

Ohio court gives lawyer guardianship of Amish girl with cancer

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(RNS) An Ohio court has given limited guardianship of a 10-year-old Amish girl to a lawyer who will make medical decisions instead of the girl's parents.

Maria Schimer is also a registered nurse and will be in charge of arranging transportation and payment for Sarah Hershberger's medical treatments — costs that will be covered by government programs. The guardianship will last until Feb. 1, 2016.

Akron Children's Hospital in Akron, Ohio, went to court after Sarah's parents halted her chemotherapy treatments, saying the treatments made her ill and they believed the will of God would prevail.

The hospital said the girl, who has lymphoblastic lymphoma, had an 85 percent survival rate with treatment but would likely die within a year without receiving chemotherapy. The court agreed, naming Schimer guardian Oct. 9.

"Health care practices vary considerably across Amish communities and from family to family," according to an article by the Young Center for Anabaptist and Pietist Studies at Elizabethtown College. "Many Amish use modern medical services, but others turn to alternate forms of treatment. They cite no biblical injunctions against modern health care or the latest medicines, but they do believe that God is the ultimate healer."

In early September, Judge John Lohn sided with the parents, saying Sarah would not be forced to undergo chemotherapy. However, an Oct. 1 appeals court ruling overturned that decision and ruled that a guardian should be appointed for the child.

In an FAQ about the case, the hospital states that it does respect the religious beliefs of its patients' families.

Akron Children's Hospital "has a long history of serving the Amish community," the FAQ says. "In our experience, the Amish are very responsive to seeking treatment for their children for a variety of medical issues."

Courts usually side with the hospital in life-or-death cases that involve children, said Robert Tuttle, professor of law and religion at George Washington University Law School.

While adults can refuse treatment for any reason, children can only be denied treatment by their guardians for non-essential medical procedures, such as braces on teeth.

"Ordinarily parents are entitled to make those decisions, but when the decisions of the parents are not in the best interest of children, the state is allowed to step in," Tuttle said. "Then the courts will allow the hospital with the state to intervene and take temporary custody, but usually to take temporary guardianship for the purpose of medical decisions."