



Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Brianne K. Nadeau
Councilmember, Ward 1

Statement of Introduction Losing Outdated, Violent Exceptions Amendment Act of 2023

January 18, 2023

Nyasha Smith, Secretary
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004

Dear Secretary Smith,

Today, along with Councilmembers Gray, Bonds, and Parker, I am introducing the “Losing Outdated, Violent Exceptions (“LOVE”) Amendment Act of 2023”.

Under a law imposed by Congress in 1966, prior to Home Rule, the District’s child welfare agency cannot intervene if a parent says they have a religious reason for refusing medical care for their child. Any child “under treatment solely by spiritual means through prayer” cannot, under District law, be found to be a neglected child. As a result, the District cannot take legal custody of a sick or dying child to ensure that they survive or are not permanently disabled.

This provision creates one of the broadest religious exemptions to neglect laws in the country. Sixteen states allow a court to order medical treatment; sixteen other states have no religious exception to neglect laws whatsoever. The District joins Georgia and Mississippi in the extreme, outlier position of prohibiting any state intervention in the death or disability of a child.

The American Academy of Pediatrics has stood against religious exemptions since 1988.¹ The Academy is now joined by the American Medical Association, the National District Attorneys Association, the National Association of Medical Examiners, and Prevent Child Abuse America in calling for their repeal. The call for action is more than warranted: hundreds of American children have died because of religious exemptions to neglect laws, and 80 percent of them would have had at least a 90 percent likelihood of survival with timely medical care.

¹ See Committee on Bioethics, American Academy of Pediatrics, *Religious Exemptions from Child Abuse Statutes*, 81:1 Pediatrics 169 (1988).

The “LOVE Amendment Act of 2023” repeals the 1966 religious exemption to ensure that the same definition of neglect applies to all District parents. If a parent “refuses or is unable to assume . . . responsibility for the child’s care, control, or subsistence,” or if the child is left “without proper parental care or control . . . necessary for his or her physical, mental, or emotional health, and the deprivation is not due to the lack of financial means,” then that child is a “neglected child,” full stop. With the lives of District children on the line, we must act like it. I look forward to working with my colleagues to pass this critical legislation.

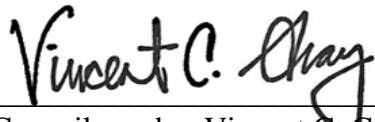
Sincerely,

A handwritten signature in black ink that reads "Brianne K. Nadeau". The signature is written in a cursive, flowing style.

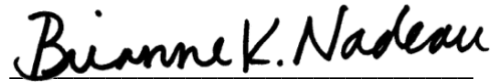
Brianne K. Nadeau

Councilmember, Ward 1

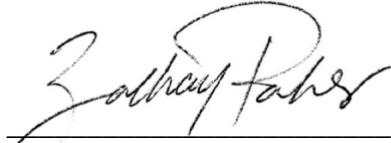
Chairperson, Committee on Public Works & Operations



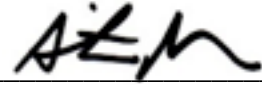
Councilmember Vincent C. Gray



Councilmember Brianne K. Nadeau



Councilmember Zachary Parker



Councilmember Anita Bonds

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

1 To repeal the religious exception to the District’s definition of child neglect.

2

3 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
4 act may be cited as the “Losing Outdated, Violent Exceptions Amendment Act of 2023”.

5 Sec. 2. Section 6 of An Act to provide for the mandatory reporting by physicians and
6 institutions in-the District of Columbia of certain physical abuse of children, approved November
7 6, 1966 (80 Stat. 1355; D.C. Official Code § 4–1321.06), is repealed.

8 Sec. 3. Fiscal impact statement.

9 The Council adopts the fiscal impact statement in the committee report as the fiscal
10 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
11 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

12 Sec. 4. Effective date.

13 This act shall take effect following approval by the Mayor (or in the event of veto by the
14 Mayor, action by the Council to override the veto), a 30-day period of congressional review as

15 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
16 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
17 Columbia Register.