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Equal rights for children under the law



The Rossiters with their Attorney in Court
Photo by Jesse Skoubo, *Albany Democrat-Herald*

Last Oregon Faith Death?

In December, 2014, Church of the Firstborn members Wenona and Travis Rossiter of Albany, Oregon, were sentenced to ten years in prison for depriving their daughter of lifesaving medical care. Syble Rossiter died at age twelve of untreated diabetes on February 5, 2013. Syble is the last Oregon child we know of to die because of religious beliefs against medical care.

As our members well know, CHILD waged a long battle against Oregon's religious exemptions rubberstamped at the behest of the Christian Science church—exemptions from homicide by abuse or neglect, manslaughter, criminal mistreatment, and other laws protecting children. The catalyst for our legislative work was the scores of children buried in a cemetery owned by the Oregon City Followers of Christ.

Since 1998 the media focus has been on that one Followers congregation. And it appears that repealing the exemptions has changed the behavior of the church parents. They had let three children die of treatable illnesses in a seven-month period before our repeal bill was introduced in 1999. After child advocates got five religious exemptions repealed, no FOC children died of medical neglect for several years.

In 2008, however, FOC medical neglect deaths and injuries occurred again. My husband and I moved to Oregon for the 2011 legislative session and, along with the support of several state organizations, got all remaining religious exemptions pertaining to medical care of sick children repealed.

The Oregon Followers of Christ have not lost a child due to medical neglect since 2009.

Since the 2011 repeals, however, two Oregon children have died in another anti-medical sect—Church of the Firstborn. This church has not received much press attention perhaps because it is scattered among about nine small congregations in the state.

In 1994 when Wenona was 18, her seven-year-old brother Anthony died of untreated leukemia. Their mother Christina Hays admitted the boy was very sick the last two weeks of his life. He had a severe sore throat and no appetite. He bled from his nose and mouth—one nosebleed lasted all day—and had red blotchy bruises over his body. (See the CHILD newsletter 1996 #3.)

A relative called authorities and reported that the Hayses had been calling relatives to come for their son's funeral (while he was still alive). A sheriff's deputy went to their home. Christina started to let him in, but her husband Loyd refused him entry, saying they were relying on their faith to heal the boy. Anthony died the next day.

Loyd was convicted of criminally negligent homicide but Christina was acquitted. Jurors said they felt her husband's domination prevented her from decision-making.

In 1981 when Christina was 23, and her infant sister Sara Jensen had hydrocephalus, Christina's

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parents fought an eight-month losing battle in the courts to prevent medical treatment of Sara.

She required medical monitoring and shunts throughout her childhood by court order. She survived but her father complained, “We felt she was doing fine before the surgery and she would have been fine without it. But now she’s got the device and she’s dependent on it.”

Did parents know depriving child of medical care was a crime?

Five years old at that time, Wenona may never have been told about the Oregon Supreme Court upholding an order for medical treatment of her Aunt Sara, or that it saved Sara’s life. She surely, however, knew about the death of her brother and the criminal charges against her parents.

Wenona and Travis surely knew also that less than 100 miles away four sets of Followers of Christ parents had been prosecuted for depriving their children of medical care, that the last parents to go on trial were sentenced to six years in prison, and that fellow Firstborn parents had recently been prosecuted the next county over for the death of their son.

Linn County Circuit Court Judge Daniel Murphy, who also presided over the trial of Wenona’s parents, excluded all evidence of other cases of religious medical neglect from the Rossiters’ trial.

Did parents know girl was seriously ill?

At trial Deputy District Attorney Keith Stein presented evidence that the parents were aware Syble was seriously ill. On the last day of her life the girl was extremely thirsty and dehydrated, vomited and urinated everything she took into her system, and was too weak to stand. She fell into the bathtub as she went to the toilet. The parents put adult diapers on her. Her speech was incoherent.



Syble Rossiter

Syble appeared emaciated. A teacher confronted the mother about the girl’s weight loss, lethargy, and fatigue a month before Syble’s death.

The Rossiters filed pretrial motions to prevent their religion from being discussed at trial. The judge denied the motion, holding that the state had the right to probe their motives. Murphy also pointed out that, without their religious convictions, their actions looked “wanton and grossly reckless.”

Parents deny religious motivation at trial

The defense persisted with secular explanations for their conduct at trial. They and other Church of the Firstborners thought Syble “just had the flu.” They said she had normal activities until the last day of her life. They thought Syble was losing weight only because she was going through puberty. Syble was a very quiet, special ed student with a speech impediment, so her incoherent phrases in her final hours did not alarm the parents.

Unfortunately for them, they had given very different explanations in interviews shortly after their daughter’s death. Travis told a detective that he wouldn’t take a child to the doctor unless she asked to go, but if Syble had asked, he would have tried to talk her out of it.

When the detective asked Wenona if she believed in getting medical care for a child, she replied, “I believe in prayer and letting nature take its course.”

Both parents were asked whether they would do anything differently if they could do it over. Both said “no.”

Mrs. Rossiter said she was unconcerned about what the community thought of her (an unwise thing to tell a jury of your peers) because she believed she had done nothing wrong.

Several church members testified that they had been called to come to Syble’s home and pray for her about 9:30 a.m. Syble died after sundown. The parents were aware for many hours that their daughter was seriously ill.

When she took her last rasping breaths, the parents made no attempt to resuscitate her.

Members don’t want to catch disease from girl

After Syble died the church members left the house because, they later told investigators, they feared contracting an infectious disease such as meningitis.

When a detective arrived, the Rossiters and church members were outside in a van eating pizza.

Syble's body was propped up in a chair and was clean though there were piles of her soiled bedding and clothes in the laundry room. The detective said he thought the scene was staged and the body had been cleaned, but an objection to his opinion was sustained.

Expert medical witnesses testified that they had never had a case of a child dying of untreated diabetes. They also said the symptoms of Syble's type 1 diabetes, including lethargy, fatigue, weight loss, and increased urination, are present for weeks and even months. The child may be able to pursue normal activities, but reasonable parents would know from those symptoms that something was wrong. Eventually the disease causes a crisis and then a diabetic coma. The child's life can be saved with insulin and fluids up to a few hours before death.

Parents' use of medical care an issue

Before the trial the judge had prohibited evidence about the Rossiters' use of medical care for themselves and only allowed the cat's veterinary care to be presented. However, a video of their household items was shown in court; these included weight loss supplements, blemish cream, Epsom salts, and a back brace. The only prescription drug was flea medicine for the cat.

Additionally, at trial, the judge did allow Travis's use of medical care to be discussed to show his awareness of medical remedies. His statements to the detective were read into the record. Travis said he had religious beliefs against medicine as he had been a member of the Church of the Firstborn his entire life. He said doctors are for unbelievers and those weak in faith, who will have to answer on judgment day.

Optometrists and veterinarians are o.k.

He got medical care for himself in two cases of trauma. Syble was once taken to an eye doctor. And the month before Syble died, he took the cat to the vet because the cat was "just laying around." Wenona also testified that they took the cat to a vet because it was "lethargic."

After Rossiter pointed out that Syble had never asked to go to a doctor, the detective asked him if the cat had asked to go to the vet. "No," he replied, but then said it was o.k. to take the cat to the vet because the cat had no soul. Only people have souls.

Rossiter also, however, said he failed in his faith by obtaining medical care for the cat.

He said God could heal any disease. It is morally wrong to go to a doctor for treatments that extend life because God determines how long we will live. It is o.k. to go to an optometrist because eye doctors do not extend life, he said.

Wenona testified at trial that Syble's death had nothing to do with her religion or with rejection of doctors. She didn't know the disease was diabetes and thought it was just the flu. She said she prayed that God would "allow the body to naturally take care of itself."



Keith Stein

Stein asked her if she would get medical care for herself if she broke a bone. She said she would not.

Stein asked her if she believed Syble's death was the will of God. "Yes," she answered.

The jury deliberated only four hours before finding the parents guilty

of both first- and second-degree manslaughter.

At sentencing the parents expressed their love for Syble and their sorrow over losing her, but did not say their religious beliefs had changed.

Mandatory ten-year sentence

Judge Murphy acknowledged that the Rossiters had been good parents in most respects and their medical neglect was not motivated by malice, but Oregon has a mandatory minimum sentence of ten years for first-degree manslaughter.

The defense argued for a deviation from the mandate but Murphy said the crime was too serious to allow one. "Causing the death of a child is about as grave a crime as can be imagined," he said.

Reportedly, the Rossiters' two surviving children—Edgar, 17, and Melody, 10—have been placed with their grandmother Christina Hays who let their Uncle Anthony die at age 7 of untreated leukemia. Presumably, the Department of Human Services has authority to monitor their health and welfare. Loyd Hays has died.

The Rossiters' attorneys said they would appeal and claimed that the parents' good intentions merited a lesser sentence.

Final thoughts

It was dishonest of the Rossiters to claim they saw no alarming symptoms and believed Syble "just had the flu." The many diabetic deaths we've reported on over thirty years show a consistent pattern of symptoms over several weeks and then a crisis that no reasonable parent could trivialize. Often the child is in a coma for several hours.

Ten years is a long prison sentence. In fact, it is the longest we have ever heard of in a case of religious medical neglect.

It is mind-boggling, however, that the Rossiters and their church would be so reckless given the recent Followers of Christ convictions in Oregon and the publicity to Oregon's new laws. We also note that the Rossiters rejected a state offer of a much more lenient sentence in exchange for a plea.

After Church of the Firstborn teenager Austin Sprout died without medical care in 2011, the Lane County prosecutor wrote to the leaders of his congregation in Pleasant Hill explaining Oregon laws, declaring that the state expected them to get medical care for all non-trivial illnesses and injuries of their children, and emphasizing that they could be held liable for very serious crimes if they did not.

The Pleasant Hill leaders told the prosecutor they distributed it to all church members with minor children or of childbearing age and believed most of the members would meet the state's expectations. Austin's parents were sentenced only to probation.

Yet less than 14 months later and only 36 miles away, the Church of the Firstborn in Brownsville let a child die of untreated diabetes.

If many Firstborners believe, like Sara Jensen's father, that doctors don't heal disease, even when they see it save their child's life, if they've believed for generations that God requires total reliance on Him to heal, stiff prison sentences may be the only way to persuade such stubborn people to provide their children with necessities of life.

Expand mandated reporters' list

CHILD reiterates our suggestion that Oregon expand its reporting law at Or. Rev. Stat. 419B.005.

Currently, only public and private officials are required to report suspected child abuse and neglect. CHILD would like to see all persons who are called to render aid or assistance to a child to be added to the list of mandated reporters. Many church members are often called to the family's home to pray and perform rituals for a sick child. They should have a legal duty to report the case to child protection services.

Nationwide, CHILD knows of 89 Church of the Firstborn children who have died since January 1, 1975.

Sources include reports in the *Albany Democrat-Herald*, www.inquisitr.com, KOIN 6, and *Eugene Register-Guard*, April 1, 1982.

Linda's observations

CHILD member Linda Martin grew up in the Idaho Followers of Christ Church, which, like the Church of the Firstborn, discourages medical care. Below are some of her observations from attending the trial.

The first day I walked into the courtroom I felt like I was back in church. The sick feeling of dread washed over me.

The church people recognized the family resemblance. I could hear them whispering and asking who I was and what church I came from.

One woman told me that they are "trying to convert us." She stated it with that familiar tone of defiance in her voice. The same tone that was always used when talking about the worldly people they felt were trying to change them. I wanted to tell her "I am not trying to convert you. I only want you to take care of the kids."

One man told me the people in the courtroom were from all over and most were related to people who had been arrested for letting kids die. They were there to support Travis and Wenona.

As I watched the pictures of Syble's lifeless body being projected on the large TV screen, all I could see was my 12-year-old cousin, Jerry Gardiner, who had died in much the same way from untreated diabetes. (See www.idahochildren.org.) When they were describing how Syble didn't talk much or associate with other people, I remember being warned repeatedly about not discussing my

family or church to outsiders. I was afraid to talk at school. I lied to outsiders when they asked about my religion. I always said I was Christian Science because it seemed more acceptable. CS was familiar so I didn't have to explain what a Follower of Christ was. With Syble's learning disabilities I can only imagine how hard it must have been for her.

I wished I could reach out and hug Syble. I wanted to tell her how sorry I was for what she went through. When one of the kids from these churches passes, I feel a small amount of responsibility. It feels like I have lost one of my own.

They all thanked me for being there. They said they knew I would be praying for the Rossiters. I didn't want to tell them I was praying for a conviction.

Death rituals

Listening to the description of how Syble's body looked, I was transported back to some of the FOC death scenes from years past. When a person is close to death someone often holds the dying person's head in their lap and comforts them. After they pass the soiled clothes are removed and the body cleaned and repositioned. It is often in a pose that was common for the deceased. After the deceased is cleaned, family members and then the authorities are called. Church members start bringing in food for the family and friends. I never understood how people could think about food so soon after a loved one passed. I just wanted to be left alone.

On my last day at the trial I was approached by the church elder and asked what church I attended. I told him I left the church years ago. He asked why and I told him I believed in medicine for myself and my children. I received the typical veiled threat of "We believe in live and let live. We don't interfere in the business of others and we leave others alone and we expect to be left alone."

Three generations prosecuted

Towards the end of the trial Christina Hays approached me. She stated, like she was almost proud of the fact, that her daughter Wenona was the third generation in her family to be prosecuted. Her husband was convicted for the death of their

son [Anthony Hays]. She was acquitted. She also said her sister [Sara Jensen] was taken away by the state. Her sister lived because she was removed from the home and received medical treatment. I wanted to ask her why they couldn't learn from all of this. Her sister lived because of medical intervention. Why wouldn't she want the same for her granddaughter?

I felt very alone in that courtroom. I was afraid they would recognize me from the news stories I had been a part of. If they found out that I was trying to change laws in Idaho, they would feel like I was the reason they were being persecuted.

I have many relatives in the Followers of Christ and the Church of the Firstborn. I hate how much I look like them. I don't like how easy it was for me to fit in. From the time I was five, all I could think of was how I never wanted to be one of them. I wish this wasn't part of me. As a child I always dreamed that I was adopted and my real parents would come and rescue me. It never happened.

Idaho fails children again but does have some heroes

The many medical neglect deaths of Idaho children in the Followers of Christ and official inaction on them are so outrageous that CHILD has created a second webpage, www.idahochildren.org, to bring more attention to them.

Child abuse recently showed up in Idaho in another guise as authorities found nine boys, ages 11 to 17, from the Fundamentalist Church of Latter-Day Saints living near Pocatello without their parents. The FLDS broke away from the Church of Latter-Day Saints (commonly known as the Mormons) in the nineteenth century when the Mormon Church renounced polygamy. The FLDS believes polygamy is divinely ordained and necessary to get into heaven.

Boys on repentance mission for two years

The boys said they had been sent away from their homes in Short Creek, a polygamous town on the Arizona-Utah border, two years ago on "a repentance mission" by Warren Jeffs, the FLDS leader, who largely maintains control of the church even

though he is serving life in prison for sex with underaged girls. The Pocatello house was the fifth one they had lived in during their mission.

Many FLDS boys have been expelled from their homes for minor or no infractions when they reach puberty. Some observers say that these boys are expelled because they are surplus in a poly-gamous culture.

Starving young laborers

The boys living in Pocatello were kept busy making furniture and other woodworking products for sale. One neighbor said she “was always feeding them, they were always starving.” She also said one sneaked into her son’s bedroom window to try to find food.

The boys impressed the community as very polite and well-mannered, and neighbors said they saw no evidence of abuse or neglect.

Bannock County prosecutors, the court-appointed special advocate (CASA), and detectives saw and heard plenty that concerned them, however. The boys said their caretaker Nathan Jessop hit them with brooms and boards and made them stand in the cold with no coats. Police could not document those claims but were able to prove that Jessop twice failed to report that boys had run away and once required a boy to remain in a furnace room for up to two days.

They found little furniture in the house. Beds had no sheets and some boys slept on mattresses on the floor. The only decoration was a large picture of Warren Jeffs. Food was kept locked up.

Kids scared of outside world and FLDS world

Former Bannock County Sheriff Bill Lynn said the boys “were scared of us, scared of law enforcement and scared about what would happen if they were sent back to Short Creek. These boys have been taught all their lives to fear outsiders. If you are not a follower of Jeffs, then you are an apostate, an advocate of Satan.”

Some of the boys said they had not seen their parents in two years or spoken to them in ten or eleven months.

The prosecutors and CASA wanted the children placed in foster care. Their mothers, however, arrived from several states (most within 48 hours after

the boys were removed from the house) and petitioned the court to get their children back. A detective said one mom did not even recognize her son.

County vs. state on foster care

Bannock County Deputy Prosecutor Ian Service felt the mothers had abandoned their children. The Idaho Department of Health and Welfare, however, wanted to give the children back to their mothers. Service said a DHW administrator explicitly complained about the expenses of foster care.

At one point during their conversation Service threatened to stop representing the Department in 150 child protection cases that he was handling for them.

AG intervenes to represent county

Instead, the Attorney General intervened and acted as the attorney for the DHW in the case of the FLDS boys with the judge allowing the county prosecutor to remain a party to the case.

According to the county prosecutors the DHW and Attorney General were “adamantly opposed” to the boys remaining in protective custody and threatened to appeal if the court let the county keep any boys in foster care. “So here’s this crazy pressure from a side I’ve never had before,” Service said.

In courthouse negotiation the parties agreed that two boys who said they did not want to go back to their mothers would be placed in foster care and the others would be released to their parents.

“My choice to take the quote, unquote deal was in the best interest to keep jurisdiction on these two boys without getting stuck in appeals,” Service said.

The DHW refused comment, but did say their priority is family reunification when practical and that they conduct background checks and inspect a parent’s home before sending a child back to a parent.

The homes they inspected may have been the places in Idaho where the newly arrived mothers were living, including a recreational vehicle rented at a campground.

What future will these boys have?

Former Sheriff Lynn wrote a letter saying some officials had “lost their vision” for the children because of the costs, effort, and time “that would have

been necessary to insure that these boys had a chance at a decent future.”

Service said he feared the mothers would leave the state with their sons the day after they got custody of them. A Salt Lake charity called Holding Out HELP, which provides transition services for those leaving polygamous communities, predicted the boys would be sent on another repentance mission.

Stepfather or uncle to most of the boys, Jessop was convicted of misdemeanor injury of children and sentenced to 90 days in jail plus two years probation.

The county prosecutor said the case highlighted limitations in the child protection laws, and CHILD would add, limitations in DHW’s commitment to children as well.

In our view the Department and Attorney General could have easily comprehended the dangers to these children if they had wanted to. Mothers who haven’t seen their children for years or spoken to them for nearly a year suddenly show up from several different states to act like normal mothers when a church official tells them to? Children petrified of the outside world, not being educated, forced to make products for sale, and always hungry? Surely Idaho should have at least put in place some monitoring of these families and alerted officials in other states when they left Idaho.

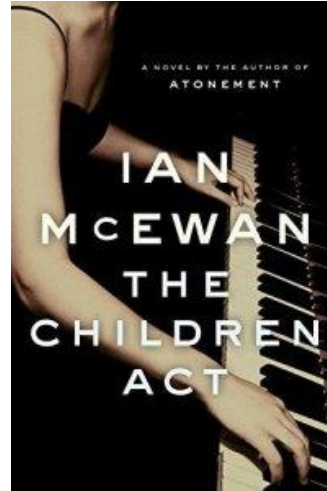
Sources include the *Idaho State Journal*, Aug. 28-29, and 31, 2014, and *Salt Lake Tribune*, Sept. 1, 2014.

McEwan depicts Jehovah’s Witness dilemma

Reviewed by Caroline Fraser

Ian McEwan’s wickedly mordant novels have won him scores of honors, including the U.K.’s most coveted literary prize, the Man Booker, for *Amsterdam* in 1998. One of the gifted generation that produced his friends Martin Amis and the late Christopher Hitchens, McEwan specializes in spare, beautifully-written tales exposing the hypocrisies and moral failures of those entrusted with social power and responsibility: neurosurgeons, scientists,

spies, journalists. His latest work, *The Children Act*, dissects society’s clumsy attempts to grapple with an issue that readers of this newsletter know well: the welfare of children whose lives are threatened by religiously-inspired medical neglect.



Fiona Maye is a fifty-nine-year-old High Court judge in the Family Division, charged with untangling custody disputes. She is renowned for her notoriously Solomonic decision in a life-and-death dispute involving Siamese twins (one must die so the other might live) and is held in high regard by judicial col-

leagues for her clarity and detachment. But as the novel opens, she’s juggling a number of difficult cases just as her husband of thirty years presents her with a sudden ultimatum: Accept his decision to have an affair or end their marriage. Then he packs a suitcase and walks out, disappearing for several days.

This deranging distraction occurs while Fiona is on call as “duty judge,” assigned to respond to legal emergencies. Immediately, such a case demands her attention, one involving the seventeen-year-old son and only child of devout Jehovah’s Witnesses, Adam Henry. A few months from attaining legal adulthood, Adam is stricken with leukemia and is encouraged by his parents and church elders to refuse a life-saving blood transfusion.

Parents: son should have right to die

The hospital treating Adam makes an emergency application to the court to proceed with treatment, as the boy’s hemoglobin count falls to a dangerously low level. A doctor describes the painful fate awaiting the teenager, a sensation of “drowning slowly,” followed by possible stroke or blindness. The parents, on the other hand—convinced that blood products from animals or other human beings represent “pollution” and a rejection of God’s gift of life—argue that their son, a mature and articulate youth who writes poetry and

is learning to play the violin, has the right to die for his religious scruples.



Ian McEwan

Credit: Joost van den Broek

As the press lies in wait, Fiona takes the unusual and perhaps prejudicial step of visiting the patient in the hospital before rendering a decision. The encounter is emotional: The boy shares his poetry and then plays a violin tune for Fiona, an accomplished amateur pianist, who sings to his accompaniment. He pleads with her to accept his fervid commitment to his faith, but the judge sees him for what he is, a child: “I find that A, his parents and the elders of the church have made a decision which is hostile to A’s welfare, which is this court’s paramount consideration. He must be protected from such a decision. He must be protected from his religion and from himself.”

There are limitations, however, to the judge’s—and society’s—conception of “welfare.” Forced to accept the transfusion, Adam Henry experiences not only a full recovery but an ecstatic conversion to the judge’s way of thinking, recounting in letters his joy (and his parents’ secret relief) that he was saved. Gradually, it becomes clear that the vacuum left by his loss of faith has been filled by a fixation on Fiona. After arguing with his parents, he tracks her down and asks her to take him in. She handles the necessary refusal awkwardly, without recognizing that her guilty, ambiguous rejection has cast him adrift.

McEwan’s remarkable accomplishment in this deft, deep novel lies in his recognition that the insidious psychological toll exacted by dangerous religious sects can be as deadly as the physical one.

Members who have left a cult are subjected to intense familial pressures while embarking on a life-long struggle to survive without the beliefs that shaped their character or gave meaning to existence. Without revealing the dramatic climax of the novel, it’s sufficient to say that Adam Henry, as with so many children of such groups, cannot escape its orbit.

The shock of *The Children Act* is how badly Fiona fails to judge the true meaning of a child’s welfare. She is a sympathetic character, and McEwan encourages readers to identify with her intermittent regret over her childlessness and humiliation at her husband’s abandonment. When her remorseful spouse returns, she regains a sense of personal and professional fulfillment, only to learn what her moment of moral blindness has cost Adam Henry. Dispassion is her downfall.

As it is ours: Western countries—obsessed by religious extremism abroad—care little for its costs at home. “No child is an island,” Fiona finally recognizes, but in our system, that’s exactly what a child is. In the hands of zealots, it’s every child for himself.

Caroline Fraser is the author of the highly-acclaimed *God’s Perfect Child: Living and Dying in the Christian Science Church, Rewilding the World: Dispatches from the Conservation Revolution*, and the forthcoming book, *The American Dreams of Laura Ingalls Wilder*.

About CHILD, Inc.

CHILD works to stop harms to children related to religious beliefs, cultural traditions or quackery. CHILD provides public education, amicus briefs, and does a limited amount of lobbying. CHILD believes children should have equal protection of the laws and therefore opposes religious exemptions from child health and safety laws.

To join or donate to CHILD, go to Memberships and Donations at our web page, www.childrenshealthcare.org or contact CHILD from the contact information on the first page. Dues are \$40 a year or \$15 a year for a full-time student. Donations to CHILD are tax-deductible.