



Gateways to Information: Protecting Children and Strengthening Families

2003 Child Abuse and Neglect State Statutes Series Ready Reference Reporting Laws: Religious Exemptions

What You Need to Know

The Child Abuse Prevention and Treatment Act Amendments of 1996 added new provisions specifying that nothing in the Act be construed as establishing a Federal requirement that a parent or legal guardian provide any medical service or treatment that is against the religious beliefs of the parent or legal guardian (42 U.S.C. § 5106i).

Many States do provide in their statutory definitions of child abuse and neglect an exemption for parents who choose not to seek medical care for their children due to religious beliefs. These include the following States:

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|----------------------|-----------|---------------|--------------|
| Alabama | Georgia | Maine | Ohio |
| Alaska | Guam | Michigan | Oklahoma |
| Arizona | Idaho | Minnesota | Pennsylvania |
| California | Illinois | Mississippi | Vermont |
| Colorado | Indiana | Missouri | Virginia |
| Connecticut | Iowa | Montana | Washington |
| Delaware | Kansas | Nevada | Wyoming |
| District of Columbia | Kentucky | New Hampshire | |
| Florida | Louisiana | New Mexico | |



The Clearinghouses are services of the Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services.

This **Ready Reference** is a product of the **Child Abuse and Neglect State Statutes Series** prepared by the National Clearinghouse on Child Abuse and Neglect Information. **Ready Reference** publications contain excerpts of text with citations from specific sections of each State's code that focus on a single issue of special interest. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as in agency regulations, case law, and informal practices and procedures.

Electronic copies of this publication may be downloaded from the Clearinghouse Web site.

We welcome your comments and suggestions about this publication.

ALABAMA***Ala. Code § 26-14-7.2(a) (Supp. 1998)***

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.

This exception shall not preclude a court from ordering that medical services be provided to the child when the child's health requires it.

ALASKA***Alaska Stat. § 47.17.020(d) (1996)***

A religious healing practitioner is not required to report as neglect of a child the failure to provide medical attention to a 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.

ARIZONA***Ariz. Rev. Stat. Ann. § 8-201(13)(b) (West Supp. 1998)***

A *dependent child* does not include a child who in good faith is being furnished Christian Science treatment by a duly accredited practitioner.

CALIFORNIA***Cal. Penal Code § 11165.2(b) (West 1992)***

A child receiving treatment by spiritual means or not receiving specified medical treatment for religious reasons, shall not for that reason alone be considered a neglected child. An informed and appropriate medical decision made by parent or guardian after consultation with a physician or physicians who have examined the minor does not constitute neglect.

COLORADO***Colo. Rev. Stat. Ann. § 19-3-103(1) (West Supp. 1998)***

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 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 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 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 purposes of this article and injured or endangered for the purposes of § 18-6-401.

Colo. Rev. Stat. Ann. § 19-3-103(2) (West Supp. 1998)

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

- 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
- 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
- Such treatment provides a rate of success in maintaining health and treating disease or injury that is equivalent to that of medical treatment.

CONNECTICUT

Conn. Gen. Stat. Ann. § 46b-120(10) (West, WESTLAW through 1-1-01)

The treatment of any child 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.

DELAWARE

Del. Code Ann. tit. 16, § 913 (Supp. 1998)

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 the purposes of this chapter.

DISTRICT OF COLUMBIA

D.C. Code Ann. § 16-2301(9) (WESTLAW through 2-23-03)

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.

FLORIDA***Fla. Stat. Ann. § 39.01(30) (West, WESTLAW through End of 2000 Reg. Sess.)***

A parent or legal custodian who, by reason of 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:

- Eliminate the requirement that such a case be reported to the department;
- Prevent the department from investigating such a case; or
- Preclude a court from ordering, when the health of the child requires it, the provision of medical services by a physician 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 organization.

GEORGIA***Ga. Code Ann. § 19-7-5(b)(3) (WESTLAW through 2001)***

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.

GUAM***Guam Code Ann. tit. 19, § 13101(t)(4) (WESTLAW through 2003 P.L. 26-152)***

A person responsible for the child's welfare who, while legitimately practicing his or her religious beliefs, does not specify medical treatment for a child should not for that reason alone be considered as harming or threatening harm to the child.

IDAHO***Idaho Code § 16-1602(21)(a) (WESTLAW through 2002 Cum. Supp.)***

No 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, but this subsection shall not prevent the court from acting pursuant to statute.

ILLINOIS***325 Ill. Comp. Stat. Ann. 5/3 (West, WESTLAW through 2003 Reg. Sess.)***

A child shall not be considered neglected or abused for the sole reason that such 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.

INDIANA***Ind. Code Ann. § 31-34-1-14 (Michie 1997)***

A child is not a child in need of services if a parent, guardian, or custodian fails to provide specific medical treatment for a child because of the legitimate and genuine practice of the 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 do any of the following:

- Prevent a juvenile court from ordering, when the health of a child requires, medical services from a physician licensed to practice medicine in Indiana.
- Apply to situations in which the life or health of a child is in serious danger.

Ind. Code Ann. § 31-34-1-15 (Michie 1997)

This chapter does not limit the lawful practice or teaching of religious beliefs.

IOWA***Iowa Code Ann. § 232.68(2)(d) (West, WESTLAW through End of 2001 2nd Ex. Sess.)***

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, however, this provision shall not preclude a court from ordering that medical service be provided to the child where the child's health requires it.

KANSAS***Kan. Stat. Ann. § 38-1502(cc)(3) (WESTLAW through 2002 Reg. Sess.)***

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.

KENTUCKY***Ky. Rev. Stat. Ann. § 600.020(1)(h) (WESTLAW through 2-1-03)***

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 of failure to provide specified medical treatment for a child for that reason alone. This exception shall not preclude a court from ordering necessary medical services for a child.

LOUISIANA

La. Children's Code Ann. art. 603(14) (West, WESTLAW through 2001 Reg. Sess. & Ex. Sess.)

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. However, nothing herein shall prohibit the court from ordering medical services for the child when there is substantial risk of harm to the child's health or welfare.

MAINE

Me. Rev. Stat. Ann. tit. 22, § 4010(1) (West 1992)

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.

MICHIGAN

Mich. Comp. Laws Ann. § 722.634 (West 1992)

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 non-medical 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.

MINNESOTA

Minn. Stat. Ann. § 626.5562 (West Supp. 1999)

Nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian, or other person responsible for the child's 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, has a duty to report if a lack of medical care may cause serious danger to the child's health.

MISSISSIPPI

Miss. Code Ann. § 43-21-105(l)(i) (West, WESTLAW through End of 2002 2nd Ex. Sess.)

A parent who withholds medical treatment from any 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 not, for that reason alone, be considered to be neglectful under any provision of this chapter.

MISSOURI

Mo. Ann. Stat. § 210.115(3) (West, WESTLAW through End of 2002 2nd Reg. Sess. & 1st Ex. Sess.)

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 such 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.

MONTANA

Mont. Code Ann. § 41-3-102(4)(b) (WESTLAW through 2001 Reg. Sess.)

This chapter may not be construed to require or justify a finding of child abuse or neglect for the sole reason that a parent or legal guardian, due to religious beliefs, does not provide adequate health care for a child.

However, this chapter may not 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.

NEVADA

Nev. Rev. Stat. Ann. § 432B.020(2)(b) (WESTLAW through 2001 Reg. Sess. & 18th (2002) Spec. Sess.)

A child is not abused or neglected, nor is his health or welfare harmed or threatened for the sole reason that his parent or guardian, in good faith, selects and depends upon non-medical remedial treatment for such child, if such treatment is recognized and permitted under the laws of this state in lieu of medical treatment. This paragraph does not limit the court in ensuring that a child receive a medical examination and treatment pursuant to statute.

NEW HAMPSHIRE

N.H. Rev. Stat. Ann. § 169-C:3(XIX)(c) (WESTLAW through End of 2001 Reg. Sess.)

No 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 MEXICO

N.M. Stat. Ann. § 32A-4-2(E)(5) (Michie, WESTLAW through 1999 1st Reg. Sess. & Spec. Sess.)

Nothing in the Children's Code 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. No child shall be denied the protection afforded to all children under the Children's Code.

OHIO

Ohio Rev. Code Ann. § 2151.03(B) (West, WESTLAW through 2000 portion of 123rd Gen. Assem.)

Nothing in this chapter shall be construed as subjecting a parent, guardian, or custodian of a child to criminal liability when, solely in the practice of his religious beliefs, he fails to provide adequate medical or surgical care or treatment for the child.

Ohio Rev. Code Ann. § 2919.22(A) (West, WESTLAW through 2-15-03)

It is not a violation of a duty of care, protection, or support when the parent, guardian, custodian, or person having custody or control of a child treats the physical or mental illness or defect of the child by spiritual means through prayer, alone, in accordance with the tenets of a recognized religious body.

OKLAHOMA

Okla. Stat. Ann. tit. 10, § 7103(E) (West, WESTLAW through 2001 1st Ex. Sess.)

Nothing in this section shall be construed to mean a child is abused or neglected for the sole reason the parent, legal 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 practices of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child.

Nothing in this subsection 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.

PENNSYLVANIA

23 Pa. Cons. Stat. Ann. § 6303(b)(3) (West, WESTLAW through Act 2002-237)

If, upon investigation:

- The county agency determines that 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.

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.

In cases involving religious circumstances, 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, and the family shall be referred for general protective services, if appropriate.

VERMONT

Vt. Stat. Ann. tit. 33, § 4912(3)(b) (WESTLAW through 2002 Reg. Sess.)

For purposes of this subchapter, *adequate healthcare* includes any medical or non-medical 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 Title 33, a parent or other person responsible for a child's care legitimately practicing his or her religious beliefs who thereby does not provide specified medical treatment for a child shall not be considered neglectful for that reason alone.

VIRGINIA

Va. Code Ann. § 63.2-100 (West, WESTLAW through Va. 2003 Legis. Serv., Ch. 467)

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 shall for that reason alone be considered to be an abused or neglected child.

WASHINGTON

Wash. Rev. Code Ann. § 26.44.020(3) (West, WESTLAW through End of 2000 Spec. Sess.)

The term *practitioner* shall include a duly accredited Christian Science practitioner: provided, however, that 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.

WYOMING

Wyo. Stat. Ann. § 14-3-202(a)(vii) (WESTLAW through Wyo. 2003 Legis. Serv., Ch. 167)

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.