guardian and agency. The child shall continue to be a dependent child pursuant to this subdivision only so long as is necessary to protect the child from risk of suffering serious physical harm or illness.

Calif. Welfare and Institutions Code §300(b)(1)

A child shall not be found to be [suffering serious emotional damage or at substantial risk of suffering serious emotional damage as a result of the conduct of the parent or guardian] if the willful failure of the parent or guardian to provide adequate mental health treatment is based on a sincerely held religious belief and if a less intrusive judicial intervention is available.

Calif. Welfare and Institutions Code §300(c)

In any case in which a child is alleged to come within the provisions of Section 300 on the basis that he or she is in need of medical care, the court, in making that finding, shall give consideration to any treatment being provided to the child by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner thereof.

Calif. Welfare and Institutions Code §300.5

For the purposes of this chapter, a child receiving treatment by spiritual means as provided in Section 16508 of the Welfare and Institutions Code shall not for that reason alone be considered an abused or neglected child.

California Welfare and Institutions Code §18950.5

No child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to have been neglected within the purview of this chapter.

California Welfare and Institutions Code §16509.1

Cultural and religious child-rearing practices and beliefs which differ from general community standards shall not in themselves create a need for child welfare services unless the practices present a specific danger to the physical or emotional safety of the child.

California Welfare and Institutions Code §16509

COLORADO

No child who in lieu of medical treatment is under treatment solely by spiritual means through prayer in accordance with a recognized method of religious healing shall, for that reason alone, be considered to have been neglected or dependent within the purview of this article. However, the religious rights of a parent, guardian, or legal custodian shall not limit the access of a child to medical care in a life-threatening

situation or when the condition will result in serious handicap or disability. In order to make a determination as to whether the child is in a life-threatening situation or that the child's condition will result in serious disability, the court may, as provided under section 19-1-104(3), order a medical evaluation of the child. If the court determines, on the basis of any relevant evidence before the court, including the medical evaluation ordered pursuant to this section, that the child is in a life-threatening situation or that the child's condition will result in serious disability, the court may, as provided under section 19-1-104(3), order that medical treatment be provided for the child. A child whose parent, guardian, or legal custodian inhibits or interferes with the provision of medical treatment in accordance with a court order shall be considered to have been neglected or dependent for the purpose of this article and injured or endangered for the purposes of section 18-6-401, C.R.S.

(2) A method of religious healing shall be presumed to be a recognized method of religious healing if:

- (a)(I) Fees and expenses incurred in connection with such treatment are permitted to be deducted from taxable income as "medical expenses" pursuant to regulations or rules promulgated by the United States Internal Revenue Service, and
- (II) Fees and expenses incurred in connection with such treatment are generally recognized as reimbursable health care expenses under medical policies of insurance issued by insurers licensed by this state; or
- (b) Such treatment provides a rate of success in maintaining health and treating disease or injury that is equivalent to that of medical treatment.

Colorado Revised Statutes §19-3-103

CONNECTICUT

For the purposes of this section, the treatment of any child or youth by an accredited Christian Science practitioner, in lieu of treatment by a licensed practitioner of the healing arts, shall not of itself constitute neglect or maltreatment.

Connecticut General Statutes Chap. 815t §46B-120(8)

For the purposes of sections 17a-101 to 17a-103, inclusive, and sections 46b-129a, the treatment of any child by a Christian Science practitioner in lieu of treatment by a licensed practitioner of the healing arts shall not of itself constitute maltreatment.

Conn. Gen. Stat. Chap. 319A §17a-104 (on reporting obligations)

For purposes of said sections, the treatment of any person with intellectual disability or any individual who receives services from the Department of Developmental Services' Division of Autism Spectrum Disorder Services by a Christian Science practitioner, in lieu of treatment by a licensed practitioner of the healing arts, shall not of itself constitute grounds for the implementation of protective services.

Conn. Gen. Stat., Chap. 813 §46a-11b(f)

DELAWARE

No child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious

denomination by a duly accredited practitioner thereof shall for that reason alone be considered a neglected child for purposes of this chapter.

Delaware Code §16-913 (on reporting obligations)

Nothing in this chapter shall be construed to authorize any court to terminate the rights of a parent to a child, solely because the parent, in good faith, provides for his or her child, in lieu of medical treatment, treatment by spiritual means alone through prayer in accordance with the tenets and practice of a recognized church or religious denomination.

Delaware Code §13-1103(c)

DISTRICT OF COLUMBIA

No child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious

denomination by a duly accredited practitioner thereof shall for that reason alone be considered to have been neglected for the purposes of this subchapter.

D. C. Code §16-2301(9)(B)

FLORIDA

A parent or legal custodian who, by reason of the legitimate practice of religious beliefs, does not provide specified medical treatment for a child, may not be considered abusive or neglectful for that reason alone, but such an exception does not:

1. Eliminate the requirement that such a case be reported to the department;
2. Prevent the department from investigating such a case; or
3. Preclude a court from ordering, when the health of the child requires it, the provision of medical services by a physician, as defined in this section, or treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious denomination.

Florida Statutes §39.01(32)(a)(f)

A parent or guardian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child shall not, for that reason alone, be considered a negligent parent or guardian; however such an exception does not preclude a court from ordering the following services to be provided, when the health of the child so requires:

- (a) Medical services from a licensed physician, dentist, optometrist, podiatric physician, or other qualified health care provider; or
- (b) Treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious denomination.

Florida Statutes §984.03(37)

A court shall not be precluded from ordering services or treatment to be provided to the child by a duly accredited practitioner who relies solely on spiritual means for healing in

accordance with the tenets and practices of a church or religious organization, when required by the child's health and when requested by the child.

Florida Statutes §984.19(8) on shelter care and §39.407(9) on out-of-home placement

Except as provided in this section, nothing in this section shall be deemed to preclude a court from ordering services or treatment to be provided to a child by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a church or religious organization, when requested by the child.

Florida Statutes §985.224(8) on delinquent children

GEORGIA

No child who in good faith is being treated solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be a "deprived child."

Georgia Code §15-11-2(8)

No child who in good faith is being treated solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be an "abused" child.

Georgia Code §49-5-180(5), 49-5-40(a), and 19-7-5(b) (The latter is in the laws governing reporting of child abuse and neglect.)

IDAHO

[N]o child whose parent or guardian chooses for such child treatment by prayers through spiritual means alone in lieu of medical treatment, shall be deemed for that reason alone to be neglected or lack parental care necessary for his health and well being. . . .

Idaho Code §16-1602(28)(a)

In making its order under subsection (a) of this section, the court shall take into consideration any treatment being given the child by prayer through spiritual means alone, if the child or his parent, guardian or legal custodian are adherents of a bona fide religious denomination that relies exclusively on this form of treatment in lieu of medical treatment.

Idaho Code §16-1627(3) in Authorization of emergency medical treatment

ILLINOIS

A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care as provided under Section 4 of this Act.

Illinois Consolidated Statutes, Chapter 325 §5/3 (in definitions)

A child whose parent, guardian or custodian in good faith selects and depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care may be considered neglected or abused, but not for the sole reason that his parent, guardian or custodian accepts and practices such beliefs.

Illinois Consolidated Statutes, Chapter 325 §5/4 (in reporting law)

INDIANA

If a parent, guardian, or custodian fails to provide specific medical treatment for a child because of the legitimate and genuine practice of religious beliefs of the parent, guardian, or custodian, a rebuttable presumption arises that the child is not a child in need of services because of the failure. However, this presumption does not. . . apply to situations in which the life or health of a child is in serious danger.

Indiana Code §31-34-1-14

In addition, nothing in this chapter limits the lawful practice or teaching of religious beliefs.

Indiana Code §31-34-1-15

IOWA

[A] parent or guardian legitimately practicing religious beliefs who does not provide specified medical treatment for a child for that reason alone shall not be considered abusing the child. . . .

Iowa Code §232.68(d)

On handicapped children in the schools.

No provision of this chapter shall be construed to require or compel any person who is a member of a well-recognized church or religious denomination and whose religious convictions, in accordance with the tenets or principles of the person's church or religious denomination, are opposed to medical or surgical treatment for disease to take or follow a course of physical therapy, or submit to medical treatment, nor shall any parent or guardian who is a member of such church or religious denomination and who has such religious convictions be required to enroll a child in any course or instruction which utilizes medical or surgical treatment for disease.

Iowa Code §256B.8 third unnumbered paragraph (The term "person" includes children of any age enrolled in the school system.)

KANSAS

A parent legitimately practicing religious beliefs who does not provide specified medical treatment for a child because of religious beliefs shall not for that reason be considered a negligent parent....

Kansas Code §38-1502(cc)3

KENTUCKY

A parent or other person exercising custodial control or supervision of the child legitimately practicing the person's religious beliefs shall not be considered a negligent

parent solely because he fails to provide specified medical treatment for a child for that reason alone.

Kentucky Revised Statutes §600.020(1)(a)8

The court may order or consent to necessary medical treatment. . . after a hearing conducted to determine the necessity of such treatment or procedure. In making the order, the court may take into consideration the religious beliefs and practices of the child and his parents or guardian.

Kentucky Revised Statutes §610.310(2)

LOUISIANA

Whenever, in lieu of medical care, a child is being provided treatment in accordance with the tenets of a well-recognized religious method of healing which has a reasonable, proven record of success, the child shall not, for that reason alone, be considered to be neglected or maltreated.

Louisiana Children's Code Article 603(18)

"Member of the clergy" is any priest, rabbi, duly ordained clerical deacon or minister, Christian Science practitioner, or other similarly situated functionary of a religious organization, except that he is not required to report a confidential communication, as defined in Code of Evidence Article 511, from a person to a member of the clergy who, in the course of the discipline or practice of that church, denomination, or organization, is authorized or accustomed to hearing confidential communications, and under the discipline or tenets of the church, denomination, or organization has a duty to keep such communications confidential. In that instance, he shall encourage that person to report the allegations to the appropriate authorities in accordance with Article 610.

Louisiana Children's Code Article 603(17)(c)

Whenever, in lieu of medical care, a child is being provided treatment in accordance with the tenets of a well-recognized religious method of healing which has a reasonable, proven record of success, the child shall not, for that reason alone, be considered to be neglected or abused. Disagreement by the parent regarding the need for medical care shall not, by itself, be grounds for termination of parental rights.

Louisiana Children's Code Article 1003(10) (on termination of parental rights)

MAINE

1. Treatment not considered abuse or neglect. Under subchapters I to VII, a child shall not be considered to be abused or neglected, in jeopardy of health or welfare or in danger of serious harm solely because treatment is by spiritual means by an accredited practitioner of a recognized religious organization.

2. Treatment to be considered if requested. When medical treatment is authorized under this chapter, treatment by spiritual means by an accredited practitioner of a recognized religious organization may also be considered if requested by the child or his parent.

Maine Revised Statutes Title 22, Ch. 1071, Subchap. 1 §4010

MICHIGAN

A parent or guardian legitimately practicing his religious beliefs who thereby does not provide specified medical treatment for a child, for that reason alone shall not be considered a negligent parent or guardian. This section shall not preclude a court from ordering the provision of medical services or nonmedical remedial services recognized by state law to a child where the child's health requires it nor does it abrogate the responsibility of a person required to report child abuse or neglect.

Michigan Compiled Laws §722.634(14)

MINNESOTA

[N]othing in this section shall be construed to (1) mean that a child is neglected solely because the child's parent, guardian or other person responsible for his care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care; except that a parent, guardian, or caretaker or a person mandated to report pursuant to subdivision 3 has a duty to report if a lack of medical care may cause serious danger to the child's health.

Minnesota Statutes §626.556(2)(g)(5)

MISSISSIPPI

A parent who withholds medical treatment from any child who is under treatment by spiritual means alone through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall not, for that reason alone, be considered to be neglectful under any provision of this chapter. . . .

Mississippi Code § 43-21-105(l)(i)

MISSOURI

Notwithstanding any other provision of sections 210.109 to 210.183 [which define medical neglect], any child who does not receive specified medical treatment by reason of the legitimate practice of the religious belief of the child's parents, guardian, or others legally responsible for the child, for that reason alone, shall not be found to be an abused or neglected child, and said parents, guardian or other persons legally responsible for the child shall not be entered into the central registry. However, the division may accept reports concerning such a child and may subsequently investigate or conduct a family assessment as a result of that report. Such an exception shall not limit the administrative or judicial authority of the state to ensure that medical services are provided to the child when the child's health requires it.

Missouri Revised Statutes §210.115(4)

Except as otherwise provided herein, the juvenile court shall have exclusive original jurisdiction in proceedings: (1) Involving any child who may be a resident of or found within the county and who is alleged to be in need of care and treatment because: (a) The parents or other persons legally responsible for the care and support of the child neglect or refuse to provide proper support, education which is required by law, medical, surgical or other care necessary for his well-being; except that reliance by a parent,

guardian or custodian upon remedial treatment other than medical or surgical treatment for a child shall not be construed as neglect when the treatment is recognized or permitted under the laws of this state. . . .

Missouri Revised Statutes §211.031

[The juvenile court may cause a child under its jurisdiction to be examined and treated by a physician, psychiatrist or psychologist] except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state.

Missouri Revised Statutes §211.181(4)

MONTANA

Nothing in this chapter may be construed to require or justify a finding of child abuse or neglect for the sole reason that a parent, due to religious beliefs, does not provide adequate health care for a child. However, nothing in this chapter may be construed to limit the administrative or judicial authority of the state to ensure that medical care is provided to the child when there is imminent substantial risk of serious harm to the child.

Montana Code §41-3-102(4)(b)

NEVADA

A person who, legitimately practicing his or her religious beliefs, does not provide specified medical treatment for a child is not for that reason alone a negligent parent.

Nevada Revised Statutes §128.106(1)(3) (on termination of parental rights)

Note: Nevada also has exceptions for “nonmedical remedial treatment” that is “recognized and permitted” by Nevada law “in lieu of medical treatment.” See Nevada Revised Statutes §432B.020(2), §128.013(2), and §200.5085. Although the Christian Science church claims that their prayers are nonmedical remedial treatment, we do not see how they could qualify as such under Nevada law. There is no Nevada law recognizing prayer or ritual as a substitute for necessary medical treatment of a sick child.

NEW HAMPSHIRE

[N]o child who is, in good faith, under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be a neglected child under this chapter.

New Hampshire Revised Statutes §169-C:3(XIX)(c)

NEW JERSEY

[N]o child who in good faith is under treatment by spiritual means alone through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall for this reason alone be considered to be abused or neglected.

New Jersey Revised Statutes §9:6-8.21(1)(c)

The article to which this act is a supplement shall not be construed to deny the right of a parent, guardian or person having the care, custody and control of any child to treat or provide treatment for an ill child in accordance with the religious tenets of any church as authorized by other statutes of this State; *provided*, that the laws, rules, and regulations relating to communicable diseases and sanitary matters are not violated.

New Jersey Revised Statutes §9:6-1.1

NEW MEXICO

[N]othing in the Children's Code [32A-1-1 NMSA 1978] shall be construed to imply that a child who is being provided with treatment by spiritual means alone through prayer, in accordance with the tenets and practices of a recognized church or religious denomination, by a duly accredited practitioner thereof is for that reason alone a neglected child within the Children's Code; and further provided that no child shall be denied the protection afforded to all children under the Children's Code.

New Mexico Statutes §32A-4-2(E)(5)

NORTH DAKOTA

A decision that services are required may not be made when the suspected child abuse or neglect arises solely out of conduct involving the legitimate practice of religious beliefs by a parent or guardian.

North Dakota Century Code §50-25.1-05.1(2)

OKLAHOMA

Nothing in this paragraph shall be construed to mean a child is abused or neglected for the sole reason the parent, guardian or person having custody or control of a child, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child. Nothing contained in this paragraph shall prevent a court from immediately assuming custody of a child. . . and ordering whatever action may be necessary, including medical treatment, to protect the child's health or welfare.

Oklahoma Statutes §10A-1-1-105(47)

Nothing in the Oklahoma Children's Code shall be construed to mean a child is deprived for the sole reason the parent, guardian or person having custody or control of a child, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child.

Oklahoma Statutes §10A-1-1-105(20)

Nothing contained in this section shall be construed to exempt or prohibit any person from reporting any suspected child abuse or neglect pursuant to subsection B of this section.

Oklahoma Statutes §10A-1-2-101(E)

PENNSYLVANIA

If, upon investigation, the county agency determines that a child has not been provided needed medical or surgical care because of sincerely held religious beliefs of the child's parents or relative within the third degree of consanguinity and with whom the child resides, which beliefs are consistent with those of a bona fide religion, the child shall not be deemed to be physically or mentally abused. In such cases the following shall apply:

- (1) 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.
- (2) All correspondence with a subject of the report and the records of the Department of Public Welfare and the county agency shall not reference child abuse and shall acknowledge the religious basis for the child's condition.
- (3) The family shall be referred for general protective services, if appropriate.
- (4) This subsection shall not apply if the failure to provide needed medical or surgical care causes the death of the child.

Pennsylvania Consolidated Statutes Title 23 §6303(b)(3)

RHODE ISLAND

A parent or guardian practicing his religious beliefs which differ from general community standards who does not provide specified medical treatment for a child shall not, for that reason alone, be considered a negligent parent or guardian. However, nothing in this section shall: (1) prevent the child from being considered abused or neglected if the child is harmed or threatened with harm as described in section 40-11-2; or (2) preclude the court from ordering medical services or nonmedical services recognized by the laws of this state to be provided to the child where his or her health requires it.

Rhode Island General Laws §40-11-15

SOUTH CAROLINA

For the purpose of this chapter "adequate health care" includes any medical or non-medical remedial health care permitted or authorized under state law.

South Carolina Code §63-7-20(4)c

Withholding health care.

(A) Upon receipt of a report that a parent or other person responsible for the welfare of a child will not consent to health care needed by the child, the department shall investigate pursuant to Section 63-7-920. Upon a determination by a preponderance of evidence that adequate health care was withheld for religious reasons or other reasons reflecting an exercise of judgment by the parent or guardian as to the best interest of the child, the department may enter a finding that the child is in need of medical care and that the parent or other person responsible does not consent to medical care for religious reasons or other reasons reflecting an exercise of judgment as to the best interests of the child. The department may not enter a finding by a preponderance of evidence that the parent or other person responsible for the child has abused or neglected the child because of the withholding of medical treatment for religious reasons or for other reasons reflecting an exercise of judgment as to the best interests of the child. However, the department may petition the family court for an order finding that medical

care is necessary to prevent death or permanent harm to the child. Upon a determination that a preponderance of evidence shows that the child might die or suffer permanent harm, the court may issue its order authorizing medical treatment without the consent of the parent or other person responsible for the welfare of the child. The department may move for emergency relief pursuant to family court rules when necessary for the health of the child.

South Carolina Code §63-7-950

TEXAS

Texas has a religious exemption in administrative regulations, as guidance for child protection service workers, but not in its civil statutes.

UTAH

[A] parent, who, legitimately practicing religious beliefs, does not provide specified medical treatment for a child is not for that reason alone a negligent or unfit parent.

Utah Code §78-3A-408(3) (on termination of parental rights)

VERMONT

Harm can occur by: (B) Failure to supply the child with adequate food, clothing, shelter or health care. For the purposes of this subchapter, "adequate health care" includes any medical or nonmedical remedial health care permitted or authorized under state law. Notwithstanding that a child might be found to be without proper parental care under chapter 55 of this title, a parent or other person responsible for a child's care legitimately practicing his religious beliefs who thereby does not provide specified medical treatment for a child shall not be considered neglectful for that reason alone.

Vermont Statutes Title 33 §4912(3)(B)

VIRGINIA

[N]o child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. . . .

Virginia Code §16.1-228(2)

[N]o child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be a child in need of services. . . .

Virginia Code §16.1-228

[N]o child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. . . .

Virginia Code §63.1-248.2 (on reporting obligations)

WASHINGTON

[A] person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a neglected person for the purposes of this chapter.

Revised Code of Washington §26.44.020(18) (on reporting obligations)

[A child who] is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child [may be adjudicated as dependent].

Revised Code of Washington §13.34.030(5)(b)
(26.44 RCW contains a religious exemption.)

Nothing in RCW 62.05.010 through 72.05.210 shall be construed as limiting the right of a parent, guardian or person standing in loco parentis in providing any medical or other remedial treatment recognized or permitted under the laws of this state.

Revised Code of Washington §72.05.200 (deals with institutionalized children)

WISCONSIN

[A] determination that abuse or neglect has occurred may not be based solely on the fact that the child's parent, guardian or legal custodian in good faith selects and relies on prayer or other religious means for treatment of disease or for remedial care of the child.

Wisconsin Statutes §48.981(3)(c)(4)

WYOMING

Treatment given in good faith by spiritual means alone, through prayer, by a duly accredited practitioner in accordance with the tenets and practices of a recognized church or religious denomination is not child neglect for that reason alone.

Wyoming Statutes §14-3-202(a)(vii)

COMMENT

Statutes of several states, such as California, Connecticut, Delaware, Georgia, Louisiana, Virginia, and Washington, plus the District of Columbia, have religious exemptions in their chapters on the duty to report suspected child abuse and neglect to state child protection services. Several other state codes imply that there is no duty to report cases of religion-based medical neglect by including a religious exemption within their definitions of child abuse and neglect.

Twelve states have no religious exemptions pertaining to medical care of sick children in their civil codes. They are: Hawaii, Massachusetts, Maryland, Nebraska, New York, North Carolina, Ohio, Oregon, South Dakota, Tennessee, Texas, and West Virginia. Texas, however, does have a religious exemption in its administrative regulations as guidance for child protection workers.