



The Child-Friendly Faith Project

Janet Heimlich Testimony/ HB 113
Idaho Senate State Affairs Committee
March 9, 2015

Good morning, Mr. Chairman and Members of the Senate State Affairs Committee. Thank you for this opportunity to testify about House Bill 113. My name is Janet Heimlich. I'm the Executive Director of the Child-Friendly Faith Project, a national nonprofit child advocacy organization based in Austin, Texas.

The Child-Friendly Faith Project is opposed to the passage of House Bill 113 in its current form, and we are joined in this effort by the Interfaith Alliance of Idaho, the national office of the Interfaith Alliance, Rev. Dr. C. Welton Gaddy, President Emeritus and Senior Advisor of the Interfaith Alliance, and other faith leaders and child advocates in Idaho and across the US.

Some people here have spoke about the need to protect the rights of parents. I'm going to talk about that state's obligation to protect the needs of its most vulnerable citizens—its children.

We don't question the fact that most parents deserve the right to make key decisions in raising their children. I myself am a parent. We do, however, question a bill that promises "fundamental rights" to mothers, fathers, and legal guardians *and* fails to offer an exception for those who are unfit to care for children.

Sadly, some parents—even those who love their children and believe they're acting in their children's best interests—abuse and neglect their children. You don't have to look further than the Peaceful Valley Cemetery in Canyon County. It's filled with untold numbers of infants, children, and teenagers who died because their parents believed their religion required them to avoid seeking medical care to treat their sick and dying children and instead perform such rituals as prayer.

In short, we believe that a parents rights bill should not apply to people who—knowingly or unknowingly—mistreat their children.

Idahoans understand the need to protect children even if it's against their parents' wishes. For example, a child can't get married under the age of sixteen even if a parent says it's okay. It looks as though the legislature will soon prohibit children under the age of fourteen from using tanning beds



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even if they have parental approval.

The language of HB 113 is so broad and vague it could allow parents who harm their children to not be held accountable. Because “fundamental parental rights” is not defined, it leaves open the possibility that those responsible for children would be allowed to abuse or neglect them by simply claiming they were exercising their fundamental parental rights.

For example, a father might severely beat his daughter and say he had a fundamental right to discipline her as he sees fit. A mother could take her son out of school for weeks or months, claiming she has the fundamental right to do so.

House Bill 113 has other possible negative ramifications that could restrict the ability of many people to protect children from maltreatment, including legislators.

For instance, some legislators would like to repeal Idaho’s religious exemption that grants prosecutorial immunity to parents who deny children needed medical care on religious grounds. But if House Bill 113 were to become law, those legislators might feel that it’s futile to file such a bill.

Teachers, doctors and others might be discouraged from reporting abuse and neglect, and social workers and law enforcement might be prevented from removing an abusive parent from the home.

HB 113 states that fundamental parental rights would be retained *regardless of whether courts continue to recognize those rights*. Therefore, we fear that a judge or a jury might decide to keep a child who is a victim of abuse or neglect in an unsafe or unhealthy environment.

Unlike what proponents of this bill would like you to believe, the rights of law-abiding parents who don’t mistreat their children are not in jeopardy, but if you do choose to move forward with this bill, we urge you to make an exception for unfit parents and legal guardians by adding this provision:

These rights shall not be construed to apply to a parental action or decision that would lead to the physical, sexual or emotional abuse or the educational, medical, or physical neglect of a minor.



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Otherwise, we request that you reject this bill that is so broad-reaching and vague that it threatens to erode critical safeguards designed to keep Idaho children healthy and safe.

Thank you again for your time, and I stand for questions.