

## **Resolution 11.14.02**

### *Resolution on Religious Exemptions to Child Abuse/Neglect*

**Whereas**, PCA America believes that all children have a right to the same protection under the law that they would be guaranteed as adults.

**Whereas**, religious exemptions provide legal protection to parents who withhold medical treatment for their children on the basis of religious beliefs.

**Whereas**, the Child Abuse Prevention and Treatment Act states that religious exemptions “shall not limit the administrative or judicial authority of the State to ensure that medical services are provided to the child when his health requires it.”<sup>1</sup>

**Whereas**, a study of 172 deaths of children for whom medical care was withheld on religious grounds found that 140 of these children would have had at least a 90 percent likelihood of survival with medical care.<sup>2</sup>

**Whereas**, thirty-nine states and the District of Columbia have religious exemptions in their civil codes on child abuse and neglect.<sup>3</sup>

**Whereas**, twenty states have religious defenses to felony crimes against children.<sup>4</sup>

**Whereas**, nine states have repealed some religious exemptions from a duty to provide medical care.<sup>5</sup>

**Whereas**, the American Medical Association, the American Academy of Pediatrics and American Humane call for the repeal of religious exemptions, to ensure equal protection under the law for all children.<sup>6,7,8</sup>

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## **Therefore, be it resolved, that PCA America supports:**

Repealing religious exemptions in medical situations that are life-threatening or potentially disabling to a child.

Advocating to ensure that all children have equal protection under the law.

<sup>1</sup> 45 CFR 1340.2, 10.1.2003 edition.

<sup>2</sup> Asser and Swan, 1998. “Child fatalities from religion-motivated medical neglect.” *Pediatrics*, 101, 4: 625-629.

<sup>3</sup> CHILd, Inc. “Religious exemptions from health care for children.” <<http://www.childrenshealthcare.org/legal.htm>> Retrieved Oct. 22nd, 2004.

<sup>4</sup> CHILd, Inc. “Religious exemptions from health care for children.”

<sup>5</sup> CHILd, Inc. “Religious exemptions from health care for children.”

<sup>6</sup> American Medical Association. “H-60.961 HHS to require the states to repeal the religious exemption in the child abuse and neglect prevention statutes.”

<[http://www.ama-assn.org/apps/pf\\_online?f\\_n=browse&doc=policyfiles/HnE/H-60.961.HTM](http://www.ama-assn.org/apps/pf_online?f_n=browse&doc=policyfiles/HnE/H-60.961.HTM)> Retrieved Oct. 29th, 2004.

<sup>7</sup> American Academy of Pediatrics, 1997. “Religious objections to medical care.” *Pediatrics*, 99, 2: 279-281.

<sup>8</sup> American Humane. “Children’s services policy statement: Religious exemptions/medical neglect.”

<[http://www.americanhumane.org/site/PageServer?pagename=wh\\_where\\_stand\\_csps\\_religious](http://www.americanhumane.org/site/PageServer?pagename=wh_where_stand_csps_religious)> Retrieved Oct. 27th, 2004.