



Written by [Dave Bohon](#) on December 1, 2011

Ohio Officials Take Obese Child From Mother, Cite Neglect

As reported by the [Cleveland Plain-Dealer](#), the eight-year-old boy was taken from the home in October after case workers determined that his mother wasn't doing enough to control his weight. The officials said the boy's severe obesity placed him at risk for developing such medical conditions as diabetes and hypertension.



"But even though the state health department estimates that more than 12 percent of third-graders statewide are severely obese," reported the newspaper, "... this is the first time anyone in the county or the state can recall a child being taken from a parent for a strictly weight-related issue."

The case has led to renewed concern about the level of arbitrary power social agencies have to step into private family matters. While, as in most communities around the nation, Cleveland's Cuyahoga County does not have specific guidelines for intervening with overweight kids, Mary Louise Madigan, a spokeswoman for the county's Department of Children and Family Services, said social workers stepped into this situation because they considered the mother's inability to get her son's weight under control a form of neglect. "This child's problem was so severe that we had to take custody," Madigan told the *Plain-Dealer*, noting that her department had worked with the mother for more than a year before stepping in.

The mother's attorney, county public defender Sam Amata, charged that the county was overreaching in its insistence that medical conditions the boy is at risk for, but has not yet developed, pose an imminent danger to his health. Amata pointed out that as a public defender he has seen children left in homes in which they were at far greater risk — where parents were drug dealers or were beating the kids — with the court determining that the children were in no immediate danger. Meanwhile, other than his weight problem, the eight-year-old leads a normal life, is doing well in school, and is involved in normal activities. "When did it become an immediate problem?" he asked.

The boy's mother said the county officials were trying to portray her as an unfit mother. "Of course I want him to lose weight," she said. "It's a lifestyle change, and they are trying to make it seem like I am not embracing that. It is very hard, but I am trying."

Social service officials appear to have one expert on their side, Dr. David Ludwig, a Harvard University professor and pediatric obesity expert, who has urged such agencies to step in when they determine that parents aren't doing enough to address their children's obesity and the health problems that may result.

In an article appearing last summer in the [Journal of the American Medical Association](#) (JAMA), Ludwig



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cited the example of one of his own patients who needed such intervention, a 400-pound 12-year-old who had already developed such life-threatening conditions as diabetes, cholesterol problems, high blood pressure, and sleep apnea.

But another professor, Arthur Caplan, who teaches medical ethics at the University of Pennsylvania, noted the enormity of having government overseers keeping an eye on all the potentially overweight kids. While acknowledging that a 200-pound eight-year-old certainly has a problem, he added that “the government cannot raise these children. A third of kids are fat. We aren’t going to move them all to foster care. We can’t afford it, and I’m not sure there are enough foster parents to do it.”

Caplan also noted the absurdity of one government agency removing a child from his home because he is obese, with another approving French fries or a dollop of tomato paste on a slice of pizza as servings of vegetables in school lunches. “It’s completely hypocritical, or to put it another way, a schizophrenic stance,” Caplan told the *Plain-Dealer*. “It’s okay to threaten to take a kid away or charge someone more for insurance. But it’s also okay to advertise unhealthy food and put toys in kids’ meals.”

In an [editorial response](#) to Ludwig’s *JAMA* article, Caplan wrote that “forcing heavy children out of their homes is not the solution. I am not letting parents off the hook, but putting the blame for childhood obesity on the home and then arguing that moving kids out of homes where obesity reigns is the answer is short-sighted and doomed to fail.”

Caplan also noted that, as with many efforts by social services agencies, low-income families with obese children would be inordinately targeted. “Does anyone really think a 200-pound kid in a rich family household out in the burbs is going to be put into foster care?” he commented on [MSNBC](#). “Because I don’t. I think it’s going to fall mainly on the single moms, on the poor since they don’t have the resources to resist this.”

Matt Barber of the conservative legal advocacy group [Liberty Counsel](#) said the issue is one more instance of government’s insistence on serving as a cradle-to-grave nanny to individuals and families. Barber told [OneNewsNow](#) that it is one thing for legitimate law-enforcement agencies to intervene when “a child is in imminent danger of some kind of physical or sexual or severe psychological abuse that is objectively determined.”

But, he added, when the “the state subjectively begins to go in and just say, ‘Hey, we think that this kid is in long-term danger because he’s eating too much and removing that child from the home’ — then we are getting to the point where the state is clearly abusing its authority and trampling parental rights and individual 4th Amendment liberties.”



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