

**PREPARING FOR A CHILD CUSTODY CASE
INVOLVING RELIGIOUS ISSUES**

March 2008

TABLE OF CONTENTS

INTRODUCTION	1
RELIGION AS A FACTOR IN CHILD	
CUSTODY AND VISITATION DISPUTES	3
The Best Interests of the Child	3
Religion-A Factor In Custody Disputes	5
Religion-A Factor In Visitation Rights Cases	10
LITIGATION STRATEGIES	17
Alternative Dispute Resolution (A.D.R.)	17
Settlement	21
Exclude Religious Prejudice	23
Use of Expert Testimony	23
1. Mental Health Experts	23
2. "Religious" Experts	24
3. Character Witnesses	25
Impact of Extended Family:	25
PREPARE TO GIVE EFFECTIVE TESTIMONY	27
SAMPLE CROSS-EXAMINATION QUESTIONS THAT	
THE WITNESS PARENT COULD FACE	30
Holidays	31
Religion	33
Blood	35
Governments	37
Satan	38
Armageddon	38
Isolation	39
Disfellowshipping	41
Practices of Jehovah's Witnesses	42
Education	43
Corporal Punishment	45
Practice Sessions	46

SAMPLE CROSS-EXAMINATION QUESTIONS FOR NON-WITNESS PARENT	47
PREPARATION FOR PSYCHOLOGICAL OR PSYCHIATRIC EVALUATION	49
COPING WITH EVALUATIONS BY MENTAL HEALTH CARE PROFESSIONALS	54
WHEN A PARTY TO THE DIVORCE IS DISFELLOWSHIPED OR DISASSOCIATED	62
APPENDIX	64

INTRODUCTION

This booklet is designed to help parents and their attorneys prepare for litigation involving child custody and visitation disputes. The overriding concern in every custody suit is the welfare and best interests of the child. In deciding which parent will better provide for a child's best interests, courts can examine all aspects of the child's physical, emotional, and spiritual welfare in either household. Thus religious practices and teachings may be a subject of inquiry by opposing counsel and the court.

Jehovah's Witnesses believe that "[a]ll Scripture is inspired of God and beneficial for teaching, for reproving, for setting things straight." (2 Timothy 3:16) Jehovah's Witnesses therefore devote themselves to the study of God's Word, the Holy Bible. (John 17:3; Matthew 4:4) From their study of the Bible, Jehovah's Witnesses have learned that marriage and family life are divinely instituted arrangements (Genesis 2:22-24; Genesis 1:27, 28; Matthew 19:9), and that children are blessings from God. (Psalms 127:3-5) Witness parents therefore seriously heed the Bible counsel to provide for their children's physical, emotional and spiritual needs. (1 Timothy 5:8; Deuteronomy 6:4-9) It is the goal of every reasonable Witness parent to raise healthy, well-adjusted children who know and love their Creator, Jehovah God, and who observe his standards of honesty, morality and righteousness.-Ephesians 6:4; 1 Timothy 3:15; 1 Corinthians 6:9, 10.

Disputes over child custody can be an ordeal. But with careful preparation and full reliance on Jehovah God, success is attainable.- Psalm 43:1; 1 Peter 3:12.

RELIGION AS A FACTOR IN CHILD CUSTODY AND VISITATION DISPUTES

While there are many divorced parents, there are no divorced children. Dissolution of a marriage does not dissolve the parent child relationship. To the extent it is within the court's power, a minor child's association with both of his divorced parents should be as open and unrestricted as possible under the circumstances. Any court orders that needlessly suppress the development or continuation of full and rich association between parent and child do not serve the child's best interests.

A brief overview of the law is provided to assist an attorney in preparing a defense. It is not designed to equip the non-attorney with the knowledge necessary to conduct his or her own case. While the decision to represent oneself is a personal matter, it should be understood that this overview is not a substitute for competent legal representation.

The Best Interests of the Child

All jurisdictions¹ look to the child's welfare and best interests as the paramount consideration in child custody cases. While ensuring a

¹ Ala. Code § 30-3-1 (1996); Alaska Stat § 25.20.060 (1996); Ariz. Rev. Stat. Ann. § 8-525 (1996); Ark. Code Ann. § 9-13-203 (1995); Cal. Family Code § 3011 (1996); Colo. Rev. Stat. § 14-10-124 (1996); Conn. Gen. Stat. Ann. § 46b-56 (1997); Del. Code Ann. tit. 13, § 722 (1996); D.C. Code Ann. § 16-914 (1996); Fla. Stat. Ann. § 61.13 (1996); Ga. Code Ann. § 19-9-1 (1997); Haw. Rev. Stat. § 571-46 (1996); Idaho Code § 32-717 (1997); Ill. Comp. Stat. Ann. eh. 750 § 5/602 (1997); Ind. Code Ann. § 31-1-11.5-21 (1996); Iowa Code Ann. § 598.41 (1996); Kan. Stat. Ann. § 60-1610(a)(3) (1996); K.y. Rev. Stat. Ann. § 403.270 (1996); La. Civ. Code Ann. art. 131 (1996); Me. Rev. Stat. Ann. tit. 19, § 752(5) (1996); Md. Code Ann., Family Law § 9-204(a)(2) (1996); Mass. Ann. Laws eh. 208, § 31 (1996); Mich. Comp. Laws Ann. § 722.23 (1996); Minn. Stat. Ann. § 518.17 (1996); Miss. Code Ann. § 93-5-24 (1996); Mo. Aim. Stat. § 452.375 (1996); Mont. Code Ann. § 40-4-212 (1996); Neb.

child's best interests is ideally the objective in every custody or visitation dispute, attaining that ideal is difficult. Assessing which factors promote or hinder a child's best interests² is a highly subjective task.

Assumptions about which interests are "best" for a child undoubtedly have been shaped by history and dominant social customs. While such cultural influences are not inherently problematic, they may allow stereotypes to color which interests are considered "best" for a child when one parent has embraced the values of a misunderstood and consequently unpopular minority. Courts must be careful not to consciously or unconsciously adopt some standardized "all American" ideal as their guide to ensuring a child's best interests. As the Supreme Court said in *Meyer v. Nebraska*, 262 U.S. 390, 402, 43 S. Ct. 625, 628 (1923), the state's

Rev. Stat. § 42-364 (1996); Nev. Rev. Stat. Ann. § 125.480 (1995); N.H. Rev. Stat. Ann. § 458:17 (1995); N.J. Stat. Ann. § 9:2-4 (1996); N.M. Stat. Ann. § 40-4-9 (1997); N.Y. Dom. Rei. Law § 240 (1997); RC. Gen. Stat § 50-13.2 (1996); N.D. Cent. Code§ 14-09-06.1 (1997); Ohio Rev. Code Ann.§ 3109.04 (1997); Okla. Stat. Ann. tit. 43, § 109 (1996); Or. Rev. Stat. § 107.137 (1995); Pa. Stat. Ann. tit. 23, § 5301 (1996); R.L Gen. Laws § 15-14-2 (1996); S.C. Code Ann. § 20-3-160 (1996); S.D. Codified Laws Ann. § 25-5-7.1 (1997); Tenn. Code Ann. § 36-6-101 (1996); Tex. Family Code Ann. § 153.002 (1995); Utah Code Ann..§ 30-3-10 (1996); Vt. Stat. Ann. tit. 15, § 665 (1996); V a. Code Ann. § 20-1 24.3 (1997); Wash. Rev. Code Ann. § 26.09.184 (1996); W. Va. Code§ 48-2-15 (1996); Wis. Stat. Ann.§ 767.24 (1997); Wyo."Stat. § 20-2-113 (1997). See generally 1 J. Atkinson, *Modem Child Custody Practice* § 4.02 (1986); 2 J. McCahey, M. Kaufman, C. Kraut, D. Gaffner, M. Silverman & J. Zett, *Child Custody & Visitation Law and Practice* § 10.02 (1989).

² As § 402 of the Uniform Marriage and Divorce Act, 9A U .L.A. 628 (1970), shows, the "best interests" of the child typically includes (but is not limited to): (a) the wishes of the child's parent or parents; (b) the wishes of the child; (c) the interaction and interrelationship of the child with his or her parent or parents, siblings, and any other person who may significantly affect the child's best interest; (d) the child's adjustment to home, school, and community; (e) the mental and physical health of all individuals involved.

desire “to foster a homogeneous people with American ideals” does not justify interference with fundamental constitutional rights.³

Religion--A Factor In Custody Disputes

While state and federal- constitutional provisions protect free exercise of religion, freedom of speech and association, parental autonomy, and freedom from state imposed religion it is generally accepted that the child's best interests is a state interest of superior importance to the parent's constitutionally protected rights. Therefore, although trial courts endeavor to maintain a position of impartiality toward religious affiliation and training, religion may become a factor which is properly considered by the trial court.

Religion is properly considered in a custody determination only when one parent establishes that exposure to the other parent's religion is harmful to the child. This harm is not some distant ill-defined emotional or psychological harm, rather there must be an affirmative showing that the child's welfare is imminently and substantially threatened by exposure to the parent's religious beliefs. Once the threshold evidence has been presented that harm exists, one commentator summarized the court's task as follows:

In cases where threatened harm resulting from religious beliefs is alleged, the court should make a factual finding regarding the imminence and substantiality of the threat. If the threat is imminent and substantial, the court may consider those beliefs

³ See also *Moore v. City of E. Cleveland*, 431 U.S. 494, 506, 97 S. Ct. 1932, 1939 (1977) (“Constitution prevents [the state] from standardizing its children - and its adults-by forcing all to live in certain narrowly defined family patterns.”); *Pierce v. Society of the Sisters*, 268 U.S. 510, 535, 45 S. Ct. 571, 573 (1925) (“The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to standardize its children. . . . The child is not the mere creature of the state.”)

in making the custody award. However, if there is an alternative less restrictive than depriving the parent of custody, then the court must pursue that less restrictive infringement on the parent's constitutional rights.

Mangrum, Exclusive Reliance on Best Interest May Be Unconstitutional: Religion as a Factor in Child Custody Cases, 15 Creighton L. Rev. 25, 71 (1981) [hereinafter, Mangrum, Exclusive Reliance on Best Interest]. The crucial need for clear and convincing evidence of immediate and substantial harm as opposed to evidence that amounts to nothing more than religious prejudice or speculation about some uncertain emotional or psychological harm to the child has been recognized by numerous courts that have considered this issue. See, e.g., *Palmer v. Palmer*, 249 Neb. 814, 545 N.W.2d 751 (Neb. 1996); *In re Weiss*, 49 Cal. Rptr. 2d 339, 42 Cal. 4th 106 (1995); *Mesa v. Mesa*, 652 So. 2d 456 (Fla. 4th Dist. Ct. App. 1995); *De Luca v. De Luca*, 6.09 N.Y.S.2d 80 (2d Dept. 1994); *Osteraas v. Osteraas*, 859 P.2d 948 (Idaho 1 993); *Kirchner v. Caughey*, 326 Md. 567, 606 A.2d 257 (1992); *Pater v. Pater*, 588 N.E.2d 794 (Ohio 1992); *LeDoux v. LeDoux*, 452 N.W.2d 1 (Neb. 1990); *Zummo v. Zummo*, 574 A.2d 1130 (Pa. Super. 1990); *Khalsa v. Khalsa*, 751 P.2d 715 (N.M. Ct. App.), cert. denied, 751 P.2d 700 (N.M. 1988); *Hanson v. Hanson*, 404 N.W.2d 460 (N.D. 1987); *In re Marriage of Mentry*, 190 Cal. Rptr. 843 (Ct. App. 1983); *In re Marriage of Hadeen*, 619 P.2d 374 (Wash. 1980); see also *Felton v. Felton*, 418 N.E.2d 606 (Mass. 1981); *Waites v. Waites*, 561 S.W.2d 326 (Mo. 1978); *Johnson v. Johnson*, 564 P.2d 71 (Alaska 1977), cert. denied, 434 U.S. 1048 (1978); but see *In re Marriage of Short*, 698 P.2d 1310 (Colo. 1985); *Morris v. Morris*, 412 A.2d 139 (Pa. Super. 1979); *Clift v. Clift*, 346 So. 2d 429 (Ala. Civ. App.), cert. denied, 346 So. 2d 439 (Ala. 1977).

"the need for clear and affirmative evidence that the threatened danger is immediate and substantial is especially important when the court is faced with allegations of religion-based harm to a child's

"normalcy." Without the prerequisite of clear and affirmative evidence of immediate and substantial danger, expert and non-expert predictions of psychological harm due to a parent's 'abnormal' religious beliefs can easily result in curtailment of a parent's fundamental freedoms.

Civil courts lack the competence to judge the "normalcy" or relative merits of different religions. As the United States Supreme Court emphasized over 100 years ago, "The law knows no heresy, and is committed to the support of no dogma, the establishment of no sect." *Watson v. Jones*, 80 U.S. (13 Wall.) 679, 728 (1872). "[R]eligious beliefs need not be acceptable, logical, consistent, or comprehensible to others in order to merit First Amendment protection." *Thomas v. Review Bd. of Indiana Employment Sec.*, 450 U.S. 707, 714, 101 S. Ct. 1425, 1430 (1981).

By what standard is a secular court to judge the essential features of competing religions? The federal district court in *Barnette v. West Virginia State Board of Education*, 47 F. Supp. 251 (S.D. W. Va. 1942), *aff'd*, 319 U.S. 624, 63 S. Ct. 1178 (1943), described the futility of such an undertaking:

Courts . . . have' nothing to do with determining the reasonableness of [religious] belief. That is necessarily a matter of individual conscience. There is hardly a group of religious people to be found in the world who do not hold to beliefs and regard practices as important which seem utterly foolish and lacking in reason to others equally wise and religious; and for the courts to attempt to distinguish between religious beliefs or practices on the ground that they are reasonable or unreasonable would be for them to embark upon a hopeless undertaking and one which would inevitably result in the end of religious liberty.

Id. at 253.⁴ If a parent's religious beliefs or practices are not illegal, immoral or inimical to public health, welfare or social order, what basis is there for burdening that parent's religious freedom? See *Wisconsin v. Yoder*, 406 U.S. 205, 92 S. Ct 1526 (1972); *Stone v. Stone*, 133 P.2d 526 (Wash. 1943).

Burdening a parent's fundamental constitutional rights runs headfirst into a long line of United States Supreme Court precedent establishing

⁴ In *United States v. Ballard*, 322 U.S. 78, 86-87, 64 S. Ct. 882, 886-887 (1944), a case involving criminal sanctions rather than the denial of child custody or Visitation because of religious belief and practice, the United States Supreme Court described not only the unconstitutionality but the hopelessness of a secular court's examination of religion.

[The First Amendment] embraces the right to maintain theories of life and of death and of the hereafter which are rank heresy to followers of the orthodox faiths. Heresy trials are foreign to our Constitution. Men may believe what they cannot prove. They may not be put to the proof of their religious doctrines or beliefs. Religious experiences which are as real as life to some may be incomprehensible to others. Yet the fact that they may be beyond the ken of mortals does not mean that they can be made suspect before the law. Many take their gospel from the New Testament But it would hardly be supposed that they could be tried before a jury charged with the duty of determining whether those teachings contained false representations. The miracles of the New Testament, the Divinity of Christ, life after death, the power of prayer are deep in the religious convictions of many. If one could be sent to jail because a jury in a hostile environment found those teachings false, little indeed would be left of religious freedom. The Fathers of the Constitution were not unaware of the varied and extreme views of religious sects, of the violence of disagreement among them, and of the lack of any one religious creed on which all men would agree. They fashioned a charter of government which envisaged the widest possible toleration of conflicting views. Man's relation to his God was made no concern of the state. He was granted the right to worship as he pleased and to answer to no man for the verity of his religious views.

that the state has no power to intervene against parental control simply to ensure that the child's development will be "normal." Likewise, in custody cases where unorthodox religious beliefs are involved, the court cannot constitutionally prefer one parent simply because that parent's religious beliefs are more conducive to the child's "normal" development.

. . . [W]here religious beliefs merely affect the normalcy of the home environment, particularly as regards civic duties and social opportunities, it would be unconstitutional to consider such beliefs as part of the best interests equation in deciding custody issues.

Mangrum, Exclusive Reliance on Best Interest, 15 Creighton L. Rev. at 68, 72-73. As the court said in *Clifl v. Clifl*, 346 So. 2d 429 (Ala. Civ. A pp. 1977): "Questions regarding the celebration of Christmas and birthdays or relating to participation in the electoral process or military service are [N]ot within the ambit of religious views which may reasonably be construed as endangering the mental or physical health of the child." *Id.* at 435; accord *Smith v. Smith*, 367 P.2d 230, 233 (Ariz. 1961); *Cory v. Cory*, 161 P.2d 385 (Cal. Ct. App. 1945). More recently, the Supreme Court of Ohio has held that "custody may not be denied to a parent solely because she will not encourage her child to salute the flag, celebrate holidays, or participate in extracurricular activities." *Pater v. Pater*, 588 N.E.2d 794, 797 (Ohio 1992).

More is needed than speculation and surmise, even if by mental health experts. While laymen and experts are entitled to their private opinions and prejudices, trial courts, as arms of the state, are not at liberty to adopt such discriminatory thinking under the guise of the child's "best interests." *Palmore v. Sidoti*, 466 U.S. 429, 433, 104S. Ct 1879, 1882 (1984); *Khalsa V. Khalsa*, 751 P.2d 715 (N.M. Ct App), cert. denied, 751 P.2d 700 (N.M. 1988). The religious intolerance and bias of one parent or even a mental health expert

or judge should never be allowed to determine child custody. If evidence against the Witness parent's religion amounts to nothing more than prejudicial expert or non-expert speculation about vague emotional or psychological harm, the court must be vigilant in upholding fundamental constitutional rights when the exercise of such rights in fact poses no immediate and substantial harm to the child.

Religion – A Factor In Visitation Rights Cases

When the non-custodial parent is a member of a “minority” religion, the “majoritarian” parent often argues that exposure to the non-custodial parent's religion during periods of visitation will be harmful and that the non-custodial parent should be restricted from having the child accompanying him or her to religious services during periods of visitation.

Ready assumptions about confusion and conflict unavoidably flowing from exposure to different religions are not supported by the psychological literature. As the following excerpts show, religious differences between parents do not automatically lead to confusion, conflict, and harm:

[L]ittle difference is evident between children of mixed and homogamous marriages. The data relevant to this point does not substantiate previous research which suggested that children from mixed marriages would be more psychologically “unstable” than children from homogamous marriages.

Frideres, *Offspring of Jewish Inter-marriage: A Note*, 35 *Jewish Soc. Stud.* 149, 156 (1973).

Both parents should actively participate in the religious upbringing of the children and not view the responsibility as one of passive “non-interference.” Pedagogically as well as pastorally the combined

religious influence of both parents is most important.

Lynch, *Mixed Marriages in the Aftermath of "Matrimonia Mixta,"* 11 *J. Ecumenical Stud.* 637, 653 (1974). See also Sanua, *Religion, Mental Health, and Personality: A Review of Empirical Studies*, 125 *Am. J. Psychiatry* 1203 (1969).

To assume that young children will be torn because of their parent's supposed religious differences is pure speculation. Such speculation ignores both the uncertainty and error of psychological prediction, as well as the benefit the child will gain from being exposed to the values and convictions of both of his parents.

There are a variety of sources available which may be useful in showing that exposure to both parents' religious beliefs can be helpful and stimulating. For their children's benefit, parents of differing religions are encouraged to expose their children to the religions of both parents. Author Lee F. Gruzen gives the following advice:

Accept the fact that differences are part of the Jewish/ Christian experience. . . . Be patient. . . . Enjoy what's common and shared. . . . Enjoy the diversity. . . .

Here are [four] recommendations that have a special application to today's interfaith parents raising Jewish/ Christian children.

1. Be clear and honest from the start. . . . 2. Offer children a fair, informed exposure to both faiths, no matter what religious choices the family has made. . . . 3. Be prepared for the realities of organized religion. . . . 4. Last of all, free them for their own choices.

L. Gruzen, *Raising Your Jewish/Christian Child--Wise Choices for Interfaith Parents* 36-41, 143-149 (1987).

On the-issue of diversity, Judy Petsonk and Jim Remsen, authors of *The Intermarriage Handbook – A Guide for Jews and Christians* (1988), encourage parents to affirm their children's religious/ cultural duality and note the importance of full exposure to both religious and cultural differences in the family. These authors agree with Steven Carr Reuben that the worst message we can send children of a mixed faith background is that the religious faith of one parent is bad or unimportant.

Children are confused when parents live lives of denial, confusion, secrecy, and avoidance of religious issues. When parents are open, honest, clear about their own beliefs, values, and patterns of celebration, children grow up with the kind of security and sense of self-worth in the religious realm that is so crucial to the development of their overall self-esteem and knowledge of their place in the world.

S. Reuben, *Raising Jewish Children In a Contemporary World* 115 (1992).

Similar statements have been expressed by the judiciary in different states. For example, the Supreme Judicial Court of Massachusetts noted:

The law, however, tolerates and even encourages up to a point the child's exposure to the religious influences of both parents although they are divided in their faiths. This, we think, is because the law sees a value in “frequent and continuing con-

tact” of the child with both its parents [citation omitted] and thus contact with the parents' separate religious preferences. There may also be a value in letting the child see, even at an early age, the religious models between which it is likely to be led to choose in later life. And it is suggested, sometimes, that a diversity of religious experience is itself a sound stimulant for a child. See *Smith v. Smith*, 90 Ariz. 190, 194, 367 P.2d 230 (1961) (en banc) [footnote omitted].

Felton v. Felton, 418 N.E.2d 606, 607-08 (Mass. 1981).

A Pennsylvania appellate court made a similar expression when it observed:

It is important for courts to impose restrictions sparingly. [Citation omitted.] Courts ought not to impose restrictions which unnecessarily shield children from the true nature of their parents unless it can be shown that some detrimental impact will flow from the specific behaviour of the parent. The process of the children's maturation requires that they view and evaluate their parents in the bright light of reality. Children who learn their parents' weaknesses and strengths may be able better to shape lifelong relationships with them.

Fatemi v. Fatemi, 489 A.2d 798, 801 (Pa. Super. 1985).

Also note the following comments from the Supreme Court of Arizona:

The foregoing should be dispositive of the appeal, however, there is a suggestion that the practices by appellant of her beliefs were injurious to the child. Appellee points to the language of the trial court:

“* * * and I think I must recognize that any deviation from the normal school routine brings a certain amount of ridicule and criticism to the child which is, of course, the basis of implanting neuroses in the child.”

We are not unaware that deviation from the normal often brings ridicule and criticism. We reject, however, the notion that it is necessarily the basis for implanting neuroses. Criticism is the crucible in which character is tested. Conformity stifles the intellect fathering decadency. New ideas are the rungs upon which mankind supports itself in the long climb to perfection. It is sufficient to say until then, man's personality is not to be warped into a universal mould. A judgment supported only by the tenuous threads of a possible neuroses derived from deviation in normal activities will not withstand the thrust of constitutional guarantees.

Smith v. Smith, 367 P.2d 230, 233 (Ariz. 1961).

For this reason, state appellate courts that have considered the issue of when the non-custodial parent's right to expose the child to his or her religious beliefs can be restricted have unanimously held to the rule of law that restrictions on religious freedom are an abuse of discretion and contrary to the best interests of the minor child unless there is a clear and affirmative showing of present or immediate harm as a direct result of such exposure. See *Pater v. Pater*, 588 N.E.2d 794 (Ohio 1992); *LeDoux v. LeDoux*, 452 N.W.2d 1 (Neb. 1990); *Zummo v. Zummo*, 574 A.2d 1130 (Pa. Super. 1990); *Khalsa v. Khalsa*, 751 P.2d 715 (Ct. App.), cert. denied, 751 P.2d 700 (N.M. 1988); *Petition of Deierling*, 421 N.W.2d 168 (Iowa Ct. App. 1988); *Hamon v. Hanson*, 404 N.W.2d 460 (N.D. 1987); *Matter of Marriage of Knighton*, 723 S.W.2d 274 (Tex. App. 1987); *Kelly v. Kelly*, 524 A.2d 1330 (N.J. Super. 1986); *In re Marriage of Mentry*, 190 Cal. Rptr. 843 (Ca. Ct. App. 1983); *Sanborn v. Sanborn*, 465 A.2d 888 (N.H. 1983);

Fisher v. Fisher, 324 N.W.2d 582 (Mich. Ct. App. 1982); Felton v. Felton, 418 N.E.2d 606 (Mass. 1981); In re Marriage of Hadeen, 619 P.2d 374 (Wash. App. 1980); In re Marriage of Murga, 163 Cal. Rptr. 79 (Ca. App. 1980); Osier v. Osier, 410 A.2d 1027 (Me. 1980); Compton v. Gilmore, 560 P.2d 861 (Idaho 1978); Robertson v. Robertson, 515 P.2d 1092 (Wash. App. 1978); Harris v. Harris, 343 So. 2d 762 (Miss. 1977); Munoz v. Munoz, 489 P.2d 1133 (Wash. 1971).

LITIGATION STRATEGIES

Alternative Dispute Resolution (A.D.R.)

Alternative Dispute Resolution (A.D.R.) includes various non-litigation methods devised to resolve differences that would otherwise be decided by a judge in a courtroom. A variety of factors including lack of physical space, increasing judicial caseloads, and attorney preference are making A.D.R. options more popular for resolving matrimonial disputes.

The primary forms of A.D.R. are mediation and arbitration. Many states have compulsory mediation for questions concerning custody and visitation rights. In the mediation process, a neutral person, the mediator, attempts to help the parents to reach their own settlement. The mediator has no authority to compel the parents to accept the binding decision. Generally there is no hearing, and any decision reached by the mediator cannot be enforced in a court.

Arbitration differs from mediation. In arbitration, the parents, through the attorney, agree on a neutral third party—generally a single attorney or a panel of attorneys—to act as a judge in an adjudicatory-type hearing. The arbitrator has authority to render a final and binding judgment that is enforceable in a court of law. Obviously these A.D.R. options should be carefully and prayerfully considered. You should have the advice of your lawyer before entering into either mediation or arbitration.

Arbitration and mediation differ in other aspects. Here are some features that you may consider and discuss more fully with your attorney:

- (1) In arbitration, the arbitrator listens to your testimony and the testimony of the other witnesses, then makes a final decision of

your case. The arbitrator is solely responsible for the quality of the decision. In mediation, the mediator assists parents to facilitate an amicable compromise or settlement. The mediator's objective is to remain neutral concerning the outcome and leave the parents completely responsible for the quality of the decision.

- (2) In arbitration, the arbitrator has certain authority to enforce the judgment. The arbitrator can limit the exchange of information between the parents and can define the scope of the information and type of communication. Most importantly, the arbitrator assesses and evaluates the facts presented. In mediation, the mediator may become more involved with the parties and solicit background information that an arbitrator would not consider. The mediator encourages and facilitates communication between the parents and attempts to provide additional information that broadens the scope of exchanges between the parents.
- (3) Generally an arbitrator is an attorney. The arbitrator has control of the type of evidentiary and substantive law, as well as the procedural rules that will be used in your arbitration. Attorneys who advocate the advantages of the arbitration process feel it is superior, because they can select an attorney who has an expert's knowledge of the law and social issues affecting divorce and custody litigation. Thus the arbitrator can apply this knowledge and experience and, at the same time, remain neutral toward the parties. On the other hand, a mediator is more likely to have a social science background with understanding of the social process involving dispute resolution divorce, as well as related issues, such as domestic violence, substance abuse, spousal abuse, or child development. Unlike the arbitrator, the mediator has no legal authority over the parents. In mediation there is less emphasis on legalities and more emphasis on understanding the dynamics of the family.

(4) A.D.R may be financially less expensive and less emotionally stressful than protracted litigation before a judge.

Obviously there are benefits and detriments to any A.D.R. process. For example, one potential benefit in selecting arbitration is that the parties actually choose the arbitrator, thus reducing the risk of a biased or ineffective trial judge. Others may favour A.D.R. because it may offer greater speed toward resolution. The swiftness of the process may itself reduce the time and stress for parents and children. Some have found that A.D.R. presents a less formal process, with less anxiety than a formal courtroom setting.

There are also potential detriments to consider. An arbitrator's conclusion is binding on the parties and may not give the parents opportunity to make an appeal to an appellate court if they are dissatisfied with the arbitrator's judgment. Likewise, because the arbitration system is less formal, the arbitrator may not be bound by certain rules of evidence, procedure, or law that may operate to protect certain rights. Most important is the fact that, while some states may permit arbitrators to make decisions concerning property settlement and equitable distribution, some state statutes do not allow the use of arbitration to settle custody and visitation issues.

Mediation also has its advantages and disadvantages. Mediation research studies indicate that clients are able to reach an agreement between 50% to 85% of the time. Similar studies indicate that resolutions are generally attained more quickly and more inexpensively by mediation than by litigation. In certain states, in an effort to reduce judicial caseload and encourage settlement, mediation is a prerequisite to a court appearance, mediation may be less confrontational, and a skilful mediator can do much to minimize stress and conflict between divorcing parties. On the other hand, a partial or prejudiced mediator may actually embolden or empower one parent to unreasonably resist overtures for settlement. Similarly, mediation is not bound by rules of evidence or rules of legal

that would constrain a trial judge, thus exposing the parent to the mediator's personal prejudice or lack of experience. Yet, mediation may help entrenched parents to soften their claims, broaden their perspective, and learn new methods of communicating and problem solving. Thus, the mediation process will help parents in the divorce process and throughout their relationship as parents with minor children. However, many feel that mediation will not be effective in situations where either physical or emotional domestic abuse has occurred.

Alternative Dispute Resolution options may offer the Christian parent an opportunity to “let your reasonableness become known to all men.” (Philippians 4:5) By remembering and applying the “Golden Rule,” a Christian parent can have success in these settings. (Matthew 7: 12; Luke 6:31) Professionals such as your lawyer, arbitrators, or mediators will no doubt appreciate your openness and willingness to resolve your differences with a view toward serving the best interests of your children.

Settlement

Settlement between the parties is always favoured over litigation. As long as the compromise does not infringe the parent's or child's conscience, every reasonable effort should be made to settle the dispute. As the Awake! explained:

Obviously, when a family is broken and marriage partners are separated, neither can have exclusive control of the child. Both parents must be reasonable and willing to make some concessions. Mediation requires negotiation. Negotiation means neither parent " gets everything he or she wants. "

Never forget that the child has a right to receive input from both parents. Therefore, it would be short-sighted for one parent to demand prohibitions on a child's attendance at or participation in the religious, cultural, or social activities of the other parent when the child is with that one. Likewise, it would be inappropriate for a parent to take an absolute position on a child's school and extracurricular activities, association, recreation, or post-secondary education without due consideration for the other parent's input and the child's individual choices.

For example, in a number of custody disputes in which a parent is one of Jehovah's Witnesses and the other is not, the couple have reached an amicable settlement by agreeing that the non-Witness parent will have generous time with the children throughout the year, including holidays and other times that are of special importance to the non-Witness. The parents have agreed to allow each other to have an active input into the educational, social and medical issues affecting the children. After all, both parents brought the child into the world and thus have a natural right to have a say in his upbringing.

The Witness parent should encourage the child to respect the right of the non-Witness parent to have his own religious views and to express appreciation for that one's kindnesses and gifts. If both parents consider what is best for the children, restraint and reasonableness can prevail over emotion and bruised pride.

Awake!, October 22, 1988, page 12.

Very often visitation schedules are written providing the non-Witness parent with specific days for visitation, particularly Christmas, Easter, birthdays, and other holidays which the Witness parent does not celebrate. The non-Witness parent has every right to have these celebrations in his or her home with the child present. If there is no harm to the child, it is unreasonable to think that the Witness parent may impose his or her beliefs or values on the non-Witness parent during that one's visitation. As specific attention is given to the needs of the non-Witness parent to have the company of the minor child during these holidays, specific language can be placed in the order which assures that the child will be with the Witness parent during events which are of particular importance to Jehovah's Witnesses, for example, the Memorial of the Lord's Evening Meal, circuit assembly weekend, special assembly day, and the district convention.

As children of divorced parents grow older, they are often made to feel guilty and uncomfortable when they are subjected to abusive comments by one mate about the former mate's religion or way of life. Specific language can be used in a settlement which prohibits the parent from conduct or comments that would disturb the child. This would be particularly important if the non-Witness parent is a disfellowshipped or disassociated person, or someone who constantly criticizes the teachings of Jehovah's Witnesses. See Awake!, December 8, 1997, pages 11-12.

While, settlement is preferable to a lengthy, expensive, and emotionally-draining trial, settlement should not cost Witness parents their right to expose their children to religious activities. If such a demand is made at settlement, there is really no basis for agreement. The matter must proceed to trial and pre-trial motions or motions in limine must be made to keep religious speculation and bias out of the proceeding. If efforts to keep the trial religion-free fail, you must be prepared to defend the attack on religion on a point-by-point basis.

Exclude Religious Prejudice

Each jurisdiction has its own procedures for pre-trial motions or motions in limine to strike non-probative, prejudicial evidence. If local practice affords a motion in limine or some other pre-trial motion to exclude irrelevant, prejudicial evidence, such an evidentiary motion should be made. Such motions get the issue of religious prejudice out in the open early.

Use of Expert Testimony

1. Mental Health Experts

It is quite common in child custody and visitation litigation for the court to rely on the opinions of psychiatrists, psychologists, social workers or family therapists. Preparation is essential to make the best possible impression. Consideration of the material beginning at page 43 of this booklet prior to evaluation is recommended. Do not hesitate to seek the support of a mental health expert to defend your case.

2. “Religious” Experts

On occasion non-Witness parents have enlisted the support of former Jehovah's Witnesses who use custody cases in order to voice their complaints about their experiences with Jehovah's Witnesses. These “religious” experts have no place in a custody or visitation rights case. Commenting on one ex-Witness’ testimony, the Supreme Court of Ohio wrote:

A showing that a child's mental health will be adversely affected requires more than proof that a child will not share all of the beliefs or social activities of the majority of his or her peers. A child's social adjustment is very difficult to measure, and the relative importance of various social activities is an extremely subjective matter. [Footnote omitted] For these reasons, a court must base its decision that a particular religious practice will harm the mental health of a child on more than the fact that the child will not participate in certain social activities. [Footnote omitted] A parent may not be denied custody on the basis of his or her religious practices unless there is probative evidence that those practices will adversely affect the mental or physical health of the child. Evidence that the child will not be permitted to participate in certain social or patriotic activities is not sufficient to prove possible harm.

. . . This [ex-Witness’] testimony was a blatant attempt to stereotype an entire religion.

Pater v. Pater, 588 N.E.2d 794, 799-800 (Ohio 1992).

If the non-Witness parent attempts to offer testimony of this nature, the Witness parent should immediately inform the body of elders, who in turn should call the Watchtower Society's Legal Department for assistance in excluding such unfair and prejudicial testimony before trial.

3. Character Witnesses

Character witnesses, such as employers, teachers, principals, physicians, or baby-sitters, can be excellent sources of supporting evidence about one's fitness as a parent. Members of the congregation may also be used as character witnesses. However, if you require an expert on the teachings and beliefs of Jehovah's Witnesses, it would be preferable to contact the Watchtower Society's Legal Department for qualified candidates.

Impact of Extended Family

While the trial court is primarily concerned with the fitness of each parent, certainly one of the factors it may consider is the ability of each parent to provide meaningful access and relationships with the extended family. On occasion conversion to a different religion brings about a good deal of acrimony and alienation among close family members. Sometimes the Witness parent's own mother or father or in-laws may testify against the Witness because of that one's conversion.

While there may be little that can be done in the short term to re-establish good communication, still, every effort should be made to show that the child's relationship with these grandparents or extended family members is not jeopardized.

PREPARE TO GIVE EFFECTIVE TESTIMONY

Wise King Solomon advised: “Do not go forth to conduct a legal case hastily, that it may not be a question of what you will do in the culmination of it when your fellow man now humiliates you.” (Proverbs 25:8) Admonishing the listener not to proceed “hastily” advises the reader that preparation is necessary for success in a legal matter. While amicable resolution of a family problem is always advisable, there may be situations in which a Christian parent cannot reasonably avoid appearing in court and offering testimony. Testimony may be taken in two settings. Most people are familiar with the courtroom setting, but you may be called upon by your adversary's attorney to give a pre-trial deposition.

A pre-trial deposition, or examination before trial, is very similar to testimony you will give in a courtroom. The setting will be less formal, because you may be in an attorney's office. However, your testimony at deposition is very important, because your statements are made while you are under oath. Your opposing counsel's objective in a pre-trial deposition is to gain information from you that may be used to discredit you during trial. Therefore, careful preparation with your attorney is essential.

Since an oath to tell the truth is administered by the court reporter or a court clerk in a deposition and at trial, a Christian would want to conscientiously consider the question of oath-taking (Insight on the Scriptures, Volume II, pages 517, 518, and 1162), as well as the responsibility to tell the truth. Christians have the reputation as truth tellers and The Watchtower has admonished its readers: “Should circumstances require a Christian to take the witness stand and swear to tell the truth, then, if he speaks at all, he must utter the truth.” – The Watchtower, June 1, 1960, pages 352.

In addition to these Scriptural principles, your lawyer will discuss your testimony with you to help you present your case in a manner that is honest, reasonable, and convincing. (Proverbs 18:17)

Standard advice that attorneys may give their clients when preparing for a deposition or oral testimony before a judge includes the following simple reminders:

- (1) Tell the truth.
- (2) Listen very carefully to the attorney's questions.
- (3) Never answer a question that you do not fully understand.
- (4) Limit your answer to the scope of the question.
- (5) Never guess about an answer. If you do not know the proper answer, then you should admit that and say: "I do not know the answer."
- (6) Do not try to memorize your testimony.
- (7) Once you hear a question and think you understand it, pause before answering so that the attorney may have opportunity to object; meanwhile, use the opportunity to think about how you will answer. Never be afraid to admit that you have met with your attorney and discussed this matter. That is why you have an attorney.
- (8) If your attorney objects to a question, stop talking and do not interfere with the discussion between the attorneys. If your attorney directs you not to answer a question, then do not answer it.
- (9) Remember that the court reporter can only record verbal expressions, so do not respond by nodding or shaking your head or making any other gesture.
- (10) If a question confuses you, do not answer it. Ask the attorney to clarify the question.
- (11) Dress appropriately. The impression you give the judge, opposing counsel, and the court officials should be a positive one.

**SAMPLE CROSS-EXAMINATION
QUESTIONS THAT THE
WITNESS PARENT COULD FACE**

Cross-examination gives the opposing attorney the opportunity to question you after you have been questioned by your own attorney. The opposing attorney's objectives are threefold: (1) to elicit information that will help his client; (2) to try to expose inconsistencies in your own testimony; and (3) to impeach your credibility. Your best defense during cross-examination is to answer: (1) honestly; (2) briefly; and (3) directly.

Cross-examination questions are typically structured to limit your response to simple "yes" or "no" answers. For example, a typical question might be: "Isn't it true that you would never consent to a blood transfusion for your child?" You will be required to answer the question. However, you will be able to explain your answer. If you have to answer a question by "yes" or "no" and you feel that an explanation would help you, make sure you let the judge know you want to give an immediate explanation.

Here are sample questions together with references to some of the Watchtower Society's publications containing background information which might be helpful. Of course, you should answer in your own words from your own mind and heart. You will want to listen carefully to the judge's or attorney's question before giving an answer. If you do not understand the question, you should tell the attorney that you do not understand the question before you begin to answer.

Holidays:

When answering questions about holidays, we want to remember that many people view our religion as a litany of negative responses. Therefore, when possible, add some positive statement which emphasizes the benefit to ourselves and our children when we refrain from a celebration or holiday. For example, rather than simply saying “No, I don’t celebrate Christmas,” you may respond in the affirmative: “No, after a careful investigation of the Scriptures and the historical background of Christmas, my family and I concluded that the celebration of Christmas was not necessary to have God’s approval. We have decided not to limit our gift-giving and family gatherings to specific predetermined dates, but would rather enjoy these activities year round.” See also *The Watchtower*, October 15, 1992, page 18, paragraph 21.

While the question of the basis of religious beliefs really should be irrelevant to the court's consideration, a trial judge will be interested in knowing how your religious practice will affect your children. The judge may view the children as “deprived.” Under such circumstances, you will want to make it clear to the court that you respect the non-Witness parent's right to celebrate these holidays and that you respect the non-Witness parent's right to celebrate these holidays with your children. As the *Awake!* has pointed out:

Never forget that the child has a right to receive input from both parents. Therefore, it would be short-sighted for one parent to demand prohibitions on a child’s attendance at or participation in the religious, cultural, or social activities of the other parent when the child is with that one. Likewise it would be inappropriate for a parent to take an absolute position on a child’s school and extracurricular activities, association, recreation, or post-secondary education without due consideration for the other parent's input and the child’s individual choices.

For example, in a number of custody disputes in which a parent is one of Jehovah's Witnesses and the other is not, the couple have reached an amicable settlement by agreeing that the non-Witness parent will have generous time with the children throughout the year, including holidays and other times that are of special importance to the non-Witness. The parents have agreed to allow each other to have an active input into the educational, social, and medical issues affecting the children. After all, both parents brought the child into the world and thus have a natural right to have a say in his upbringing.

The Witness parent should encourage the child to respect the right of the non-Witness parent to have his own religious views and to express appreciation for that one's kindnesses and gifts. If both parents consider what is best for the children, restraint and reasonableness can prevail over emotion and bruised pride.

Awake!, October 22, 1988, page 12.

More recently, the Awake! stated:

No parent should forget that even after divorce, the child still has two parents. The parents have divorced each other but have not divorced the child. Therefore, except in extreme circumstances, each parent should have the freedom to act as a parent when he or she has the child. Each should have the freedom to express his or her feelings and values and have the child share in the parent's lawful activities, religious or otherwise.

Awake!, December 8, 1997, page 10.

On the subject of holidays you may face questions such as the following:

- Do Jehovah's Witnesses celebrate Christmas? Thanksgiving? Easter? Birthdays? Halloween? Mother's Day? Father's Day? Valentine's Day? New Year's Day? St. Patrick's Day? Why?
- Are not your children deprived of the Christmas spirit?
- Most of the children in your child's class celebrate Christmas. . . , etc., don't they?
- Isn't it difficult for children to feel different from their classmates and school friends?
- Isn't it difficult for children to be Jehovah's Witnesses?
- In fact, isn't it difficult for you at times to feel different and to be one of Jehovah's Witnesses?

Religion:

Many try to portray the beliefs and practices of Jehovah's Witnesses as dogmatic and restrictive. Some who may have access to literature written by former Witnesses or persons who wish to attack the religious beliefs of Jehovah's Witnesses may even try to show that association with the congregation of Jehovah's Witnesses means that children are taught to avoid thinking for themselves or that Witnesses view anyone who is not one of Jehovah's Witnesses, including the judge and the child's non-Witness parent, as God's enemies who are not entitled to hear the truth.

When answering questions about religious beliefs and practices, emphasize the fact that you have formed your beliefs and adopted your practices after much study and reflection; your religion is not simply a matter of rules which have been imposed by others or some mysterious and distant organization. You want to emphasize the fact that you are a thinking, well-balanced, reasonable individual who is competent to act as a parent. Avoid any response which gives the impression that you are unwilling or unable to provide for your child's best interests because of your religious beliefs.

- Do you believe you have the only right religion?
- Do you believe the Catholic (or other) church is true or false?
- Do you believe all false religion is under the control of Satan?
- Is the Catholic (or other) church under the control of Satan?
- Are Catholics (or whoever) under the control of Satan?
- Is the non-Witness parent under the control of Satan?
- Will God destroy all false religion?
- As one of Jehovah's Witnesses, do you believe that only Jehovah's Witnesses will be saved?
- Will all Catholics (or whoever) be destroyed?
- Do you teach your children that the non-Witness parent's religious beliefs are wrong?
- Do you teach your children that the non-Witness parent will be destroyed by God if they do not become one of Jehovah's Witnesses?
- Is it true that there are great differences between beliefs of Catholics (or whoever) and Jehovah's Witnesses?
- Can you be one of Jehovah's Witnesses and a Catholic (or whoever) at the same time?
- If you cannot be one of Jehovah's Witnesses and a Catholic (or whoever) at the same time, how can you expect your child to be?
- Will you teach your children that both your church and the Catholic (or other) church are right?
- Won't your children be confused by being taught two religions?
- If your son/daughter was participating in a play or another special event at the Catholic (or other) church, would you attend?
- If a family member was being baptized, married, or a family funeral service was being given in a Catholic (or other) church, would you attend?
- How would you feel if one child decided he/she did not want to be one of Jehovah's Witnesses and chose to belong to another church?
- Would you still love that child?

- If one child decided he/she wanted to attend services of another church, would you allow him/her to do so? Would you accompany him/her?

Blood:

Some confuse the Bible's teaching on the use of blood and blood products with the position of other religions that refuse all medical treatment. You want to show that you are a loving, caring parent who wants the best medical care possible for your children. Explain that you are aware of many serious and possibly fatal dangers from blood and that you have made arrangements with your doctor to provide alternative non-blood management of your children's medical and surgical needs. Acknowledge that your former mate properly has a right to have a say in any medical decisions involving the children. See *Awake!*, December 8, 1997, page 10; *Awake!*, October 22, 1988, page 12. Stress the fact that you want the best available medical treatment for yourself and your children and that avoidance of blood, in your opinion and the opinion of many in the medical community, is a sound, healthful course.

In preparing your comments, it may be helpful to review the Appendix in this booklet and the following publications:

“Questions From Readers,” “Would it be proper to accept a vaccination or some other medical injection containing albumin derived from human blood?” *The Watchtower*, October 1, 1994, page 31.

Jehovah's Witnesses and the Medical Profession Cooperate,” *Awake!*, November 22, 1993, pages 24-27.

“Preventing and Controlling Hemorrhaging Without Blood Transfusion,” *Awake!*, November 22, 1991, page 10.

“Questions From Readers,” “Do Jehovah's Witnesses accept injections of a blood fraction, such as immune globulin or albumin?” *The Watchtower*, June 1, 1990, page 31.

“Questions From Readers,” “Would you accept an autologous⁵ blood transfusion?” *The Watchtower*, March 1, 1989, pages 30-31.

“Acting in Your Child's Best Interests,” *Awake!*, October 22, 1988, page 12.

Reasoning Book, page 74.

“Questions From Readers,” “Could a Christian accept a bone-marrow transplant, since blood is made in the marrow?” *The Watchtower*, May 15, 1984, page 31.

“Questions From Readers,” “Is there any Scriptural reason why Jehovah's Witnesses should not accept blood substitutes or 'artificial blood'?” *The Watchtower*, January 15, 1984, page 31.

“Questions From Readers,” “Should congregation action be taken if a baptized Christian accepts a human organ transplant, such as of a cornea or a kidney?” *The Watchtower*, March 15, 1980, page 31.

⁵ Autologous means “derived from the same individual.” In this context, it means use of your own blood. Homologous means “derived from or developed in response to organisms of the same species.” In this context, it means use of someone else's blood.

“Questions From Readers,” “Are serum injections compatible with Christian belief?” The Watchtower, June 15, 1978, pages 30-31.

Here are just a few sample questions that you might expect:

- Do you teach that it is better to die than to take a blood transfusion?
- Is it true that only a minority of doctors are willing to try alternative bloodless treatment?
- Isn't it true that it may not be possible to find a doctor who will use bloodless alternatives? What if the only available doctor said there were no alternatives? Would you prefer to see your child die?
- Would you ever consent to your child being given a blood transfusion?
- What if the doctors said your child would die without a blood transfusion?
- If the doctors told you that your child needed a blood transfusion, would you advise and consult your ex-wife/husband?
- How would you feel if your ex-wife/husband consented to your child being given a blood transfusion?
- Would you suffer any religious penalty if you or your child were given a blood transfusion?
- Would you be subject to alienation or disapproval from church members if you or your child were given a blood transfusion?
- Would you still love your child, even if he/she was given a blood transfusion?

Governments:

The stand which Jehovah's Witnesses take regarding governments is often misunderstood. When responding to questions regarding your view of government, accentuate the positive – you pay all your taxes, you are honest and law-abiding, you do not involve yourself in civil disobedience, and you believe that the

superior authorities, including court officials, should be obeyed and are worthy of our honour and respect. See 1 Peter 2:13, 14, 17.

- Do you vote?
- Do you stand up for the National Anthem/salute the flag?
- If the country is at war, would you fight in the military?
- Do you believe that you will be persecuted for your beliefs?
- What kind of persecution do you expect and from whom?
- Do you teach your children that they will be persecuted for their beliefs? Is that healthy for your children?
- Are your children frightened by the prospect of persecution?
- Do you believe God will destroy the governments of this world?

Satan:

Many do not consider Satan to be a real person and will find belief in Satan to be childish or fanatical. When giving an answer, distinguish the Bible's view of Satan from the cartoon character with a pitchfork, as many people view Satan. If people believe in God and His angels, why is it childish to believe that some angels chose to disobey God?

- Is Satan the ruler of the world?
- Do you believe the governments of this world are controlled by Satan?
- Are the judge and this court controlled by Satan?
- Do you teach your children that Satan controls everyone who is not one of Jehovah's Witnesses?

Armageddon:

Armageddon marks a time of destruction of the wicked, as well as the beginning of God's restoration of mankind to peace, security and good health. Emphasize the positive aspects of the event. Explain that Jehovah God has authority to judge, not individuals. See *Does God Really Care About Us?*, page 21, paragraph 16 (1992). Armageddon is not like the tragic "hellfire."

- Do you believe that we are living in the time of the end?
- Do you believe that many people and much of the world will be destroyed at Armageddon?
- Do you teach your children about Armageddon?
- Are your children not scared/upset at the prospect of their mother/father, school friends, and neighbours being destroyed at Armageddon?

Isolation:

Some critics allege that children of Jehovah’s Witnesses are a cult. As the Reasoning book explains:

A cult is a religion that is said to be unorthodox or that emphasizes devotion according to prescribed ritual. Many cults follow a living human leader, and often their adherents live in groups apart from the rest of society. The standard for what is orthodox, however, should be God's Word, and Jehovah’s Witnesses strictly adhere to the Bible. Their worship is a way of life, not a ritual devotion. They neither follow a human nor isolate themselves from the rest of society, They live and work in the midst of other people.

Reasoning from the Scriptures, page 202.

Critics may also claim that Witness children will suffer from “social isolation” because they generally do not participate in birthday and patriotic celebrations in school. This assertion ignores the fact that every child has two parents and nothing prevents the non-Witness parent from exposing the child to his or her religious or cultural events. See Awake!, October 22, 1988, page 12.

Children generally experience stress when their parents divorce. Strife at home may cause youths to isolate themselves in an effort to avoid the tensions characteristic of a disintegrating family life. That is one reason why the Watchtower Society wisely admonished parents:

Children, who have a tendency to isolate themselves must be made to feel that they are wanted and appreciated members of the family, that their thoughts, emotions and experiences are important to their parents. In the example set by their parents they need to see positive proof that real happiness comes from giving of oneself in behalf of others (Acts 20:35) Parents can provide such proof, not only by expressing genuine concern and sympathy for persons in need, but also by doing shopping, cleaning or other chores for elderly, infirm or handicapped persons. At a very early age a child can be taught to share in such activity. This can do much to get the child to recognize the importance of showing concern for the welfare of other people.

Parents must also watch that they do not encourage or allow their sons and daughters to isolate themselves with their own entertainment, friends, ideas or imaginations. A family needs to do things together in order to maintain good communication. Parents have to be on guard that they do not simply appear to do things as a family. Perhaps when visitors come to the home or the family visits elsewhere, the children as a regular matter of course withdraw themselves from the company of adults and keep away during the entire visit. They may even be told to do so. If children thus end up associating only with those of their own age group, how can they possibly develop appreciation for the wisdom that comes with age and experience? (Prov. 1:20, 21; 8:1-11) How can they learn to carry on meaningful conversation with adults and understand the aspirations, concerns, feelings and needs of older people? (Lev. 19:32) Will they not become narrow in their viewpoints, looking at matters only through the eyes of inexperienced youth? At the same time, Will not parents likewise become narrow in their outlook, unaware of the thinking of their children? Will they not have a generation gap in their home?

“Lasting Gain from Living by the Bible as a Family,” The Watchtower, March 1, 1975, pages 155-156, paragraphs 21, 22.

Some claim that Jehovah's Witnesses only allow their children to associate with other Witness children. However, The Watchtower of April 15, 1993, on page 15, has clearly stated using 2 Timothy 2:20-22, that "Paul thus cautioned Timothy that even among fellow Christians there might have been 'vessels lacking honour' – individuals who did not conduct themselves aright." Therefore, explain that a parent's decision on a child's associates would not be based on religion, but on the young one's conduct. The Watchtower has also stated:

If you are a parent, are you conscious of [1 Corinthians 15:33] as you reason with and make decisions concerning your children? It will probably help if you acknowledge that this does not mean that all other youths whom your children are around in the neighbourhood or at school are no good. Some of them may be pleasant and decent, as some of your neighbours, relatives, and workmates are. Try to help your offspring to see this and to grasp that you are balanced in your application of Paul's wise, paternal counsel to the Corinthians. As they discern the way you balance things, it can help them to imitate you. – Luke 6:40; 2 Timothy 2:22.

The Watchtower, August 1, 1993, page 20.

Here are just a few sample questions that you might expect:

- Isn't it true that 1 Corinthians 15:33 counsel to avoid "bad association" means that you do not want your children to associate with anyone who is not one of Jehovah's Witnesses?
- Isn't it true that you forbid your children to play with anyone who is not one of Jehovah's Witnesses?
- Isn't it true that your religion forbids dating for young people?

Disfellowshipping:

Disfellowshipping is defined by the Watchtower Society's publications as a spiritual cutting off. However, blood and family

ties remain. Some former Witnesses criticize this Scriptural practice and allege that the religious practice of disfellowshipping will prevent the disfellowshipped parent from having a close and loving relationship with the children after divorce. This argument is purely speculative. First, according to the religious practice “normal family affections and dealings can continue.” See *The Watchtower*, April 15, 1988, page 28, paragraph 13. “The disfellowshipping process of the congregation only alters the spiritual relationship between the individual and the Christian congregation. In fact, it severs the spiritual bonds. But the parent-child relationship remains intact. The custodial parent must respect the disfellowshipped parent’s visitation rights.” (*Awake!*, December 8, 1997, pages 11-12) Second, all children are admonished to show honour to father and mother. (Ephesians 6:1-3) This directive does not take into account the parents’ religious affiliation or standing. Finally, the condition of being disfellowshipped is temporary in most cases.

- Would you deny visitation rights to a disfellowshipped parent?
- Wouldn’t your children be taught not to greet their disfellowshipped parent?
- Aren’t you required to put a child out of the home if he/she was disfellowshipped?

Practices of Jehovah’s Witnesses:

- How many meetings do Jehovah’s Witnesses have a week?
- You attend all of these meetings?
- If you did not attend all of these meetings or go out preaching, would you be subject to congregational disapproval or discipline by your elders?
- Do you bring your children to all of these meetings?
- Is it not correct that if your children attend your midweek meeting they would not be in bed before 9:45 or 10:00 p.m.? Is that not a very late night for a small child?

- Isn't it difficult for small children to sit through these long meetings? Wouldn't they rather be playing than attending these meetings?
- Would you teach your children to be one of Jehovah's Witnesses?
- You hope your children will become Jehovah's Witnesses?
- Will you bring your children out in your preaching work? Every weekend? For how long?
- If your children do not want to go to your church meetings, would you force them to go?
- If your children did not want to go out preaching, would you force them to go?
- Is it not difficult for you to go preaching at times? You meet some people who do not want to hear your message, who reject you and are rude to you?
- If your children went preaching would they at times encounter people who disagree with them, reject them and are rude to them?
- Wouldn't that be difficult for your children? Would they find that hard to endure?
- Is it not harmful for children to feel rejected?
- If you care about your children, why would you deliberately place them in a situation where they are bound to suffer embarrassment and rejection?

Education:

Many feel that Jehovah's Witnesses are against education. On the contrary, the children of Jehovah's Witnesses are encouraged to make the most of their education and to become proficient in reading, writing, and analytical abilities. In fact, Jehovah's Witnesses often excel in school. The decisions concerning higher education, participation in extracurricular activities, and career are personal decisions to be made by both parents and the child. As the Watchtower Society has indicated, there are "no hard-and-fast rules

[which] should be made either for or against extra education.” (The Watchtower, November 1, 1992, “Education With a Purpose,” page 19. See The Watchtower, February 1, 1996, “Education – Use It to Praise Jehovah,” page 9) You may refer to the brochure, Jehovah’s Witnesses and Education, and use the Watch Tower Publications Index to investigate the wide range of topics on which the Society encourages discussion and research. The Watchtower Society’s publications encourage youths to be diligent and serious-minded in their studies.

- Does the brochure School and Jehovah’s Witnesses set out your church’s beliefs in the school setting?
- Your church recommends that parents and children in your faith are to follow the rules set out in that brochure and that teachers should abide by them?
- Isn’t it true that you won’t permit your children to associate with or make close friends of people who are not Jehovah’s Witnesses?
- Isn’t it true that you won’t permit your children to go to school dances? date?
- Isn’t it true that you would not allow your children to participate in extracurricular activities? school plays? school bands?
- Isn’t it true that you would not permit your children to be a class representative or be on the school council?
- Isn’t it true that you would not permit your children to participate in school elections?
- Isn’t it true that you would not allow your children to join any school clubs? school teams?
- Isn’t it true that you would not allow your children to attend college or university?
- Isn’t it true that if your children attended a college or university, they would face disapproval in the congregation and be subject to counselling by your ministers?

- Isn't it true you would not permit your children to engage in any school activities associated with national or religious holidays?
- You do not permit your children to stand up for the National Anthem in school, do you?
- Isn't it true that your children will be very different from the majority of children in school and will be deprived of many enjoyable, healthy activities that they enjoy?
- It's not easy for a child to be one of Jehovah's Witnesses at school, is it?
- Isn't it true that you want and are going to teach your children to be full-time ministers?

Corporal Punishment:

Among many social scientists, corporal punishment is viewed negatively. Many believe that the counsel of Proverbs 13:24 and Proverbs 29:15 encourages sincere Bible students to apply physical discipline whenever possible. However, the Bible's counsel on child-rearing is much broader.

Administering discipline to children: In the Bible the Greek word translated "discipline" means "educate." Therefore, the goal of discipline is primarily, not to cause pain, but to train. Much of this can be accomplished without spanking, though that may be necessary at times. (Proverbs 13:24) The Bible says: "Listen to discipline and become wise." (Proverbs 8:33) Too, Paul wrote that one should keep oneself "restrained under evil," administering reproof with "long-suffering." (2 Timothy 2:24; 4:2) This rules out angry outbursts and excessive force even when spanking is needed.

In view of these Bible principles, ask yourself: 'Does my discipline teach, or does it simply control by hurting? Does my discipline instil right principles or just fear?'

Awake!, February 8, 1993, page 11.

More recently, the book, *The Secret to Family Happiness* explained, “Parents should discipline in love, just as Jehovah does. (Hebrews 12:4-11) . . . The Bible in no way endorses angry whippings or severe beatings, which bruise and even injure a child. – Proverbs 16:32.” (pages 59-60) Thus, it follows that “[w]hen the law of the Christ prevails in the household, there is no place for discipline administered with uncontrolled anger or for hurtful sarcasm. In such a home, children feel safe and up-built, not burdened or tom down. – Compare Psalm 36:7.”

The Watchtower, September 1, 1996, page 21.

- Do you believe in corporal punishment?
- You believe the Bible directs parents to discipline their children with a rod or stick, don't you?
- You would not be a good Christian/good parent if you failed to heed that Biblical command?

Practice Sessions:

- Did you talk to your lawyer about this court proceeding?
- Did your lawyer tell you what to say

SAMPLE CROSS-EXAMINATION QUESTIONS FOR NON-WITNESS PARENT

Clearly not all non-Witness parents are opposed to Bible-based training of the children. Your attorney will have many questions to pose concerning secular issues such as the non-Witness parent's employment, life-style, and role as a parent and spouse. If the non-Witness parent opposes permitting the children to be exposed to your religious beliefs, then you and your attorney will need to work together to outline questions which will concern the following areas:

Non-Witness parent's attitude toward the Witness parent:

- Basis for any allegation of harm to the children as a result of exposure to theocratic activities
- Testimony concerning any agreement concerning religious training of the children
- The children's right of freedom of choice
- Advantages to being raised in accord with Bible principles

Here are some sample questions for these areas:

- Would you agree that it is beneficial to teach your children to be honest at all times?
- Would you agree that it is beneficial to teach your children to obey those in proper authority?
- Would you agree that it is beneficial to teach your children to be morally and physically clean?
- Would you agree that it is beneficial to encourage your children to read the Bible?
- Would you agree that it is beneficial to have your children receive religious training?
- Is reading the Bible harmful to your children?
- Do you object that the children are taught to live by the Ten Commandments? or by the "Golden Rule?"
- Is reading the Bible indoctrination?

- Is this “confusion” or “anxiety” you complain of reflected in your children's school reports?
- Do you object to your children being exposed to different political viewpoints? Religious viewpoints?
- Do you object to the school teaching children about different nations/cultures and their religions?
- Do you object to your children learning about the religious viewpoints of their friends and their friends’ families?
- Do you want to prevent your children from learning about their other parent's views?
- Does the other parent prevent the children from knowing about your religious views?
- Should your children be allowed to choose which religion they wish to follow?
- Do you love your children only so long as they are in your religion?
- Will you still love your children if they become Catholics, Jews, members of the Unitarian Church, Mormons or Jehovah’s Witnesses?
- What have you told your children about Jehovah’s Witnesses?

PREPARATION FOR PSYCHOLOGICAL OR PSYCHIATRIC EVALUATION

Today the courts rely more and more on the evaluations and recommendations of psychologists and psychiatrists in determining the best interests of a child. The process of psychological or psychiatric evaluation may be relevant to the issue of whether the religious teachings and beliefs of Jehovah's Witnesses have any harmful effect on your children. Therefore, there is a growing likelihood that both spouses as well as the children will receive some type of evaluation, whether at the insistence of the court or at the suggestion of an attorney in preparing evidence to present the case. The objective of this discussion is to help you understand and prepare for a psychological or psychiatric evaluation.

In the past many have feared or distrusted mental health care professionals. There is no basis or need for such preconceived fear or distrust. Keep in mind that the primary objective of the court proceeding and the psychological or psychiatric evaluation is to determine which parent is best suited to provide the children a secure and safe home. Therefore, certain matters must be kept clearly in mind:

1. Do not be unduly defensive or suspicious of the mental health care professional's role in the evaluation process.

Many evaluators have an interest in people and care about people. They give their subjects the benefit of the doubt. You should assume that they will try to put your best interests first if you cooperate with them. Try not to respond in a defensive or hostile manner. The mental health care professional with whom you are working has a job to do. Cooperate and they will try to cooperate with you.

2. Everyone has had problems or difficulties in their past and no one comes from a perfect background. When questioned about difficult areas or problems in the past, be honest and frank. Try to show how Bible principles have helped you to overcome psychological scars or problems, but do not exaggerate or paint things in an unrealistic light, claiming that all your problems have gone away since you have learned Bible principles. Show how Bible principles are helping you to cope with your problems and present them in an honest, objective manner.

3. Do not use the evaluation session as an opportunity to present Bible literature and witness about the Kingdom hope. The mental health care professionals selected to evaluate you and your family have an objective in mind. If court appointed, they are required to present their findings to the court and you will want to make it easy for them to do their job. They are probably not interested in the Bible principles that guide your life, but are interested in understanding how you are applying Bible principles in your home in order to produce a healthy and well-balanced environment in which to raise the children. In some circumstances it may be appropriate for you to share your hope about God's -Kingdom during an interview, but you should not make it your objective to preach to the mental health care professionals who conduct the interview. The theme to keep in mind is that of the best interests of your children.

4. Show that you have a balanced view and that Bible principles have helped you to maintain such a view. Do not present yourself or Bible principles as rigid or obsessive. Rather, show that you are a reasonable person by showing your flexibility and responding in an open and non-defensive manner. For example, questions about religious practices

such as not celebrating holidays will be a part of the examination. They will be interested in determining how you, as a good parent, handle this practice with your children. They will want to know whether or not you are sensitive to the fact that your children may feel unusual, left out, or alienated by what may be a recent change in your religion.

You will want to take the initiative by showing that you have a close and loving bond with your children, that you understand their honest reactions to your religious practices, that you have helped them to develop a sense of security about the practice of their religion, and that they are not merely parroting the expressions that you have provided for them. If your children are to be tested, you should also try to prepare them to face the experience with an open and positive attitude.

5. If you do not understand a question, ask for clarification. If you are asked a question you do not understand or if you feel that the evaluator is getting at something other than what is stated, you should calmly ask the evaluator to restate or rephrase the question so that you may provide an accurate answer.

6. You may be asked questions about your refusal to take blood or accept blood products. You may be questioned about whether you would permit your child to die because of your refusal to consent to a blood transfusion. Rather than just explaining your hope in your child's resurrection in God's new world and de-emphasizing the importance of your child's life in this system, show a balanced view and state in positive terms the medical steps that you would take to assure the child had the best possible medical treatment available; Be prepared to discuss specific non-blood alternative medical treatments which would be available to the child if some

doctor was of the opinion that blood was needed. You do not want to give the impression that your religion requires you to allow your child to die should a medical emergency arise.

7. What is not said is often as important as what is said.

Remember to maintain good eye contact. Sit up straight and try to relax as you speak. Act as if you were speaking to someone in whom you could confide. Use a calm and measured tone of voice. Put expression and feeling into your voice so that you are able to communicate in an honest and natural way. Do not feel intimidated but try to put your evaluator at ease.

8. You are on display as one of Jehovah's Witnesses.

When appearing for the evaluation remember to be punctual and to dress in an appropriate manner, a manner befitting a minister of Jehovah. Since mental health care professionals are trained to do this type of evaluation, to the degree reasonable allow them to ask the questions and do not try to control or restructure the interview. Not every question has a hidden meaning. You do not want to present yourself as one who is paranoid or afraid to communicate honestly.

In addition to a conversational, clinical evaluation, you may be asked to take certain psychological tests which are designed to understand your personality and your ability to care for the best interests of the child. There are a variety of tests which may be used. Some tests focus on your intelligence and thinking ability. The Wechsler Intelligence Test appears to be a widely administered test. The Wechsler test is a series of tests and may be used for adults as well as children over the age of four. In addition to testing intelligence, this series of tests may also be used to measure one's ability to formulate ideas and overall intelligence.

Other types of tests are designed to categorize the type of personality. A commonly used test is the Rorschach Test. It uses ink blots. The examinee will be shown a series of ink blots and will be asked to describe what they look like, or what the examinee thinks they might be. There are no right or wrong answers. However, if you have a defensive or hostile attitude about taking the exam, this attitude may influence the findings. Your responses will be recorded and scores, ratings, and interpretations will be derived therefrom. This test is used for adults as well as children of school age. Other tests involve use of pictures or diagrams, word associations, sentence completion, or expressive drawings.

Often more objective tests and scales are used. For example, the Minnesota Multiphasic Personality Inventory (MMPI) and the updated MMPI-2 are widely used to test for certain personality traits. It consists of about 550 statements and it calls on the examinee to answer “true,” “false” or “cannot say.” The topics include family relationships, sexual and religious attitudes as well as fears and problems within the family. The interpretation of the examinee's score will take into consideration the examinee's background, ethnic group, sex, age, and education.

Keep in mind that the objective of a psychological or psychiatric evaluation is to determine whether or not you are the parent who will provide the better home for your children. The mental health care professional is interested in determining whether or not you have the personality and emotional stability to provide for the physical, mental, and emotional needs of your children. You must be prepared to show in a positive, honest and frank manner that you will provide for your children's welfare and best interests and that you are the parent more capable of doing so. Do not be quick to attack your former spouse. Rather, be prepared to show and present in an honest way the loving and caring concern you have for your children and the way in which you are able to express this to the children. Show that you have already developed a close, loving relationship with

your children and that there is nothing in your personality or religious practices that would require the children not to be placed in your custody.

COPING WITH EVALUATIONS BY MENTAL HEALTH CARE PROFESSIONALS

To help you understand how the foregoing general principles can be applied, we provide the following examples of questions and answers that might assist you in a psychological or psychiatric evaluation. As indicated, a person being evaluated should not be unduly defensive or suspicious of the mental health care professional's role in the evaluation process. You would want to answer any questions openly, understanding that it is the role of the mental health care professional to elicit information from you. The following is an example of how NOT to respond during the interview:

Q: Can you tell me about why you and your ex-husband divorced?

A: Why do you want to know? I know he's probably been spreading those lies about me. You're probably going to take his side anyway.

Q: Well, no. But your husband mentioned that your religious beliefs have been a source of differences. Can you tell me a little bit about your religious beliefs?

A: You know, you psychiatrists don't even believe in the Bible. You're always negative against someone who practices the Bible. Matthew said we'd be persecuted by persons like you. Besides, you psychiatrists are more mixed up than anyone. I hear you get more divorces and commit suicide more than anyone else.

Q: I don't know if I agree with all that. But I would like to know more about your religious beliefs.

A: Well, I'm glad you asked. I've got my Bible here and I'd like to read you these scriptures. Also, I brought several articles from The Watchtower, the Reasoning book and this Blood booklet. Here – take all of these and you can learn what the Bible says.

Q: Okay. Your husband says here that you don't believe in celebrating Christmas.

A: It's right here in the Reasoning book about holidays. Just read it. If you celebrate Christmas, it's a lie. Christ was not born on December 25. We're not liars, so we don't lie to our children. I don't know if you lie to your kids, do you? I can't believe how people lie to their children. Did you know that Christmas gifts cause depression in children?

Honest, direct, and non-defensive responses give a clear and accurate picture. The examiner does not expect that you have had a perfect life. Obviously, there have been some problems or rocky areas in your life. Therefore, you should feel free to talk about these situations objectively and with confidence. Here is an example to help you see the difference from the preceding interview:

Q: When did you marry John?

A: I married him when I was just 19 years old. I was glad to get out of the house, and I really thought I loved him when we were married.

Q: Oh, I see. And how long did the marriage last?

A: We were married for 10 years. It wasn't a good marriage right from the start.

Q: What do you mean by that?

A: We were never close. I was young, and he was young. There was a lot of arguing and fighting about everything: When we had a child, things got worse. Neither one of us were ready for being parents, especially him.

Q: And what do you mean when you said 'he wasn't ready for being a parent'?

A: For the first six months he rarely even held Lisa. He would stay out late at night because she cried a lot. You know, I really think he loves Lisa now, but he rarely showed her much attention when we were together.

Q: I see. And what brought about the end of the marriage?

A: When he had an affair, I just couldn't take it anymore. He claims I drove him to it by becoming one of Jehovah's Witnesses. He was always highly critical of my beliefs and even became outwardly hostile at times. I think he was just using my religion as an excuse. When I wouldn't take him back, he wanted to get back at me by trying to take custody of our daughter.

Q: And why do you think he was so critical of your beliefs?

A: Well, doctor, I'm not a psychiatrist, but I think he was insecure about my sincere and dedicated interest in the Bible. He always seemed to feel I would lose interest in him and not have respect for his opinions. He claimed I tried to force religion on him. But that's not true. He has the right to his own opinions

He claimed I was always going to meetings, reading the Bible, and talking with people about the Bible. You know, it's true that my religious activities occupied more of my time, but I feel I was balanced.

Q: And what do you mean, you felt you were balanced?

A: As one of Jehovah's Witnesses, I learned that I had to be balanced in caring for the needs of my family. I really tried to be

a better wife by showing him more kindness and love. I tried to have the house cleaned and food on the table when I attended my meetings. I didn't neglect him as he claims, but rather, I improved. Unfortunately, it seemed that the harder I tried to be a better wife, the worse he got. It seemed that my being a better person was overshadowed by being one of Jehovah's Witnesses. I don't want to give you the impression I was perfect. I made my mistakes. But I really feel I tried.

And I don't want to sound like he's all bad. In fact, he was a very good provider. Around the house he was very helpful in fixing and repairing things. You know, underneath his critical feelings about my religious beliefs, I always felt that he was very sensitive but he just couldn't show it. I don't love him anymore. But I do feel compassion for him. I'm really angry and hurt that he would try to get back at me by taking our daughter and saying I'm a religious fanatic. You know, doctor, I really think there's more to it than just the religion.

A court may be interested in examining your religious beliefs. A popular issue raised when one mate is not one of Jehovah's Witnesses is the fact that Jehovah's Witnesses do not celebrate holidays like Christmas and birthdays. You must be prepared to respond to this issue in an honest and direct manner. The psychologist will want to know whether your children are actually damaged or hindered by your religious convictions. This presents a fine opportunity for you to show that your religious beliefs are not detrimental to your children's well-being. Rather, when viewed in the proper perspective, comparing the love and affection you offer your children and the other opportunities for enjoyable times as a family, the lack of celebration of holidays such as Christmas and birthdays poses no serious threat to the children's well-being.

Q: I noticed from the report your spouse claims you don't allow your child to celebrate holidays like Christmas and birthdays.

A: That's true. We don't participate in these holidays because they're not accurately based on the Bible. For example, Christ was not born on December 25, but in the fall of the year. When viewed realistically, how could there have been shepherds in the fields in the wintertime? We believe that our children should not be told that Santa Claus exists when it's just not true. You know, I'm aware that my child might feel left out, so I make an extra effort to compensate for not celebrating Christmas. I'm not opposed to giving gifts; in fact, I regularly give gifts to Lisa all year round. And more important than material things, I feel that I show Lisa a lot of love. I try to build a really close relationship with her by spending a lot of time with her. You know, doctor, my ex-husband claims that by not celebrating those holidays our child is going to be psychologically damaged. But if that were really so, what about the millions of Asians and Africans who also don't celebrate these holidays? I just can't believe that they're going to be psychologically damaged by not celebrating Christmas.

Q: Yes, that's true; You mentioned that you try to show extra interest and love to Lisa. Can you elaborate on what you do?

A: There are many times when we just sit and talk. Lisa likes to come in after school and discuss her day with me. When she brings home a school project that she's really proud of, I try to stop what I'm doing and praise her. I also like to include her in some of the household duties like cooking, sewing, and things like that. It gives me an opportunity to teach her things. I really enjoy being with her. Also, I really try to build her self-esteem and encourage her in her artwork. You know, she really has potential. Sometimes she gets discouraged because she wants to do better. So I encourage her.

Q: Yes. Very interesting. Is there anything else?

A: Well, that's about it. Wait – there is one more thing. I do spend time studying the Bible with her. I feel it's important that she learn something about Jehovah God.

Q: And what do you teach your child in these Bible studies?

A: I try to teach her about some fundamental principles like honesty and why it is important. Also, we study about showing love to others, being kind, forgiving, and things like that.

Above all, the mental health care professional will want to know what type of relationship you have with your children. You want to communicate the fact that your religious beliefs have helped you to become a better parent. You will want to show that you are capable of providing for the emotional and physical needs of the children, as well as the children's spiritual needs. Take the opportunity to show that a warm, loving bond already exists between you and your children, so that any disruption to this bond will be detrimental to the children.

The mental health care professional who is conducting the interview may know very little about the religious teachings and practices of Jehovah's Witnesses. Therefore, you will want to use language and illustrations that will help the examiner to clearly understand the life-style of a Christian. You will want to present yourself as one who follows the teachings of the Scriptures, not as one who is dogmatic and a slave to rules. By reasoning, help the evaluator to see that the course you have selected is a course of wisdom and reason. The following dialogue is an example of how you might explain the fact that Christians attend Bible-based meetings three times each week and are encouraged to devote additional time for personal Bible study:

A: Well, Lisa generally comes with me. Our meetings are much like a classroom. We usually have someone giving a reading, a discussion about a Bible topic. We encourage all, young and old,

to learn to really reason and think about a matter. Rather than just telling Lisa what to think, I encourage her to use her mind. As one of Jehovah's Witnesses, I feel that the Bible encourages us to use our God-given conscience.

Q: Can you give me an example of that?

A: Yes. You know God tells us to show love and kindness. Let's say that Lisa is out playing ball with another child, and she takes something that is not hers. I would reason with her about it, helping her to understand why it is wrong, rather than just punishing her or demanding that she be honest. It may sound simple, but as a parent, you know it is a very difficult process. I try my best.

Q: Okay. And how often do you go to these meetings?

A: We have five hours of meetings a week. To some, that may sound like a lot. But it's about the same number of hours a student would spend in one class at school a week. It's a relatively small number of hours if you think that there are 168 hours in a week. It's actually less than three percent.

Like holidays and the celebration of Christmas, Jehovah's Witnesses position on the use of blood is controversial and is often raised as an issue of contention by a non-Witness parent. You want reasonably to stress the fact that you are not opposed to medical treatment. Rather, as a sound, thinking person, you desire to have medical treatment for your minor children in the event of a medical crisis. However, because of the Scriptural admonition regarding blood, you want to show your reasonableness in the fact that you have already investigated medical alternatives to the use of blood. You should be prepared to talk about these non-blood alternatives in some detail, showing that you are capable and prepared to care for the children's physical needs:

Q: As one of Jehovah's Witnesses, you don't believe in blood transfusions, do you?

A: That's true. Our position on blood transfusions is primarily a religious one, but we also know there are many medical dangers from blood. We take our position on this issue from various Scriptural references, such as Acts 15:28, 29, and Leviticus 17:13, 14. These Scriptures point out that we should avoid the use of blood in our bodies. I'm sure you, as a doctor, are already aware of the potential medical complications that can arise from blood transfusions, such as hepatitis and AIDS. According to a Dr. Allen from Stanford University, from 3,000 to 30,000 deaths annually are attributed to transfusions. Because of our stand, some feel that we refuse all medical treatment. But this is just not true. We fully utilize medical doctors as long as they respect our stand on blood. In the area of transfusions, we do accept non-blood expanders such as saline solution, Ringer's lactate, dextran, etc. Perhaps you'd like to read about the medical aspects of our stand. I have here a copy of an article that appeared in The Journal of the American Medical Association on this question of Jehovah's Witnesses and blood transfusions. (Reprinted in the Awake! of June 22, 1982, pages 25-27.)

Doctor, you_ might be reassured to know that I have made medical provisions to ensure that Lisa will receive proper medical attention if and when she needs it For example, I have a doctor who has agreed to respect our views on blood. Also, if an emergency should arise, I've made arrangements to have my child transported to a hospital with doctors that specialize in surgery on Jehovah's Witnesses.

Q: Thank you. That was very interesting. I'll take the article. To be honest with you, I don't know if I'll have time to read it. But I'll certainly try.

WHEN A PARTY TO THE DIVORCE IS DISFELLOWSHIPED OR DISASSOCIATED

As this system of things continues to decline, it will become more common that a once faithful mate, active and in good standing in the Christian congregation, turns unfaithful. For the faithful Christian mate, this situation is, without a doubt, extremely disappointing. Nonetheless, it is a trial that can be managed successfully with Jehovah's support.

Always remember that disfellowshipping only alters the spiritual bonds between the individual and congregation members. (The Watchtower, April 15, 1988, pages 26-31) Disfellowshipped parents are still entitled to the honor and respect of their children. (Ephesians 6:2) Disfellowshipping does not affect blood or marital ties. The Watchtower, April 15, 1988, page 28, paragraph 13, said this:

¹³ Cutting off from the Christian congregation does not involve immediate death, so *family ties continue*. Thus, a man who is disfellowshipped or who disassociates himself may still live at home with his Christian wife and faithful children. Respect for God's judgments and the congregation's action will move the wife and children to recognize that by his course, he altered *the spiritual bond* that existed between them. Yet, since his being disfellowshipped *does not end their blood ties or marriage relationship*, normal family affections and dealings can continue. (Emphasis added)

As Awake! explained: "Neither divorce nor expulsion from the Christian congregation ends a Parent-child relationship; children continue to need both parents." (Awake!, September 22, 1991, page 30) "The disfellowshipping process of the congregation only alters the spiritual relationship between the individual and the Christian congregation. In fact, it severs the spiritual bonds. But the parent-child relationship remains intact. The custodial parent must respect the disfellowshipped parent's visitation rights." (Awake!, December

8, 1997, pages 11-12) Therefore, in separation or divorce, the disfellowshipped or disassociated status of a parent is no reason to deny or minimize visitation or to deny custody.

When children are of sufficient age to understand Bible principles, they may independently conclude in error that visitation with a disfellowshipped or disassociated parent would be unacceptable. When a child reaches such an erroneous conclusion, it is the faithful Christian parent's duty to gently readjust the child's thinking so that the child may remember his duty to 'honor his father *and* his mother' (Ephesians 6:2) (Italics ours) and be able to distinguish between hatred for a wrong course, which hatred Jehovah approves (Proverbs 8:13), from hatred for the wrongdoer. – Jude 23; see Awake!, "Young People Ask ... What if My Parent Has Disgraced Us?," October 22, 1992, pages 19-21.

It would be most improper, as well as unscriptural, to teach children that their disfellowshipped parent is under the control of Satan or will be destroyed at Armageddon and thus is not to be obeyed or heeded.

APPENDIX

The Watchtower Society has published numerous articles concerning child-rearing, marriage, and other areas affecting family life. You may want to consult the *Watch Tower Publications Index* for information on a particular subject. .

However, we suggest that you review the principles outlined in the following articles:

SEPARATION AND DIVORCE

“What is in the Child's Best Interests?” “Child Custody – Religion and the Law” and “Child Custody – A Balanced View,” *Awake!*, December 8, 1997, pages 3-12.

“Help for Children of Divorce,” *Awake!*, April 22, 1991, pages 3-11 (also note box on page 9 entitled “Advice for Divorced Parents”).

“Family Problems Solved By Bible Counsel,” *The Watchtower*, November 1, 1986, pages 26-31.

“Who Gets the Child?” “Child Custody – Should Religion Be an Issue?” and “Acting in Your Child's Best Interests,” *Awake!*, October 22, 1988, pages 3-14.

“When Marital Peace is Threatened,” and “Has God Called You to Peace?” *The Watchtower*, November 1, 1988, pages 20-30.

“I Need a Lawyer!” *Awake!*, March 8, 1979, pages 7-9.

CHILD – REARING

“Single Parents, Multiple Challenges,” Awake!, October 8, 2002, pages 6-9.

“Tips for Stepparents,” Awake!., July 8, 1993, page 12.

“Building Christian Personalities in Our Children,” The Watchtower, July 1, 1991, pages 24-27.

“Parents-How Can You ‘Build Up’ Your Home?” The Watchtower, November 1, 1986, pages 21-25.

“Single Parents Coping in Today's World,” The Watchtower, September 15, 1980, pages 15-20.

“Questions from Readers,” The Watchtower, December 1, 1960, page 735, “What Scriptural principles guide in the training of children in homes where one parent is a dedicated Christian witness of Jehovah and the other is not?”

“Questions from Readers,” The Watchtower, November 15, 1960, page 703, “What stand should children of dedicated Christian parents take in regard to their school's holiday art activities? What about the Christmas program with its singing of Christmas songs? What about schoolroom birthday celebrations?”

BLOOD TRANSFUSIONS

“Bioethics and Bloodless Surgery,” The Watchtower, February 15, 1997, pages 19-20.

“Jehovah’s Witnesses Instrumental in Heart Surgery Advance,” Awake!, January 22, 1996, page 31.

“Safeguarding Your Children From Misuse of Blood,” Our Kingdom Ministry, September 1992, pages 3-6.

“Loaded Questions to Watch Out For,” Our Kingdom Ministry, November 1990, page 6.

How Can Blood Save Your Life?, 1990.

“Questions From Readers,” “Do Jehovah’s Witnesses accept injections of a blood fraction, such as immune globulin or albumin?” The Watchtower, June 1, 1990, pages 30-31.

“Questions From Readers,” “Do Jehovah’s Witnesses allow the use of autologous blood (autotransfusion), such as by having their own blood stored and later put back into them?” The Watchtower, March 1, 1989, pages 30-31.

“Jehovah's Witnesses – The Surgical/Ethical Challenge,” Awake!, June 22, 1982, pages 25-27.

DISCIPLINE

“An End to Domestic Violence,” Awake!, February 8, 1993, page 11 (see subheading entitled “Administering discipline to children.”).

“Learn Obedience by Accepting Discipline,” The Watchtower, October 1, 1992, pages 26-29 (also note box on page 29 entitled “Parents, Teach Obedience by Disciplining in Righteousness”).

“‘The Rod of Discipline’ – Is It Out-of-Date?” Awake!, September 8, 1992, pages 26-27.

HIGHER EDUCATION

“Education With a Purpose,” The Watchtower, November 1, 1992, pages 15-21.

“What Career Should I Choose?” Awake!, May 8, 1989, pages 12-14.

“Education – What It Costs, What It Offers,” The Watchtower, July.15, 1982, pages 12-15.

VISITATION RIGHTS

“Family Problems Solved By Bible Counsel,” The Watchtower, November 1, 1986, pages 26-31.

