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Prosecution of Midwife Casts Light on Home Births



A. J. Mast for The New York Times

Angela Hendrix-Petry of Bloomington, Ind., with Chloe, a newborn, and Jasper, 2, both of whom were born at home with the help of a midwife.

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By [ADAM LIPTAK](#)

Published: April 3, 2006

BLOOMINGTON, Ind., March 29 — Angela Hendrix-Petry gave birth to her daughter Chloe by candlelight in her bedroom here in the early morning of March 12, with a thunderstorm raging outside and her family and midwife huddled around her.

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A. J. Mast for The New York Times

Jennifer Williams, an Indiana midwife, is facing charges.

"It was the most cozy, lovely, lush experience," Ms. Hendrix-Petry said.

According to Indiana law, though, the midwife who assisted Ms. Hendrix-Petry, Mary Helen Ayres, committed a felony punishable by up to eight years in prison. Ms. Ayres was, according to the state, practicing medicine and midwifery without a license.

Doctors, legislators and prosecutors in Indiana and in the nine other states with laws prohibiting midwifery by people other than doctors and nurses say home births supervised by midwives present grave and unacceptable medical risks. Nurse-midwives in Indiana are permitted to deliver babies at home, but most work in hospitals.

Midwives see it differently. They say the ability of women to choose to give birth at home is under assault from a medical establishment dominated by men who, for reasons of money and status, resent a centuries-old tradition that long ago anticipated the concerns of modern feminism.

Chloe Hendrix-Petry's birth has not given rise to criminal charges, but a prosecution against another midwife, Jennifer Williams, is pending in Shelbyville, Ind. It was prompted by the death of a baby named Oliver Meredith that Ms. Williams delivered in June. But she is not charged with causing or contributing to Oliver's death.

Instead, to hear the county prosecutor tell it, the case against Ms. Williams is not unlike one against a trucker caught driving without a license.

"He may be doing an awfully fine job of driving his truck," the prosecutor, R. Kent Apsley, a trim, intense and direct man, said in his office in the basement of the Shelby County courthouse. "But the state requires him to go through training, have his license and be subject to review."

Legal experts said prosecutions of midwives were rare but not unheard of, and Mr. Apsley suggested that he might have looked the other way but for Oliver's death. "There isn't anyone I'm aware of going out and doing surveillance of midwives," he said.

Stacey A. Tovino, who teaches at the Health Law and Policy Institute at the University of Houston Law Center and has written on midwifery and the law, said prosecutions of midwives almost always started with a tragedy.

"No one complains until a baby dies or a mom dies," Professor Tovino said. But once the issue arises, she said, legislatures often become involved as well, with doctors and midwives engaging in a bitter struggle over the proper regulation of midwives, one driven by a mix of motives that are difficult to disentangle.

"There has always been a tension between true quality-of-care concerns and anticompetitive concerns," Professor Tovino said.

Around the nation, there are some 3,000 midwives without formal medical training, according to the Midwives Alliance of North America. About 1,100 of them, including Ms. Williams, have been certified by the North American Registry of Midwives, a private agency whose evaluations are recognized in some 20 states. In Indiana, though, only doctors and nurses may deliver babies.

That is a misguided approach, said Ms. Ayres, who helped deliver Chloe Hendrix-Petry and who is the president of the Indiana Midwives Association.

"Midwifery is an autonomous profession," Ms. Ayres said. "It's an art and a science that predates the medical model of care. Midwifery sees birth as normal and basically safe.

"It's made safer by reliance on the woman's power," she continued. "The medical model assumes the woman is passive and her body needs to be acted upon. Every birth is presented as a potential disaster from which every woman needs to be protected and potentially rescued."

Mr. Apsley said his decision to prosecute Ms. Williams was driven solely by the law as it currently stood. "We can all have different opinions about the speed limit or the age of consent or whether drugs should be legalized," he said. "Those decisions are for the legislature."

He added that the evidence against Ms. Williams was strong.

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