

PREPARING FOR CHILD CUSTODY CASES

BIBLE AND TRACT SOCIETY OF NEW YORK, INC.

CABLE WATCHTOWER

LEGAL DEPARTMENT
25 COLUMBIA HEIGHTS BROOKLYN NEW YORK 11201 U.S.A

PHONE (714) 625-3600

Dear

Re: Child Custody Materials

We have received your request for the packet of court decisions and other materials on child custody. It is always saddening to learn of problems involving child custody, but we are delighted to see that you are continuing to seek Jehovah's guidance and protection in all matters and taking advantage of this situation to bring further praise to him. (Luke 18:1-8) We urge you to present this information to your attorney as soon as possible. If allegations are made that your religious beliefs and practices are harmful to your children, the enclosed information may prove helpful.

We particularly draw your attention to the booklet entitled Preparing For Child Custody Cases. The questions and other information in this booklet should help you and your attorney understand the nature of the attack that may be made against a parent who is one of Jehovah's Witnesses. In addition, the material in this booklet should help you and your attorney prepare for not only court hearings but also psychological assessments or evaluations that often are required as part of a custody determination. It is our experience that the results of such psychological examinations can be decisive in the court's award of custody. Thus it is good to appreciate the purpose and importance of the psychological examination and to present your beliefs as one of Jehovah's Witnesses in a way that will benefit yourself and your children. —Isaiah 48:17.

It may be advantageous to ask your attorney to present to the court certain publications of the Society which may be used to demonstrate that your religious beliefs are far from harmful but rather are highly beneficial to your children. Depending on the ages of your children, you should consider showing one or more of the following publications to your attorney: My Book of Bible Stories; Listening to the Great Teacher; School and Jehovah's Witnesses (brochure); Your Youth—Getting the Best Out of It;

Re: Child Custody Materials

Page 2

Making Your Family Life Happy. Also, for adolescents, articles from the "Young People Ask . . ." series in the Awake! magazine present helpful information on a wide variety of subjects. Check the listing of "Young People Ask . . ." articles in the Watchtower Publications Index 1930-1985, pages 953-954. The index of subsequent bound volumes of Awake! can be checked to cover more recent articles in the series.

You can explain to your attorney that these publications and articles contain excellent Bible-based counsel and practical wisdom which will help your children develop into healthy, happy, productive individuals. Rather than containing matter that is harmful, these publications and articles provide highly beneficial information. Indeed, much of the information is nondoctrinal and of universal appeal.

Along this line, it may be helpful to show the court that a parent who is one of Jehovah's Witnesses will have greater concern for his children because of the Scriptural responsibilities imposed upon parents. We have found it practical to present the court with a copy of one or more of the Society's publications mentioned above. Many judges are willing to review these publications because of the contents and because of the excellent illustrations which serve as effective teaching aids. You may also want to point out to your attorney how many copies of these publications have been printed as indicated in the opening pages of the publications. Since many of them have been distributed in the tens of millions of copies, the fact that there are only three million Jehovah's Witnesses in the world attests to the widespread appeal of these publications.

We also recommend that you give your attorney copies of Jehovah's Witnesses--Unitedly Doing God's Will Worldwide and Jehovah's Witnesses in the Twentieth Century. These two brochures will better acquaint your attorney (and the court, if necessary) with the practices, history, and beliefs of Jehovah's Witnesses.

Your brothers and fellow servants,

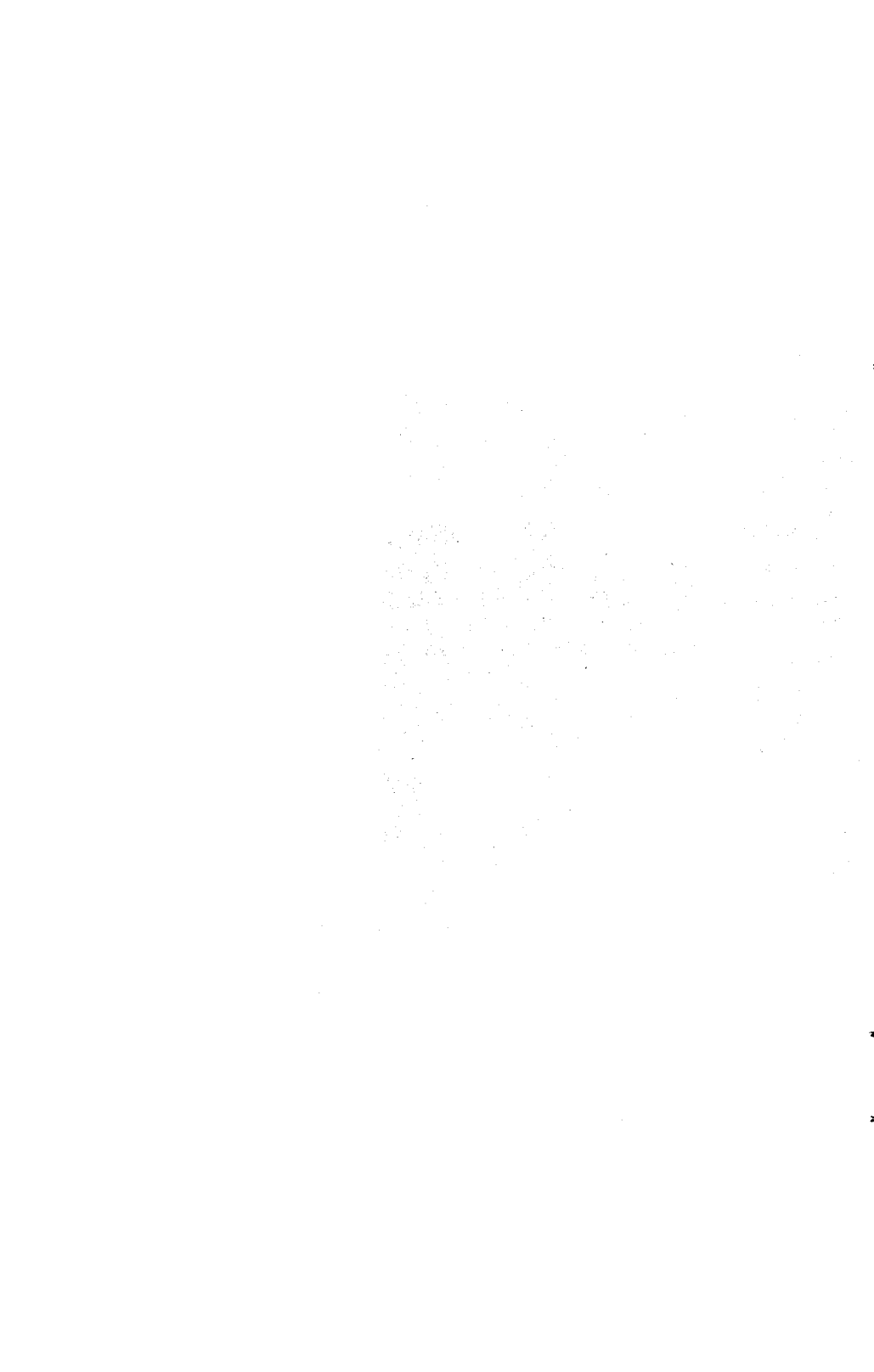
Watchtower B. & F. Society
OF NEW YORK, INC.

Enclosures

P.S. Thank you for your kind contribution.

TABLE OF CONTENTS

	PAGE
INTRODUCTION	
SAMPLE CROSS-EXAMINATION QUESTIONS THAT <i>WITNESS PARENT</i> COULD FACE	1
SAMPLE APPROACH BY <i>WITNESS PARENT</i> TO CROSS-EXAMINATION	11
SAMPLE CROSS-EXAMINATION QUESTIONS FOR <i>NON-WITNESS PARENT</i>	14
SAMPLE DIRECT EXAMINATION AND SAMPLE RESPONSES FOR <i>LOCAL ELDER</i>	26
SAMPLE RÉSUMÉ OF <i>BIBLE STORY BOOK</i>	34
SAMPLE DIRECT EXAMINATION AND SAMPLE RESPONSES FOR <i>YOUNG WITNESSES</i>	40
LIST OF SOURCE MATERIAL— <i>Professional Studies in Child Psychology</i>	45
PREPARATION FOR PSYCHOLOGICAL OR PSYCHIATRIC EVALUATION	52



INTRODUCTION

This booklet is designed to help you and your attorney prepare for the difficulties Christian parents often face in child custody disputes. In the eyes of the law, 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 will examine all aspects of the child's physical, emotional, and spiritual welfare in either household. Thus your religious practices and teachings as one of Jehovah's Witnesses will probably be a subject of inquiry by your former spouse and the court.

Opposers often focus attention on refusal to consent to blood transfusions, holidays and birthday celebrations, arguing that Witness children are deprived of a "normal" upbringing. There is no need to hide or distort your religious beliefs and practices in the face of such criticism. When giving an answer, always try to focus on the positive aspects of your religious beliefs, showing how they have benefited you and your family. (Isa. 48:17) Be sure to answer questions regarding such subjects in a way that is both understandable and reasonable, accurately presenting the wholesomeness of the Christian home.—1 Pet. 3:15.

This booklet will also help you prepare for psychological examinations that frequently are required as part of a child custody determination. Having some idea of the type of questions a psychologist may ask should help you handle the examination naturally and without undue anxiety.

Disputes over child custody can be an ordeal for Christian parents. But with preparation and reliance on Jehovah, you need not be without hope, knowing that in the end Jehovah will set all matters straight.—Ps. 43:1; 1 Pet. 3:12.

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

Holidays:

When answering questions about holidays, we want to remember that many people view our religion as a litany of negative responses. Therefore, whenever 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, "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."

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.?
- Is it difficult for children to feel different than their classmates and school friends?
- So is it difficult for children to be Jehovah's Witnesses?
- In fact, is 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. When answering questions about your 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

CROSS-EXAMINATION QUESTIONS THAT *WITNESS PARENT* COULD FACE

which have been imposed by the elders. You want to emphasize the fact that you are a thinking, well-balanced, and 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.

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

- 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?
- How do you feel about your ex-wife/husband who is not one of Jehovah's Witnesses?
- Is he/she under the control of Satan?
- What do you teach your child about your ex-wife/husband?
- 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?
- Will you teach your child that his father's/mother's religious beliefs are wrong?
- Will you teach your child that his father/mother will be destroyed by God if he/she does not become one of Jehovah's Witnesses?
- Will you teach your child that there is a risk that his father/mother will be destroyed by God?
- Is it true that there are great differences between

CROSS-EXAMINATION QUESTIONS THAT *WITNESS PARENT* COULD FACE

beliefs of Catholics (or whoever) and Jehovah's Witnesses?

- In fact, you left the Catholic (or other) Church to become one of Jehovah's Witnesses?
- Can you be one of Jehovah's Witnesses and a Catholic (or whatever) at the same time?
- If you cannot be one of Jehovah's Witnesses and a Catholic (or whatever) at the same time, how can you expect your child to be?
- Will you teach your child that both your church and the Catholic (or other) Church are right?
- Won't your child be confused by being taught two religions?
- If your son was participating in a play or another special event at the Catholic (or other) Church, would you attend?
- Do you respect all religions?
- If a member of your family was being baptized, married, or a family funeral service was being given in the Catholic (or other) Church, would you attend?
- How is this showing respect for the Catholic (or other) Church or your family?
- If you respect all religions, why do you go from house-to-house trying to convert people?
- How would you feel if your child decided he did not want to be one of Jehovah's Witnesses and chose to belong to another church?
- Would you still love your child?
- Do you teach your child only about the religion of Jehovah's Witnesses?
- Do you believe that your child should learn about other religions?
- If your child, out of curiosity, decided he wanted to attend the services of another church, would you allow him to? Would you accompany him?

Blood:

Some confuse our stand on the use of blood and blood products with the position of religions that believe in faith healing and refuse all medical treatment. You want to show that you are a loving, caring parent who wants the best medical care possible for your child. 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 for your child. Acknowledge that your former mate properly has a right to participate and have a say in any medical decisions involving your child. Stress the fact that you want the best available medical treatment for yourself and your child and that avoidance of blood, in your opinion and the opinion of many in the medical community, is a sound, healthful course.

- Do you believe that every word of the Bible is literally true?
- Do you teach that it is better to die than to take a blood transfusion?
- You claim that there are alternatives; what is the alternative where someone loses blood in a car accident?
- How do you know there are alternatives?
- Is it true that only a minority of doctors are willing to try alternative, bloodless treatment?
- Do most doctors recommend blood transfusions?
- 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 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?

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

- 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 honor and respect.

- Do you believe the governments of this world are controlled by Satan?
- Are the judge and this court controlled by Satan?
- Do you believe God will destroy the governments of this world?
- Do you vote?
- Do you stand up for the National Anthem/salute the flag?
- If your 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 child that he will be persecuted for his beliefs? Is that healthy for your child?

CROSS-EXAMINATION QUESTIONS THAT *WITNESS PARENT* COULD FACE

- Is your child frightened by the prospect of persecution?

Satan:

Many do not consider Satan to be a real person and will find your 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?
- Does Satan control everyone who is not one of Jehovah's Witnesses?
- Is Satan powerful?
- Are you afraid of Satan?
- Do you teach your child about Satan? Is your child afraid of Satan?

Armageddon:

Armageddon marks a time of destruction of the wicked, as well as the beginning of Jehovah's righteous new system. Emphasize the positive aspects of the event. It is not like the frightening hellfire doctrine, which keeps the wicked in torment forever.

- 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?
- Will that be a frightening time?
- Do you teach your child about Armageddon?
- Is your child not scared/upset at the prospect of his mother/father, school friends, neighbors and himself/herself being destroyed at Armageddon?

Practices of Jehovah's Witnesses:

- How many meetings do Jehovah's Witnesses have a week?

CROSS-EXAMINATION QUESTIONS THAT *WITNESS PARENT* COULD FACE

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

**School: (May be faced with quotes from
"School" Brochure)**

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. You may use the *Index* to investigate the wide range of topics on which the Society encourages discussion and research. The Society's publications encourage our youths to be diligent and serious-minded in their studies.

- This booklet "School and Jehovah's Witnesses" sets 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 this booklet and that teachers should abide by them?
- Isn't it true that you won't permit your child 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 child to go to school dances? to 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 child to be a class representative or be on the school council?
- Isn't it true that you would not permit your child to participate in school elections?
- Isn't it true that you would not allow your child to join any school clubs?
- Isn't it true that you would not allow your child to join any school teams?
- Isn't it true you would not permit your child to engage in any school activities associated with national or religious holidays?
- You do not permit your child to stand up for the National Anthem in school?

CROSS-EXAMINATION QUESTIONS THAT *WITNESS PARENT* COULD FACE

- Your children will be very different from the majority of children in school and will be deprived of many enjoyable, healthy activities that other students enjoy?
- At times your child may be mocked or alienated at school because of these beliefs?
- It's not easy for a child to be one of Jehovah's Witnesses at school?
- If you love your child why would you want to deprive him/her of so many activities that he/she would enjoy?
- Isn't it true that you would not permit your child to attend a college or university?
- Isn't it true that if your child attended a college or university he/she would face disapproval in congregation and be subject to counseling by your ministers?
- Would you support your child if he/she decided to go to a college or university?
- Isn't it true that you want and are going to teach your child to be a full-time minister?
- That is the only career that you intend for your child?

Corporal punishment:

- As one of Jehovah's Witnesses you believe in corporal punishment?
- You believe the Bible directs parents to discipline their children with a rod or stick?
- 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 APPROACH BY
WITNESS PARENT
TO CROSS-EXAMINATION**

Do you believe you have the only right religion?

Of course I do. If I didn't think so I would join another.

Do you believe the Catholic (or other) Church is true or false?

I believe its teachings are in error.

Will all Catholics (or others) be destroyed?

Jehovah makes those judgments, not we.

Do Jehovah's Witnesses celebrate Christmas?

The celebration of the winter solstice on December 25 goes back to the ancient Roman practices of the Saturnalia. It is part of pagan sun worship. We do not celebrate pagan festivals. The Bible directs that we celebrate Jesus' death, not birth.

Are not your children deprived of the Christmas spirit?

Jehovah's Witnesses encourage love, familial association and charity throughout the year. Gift-giving and family association are not restricted to one day or time of year.

Do you respect other religions? If so, why do you go from house to house trying to convert people?

The Bible has good news for people of all religions and backgrounds—the good news that God will soon bring peace to earth through his Kingdom. We want to share this with our neighbors.

SAMPLE APPROACH BY *WITNESS PARENT* TO CROSS-EXAMINATION

Do you teach that it is better to die than take a blood transfusion?

I do not want myself or my children to die. I want the best medical treatment I can get for my child. Blood transfusions carry many death-dealing side effects such as AIDS. We prefer to accept safer medical alternatives.

How do you know there are alternatives?

Our church regularly reproduces medical information that points out alternatives. Besides, I have discussed this with my doctor who is willing to use the alternatives.

What if a doctor said there are no alternatives?

That is only one opinion. Jehovah's Witnesses know from experience that there are many different medical opinions. Also we know of many cases where the same thing was said but the patient still recovered without blood transfusion. Jehovah's Witnesses are being treated successfully without blood by doctors and hospitals throughout North America.

**SAMPLE CROSS-EXAMINATION
QUESTIONS FOR
*NON-WITNESS PARENT***

Work:

- Where do you work?
- How far is your work place from your home?
- What time do you leave for work?
- What are your hours of work?
- What times would the child require day-care assistance of a neighbor? friend? relative?
- Is your spouse home at those same times?
- Is a neighbor/friend/relative to be preferred over the child's mother/father for day-care?

Jehovah's Witnesses' role as parents and spouse . . .

A) Parent:

- Does your spouse prepare meals for the family?
- Does your spouse do family laundry?
- Does your spouse care well for the home? (i.e., provide a neat home, do maintenance, etc.)
- Does your spouse care well for the children?
- Does your spouse wake the children in the morning?
- Does your spouse dress the children in the morning?
- Does your spouse prepare breakfast for the children?
- Does your spouse prepare lunch for the children?
- Does your spouse prepare supper for the children?
- Does your spouse take the children to school?
- Does your spouse take care of the children when they are sick?
- Is your spouse at home when the children return from school?

SAMPLE CROSS-EXAMINATION QUESTIONS FOR *NON-WITNESS PARENT*

- Does your spouse put the children to bed?
- Does your spouse take an interest in the children's education?
- Does your spouse spend time helping the children with their education/homework in school?
- Does your spouse visit the schoolteachers?
- Does your spouse attend the school on parent/teacher night?
- Do you attend the school on parent/teacher nights?
- When was the last time you attended the school on parent/teacher night?
- Does your spouse engage in recreation with your children? Which? When?
- Do your children love your spouse?
- Does your spouse love your children?
- Wouldn't you agree that your children need both their mother and their father?
- Is your spouse a good parent?
- Would you describe your spouse as a good man/woman?
- Describe your spouse's good qualities.

If non-Witness alleges Witness spouse has made church more important than family:

- How has your spouse put his/her church ahead of family? Give examples.
- What you really mean is she will not let you dictate what church she goes to?

B) Spouse:

- How did spouse's conversion to Jehovah's Witnesses harm his/her sexual relationship with you?
- Did your spouse refuse the marital due?

SAMPLE CROSS-EXAMINATION QUESTIONS FOR *NON-WITNESS PARENT*

- Have you been very upset since your spouse has become one of Jehovah's Witnesses?
- Might your angry attitude have an adverse emotional effect on your spouse?
- Is it surprising your spouse would find it difficult in view of your attitude of intolerance and animosity?
- Is your spouse hospitable?
- Does your spouse entertain your friends and family?
- Isn't it true that your spouse is friendly and has good relationships with your family members?
- Did your spouse suggest family counseling?
- Wasn't he/she willing to attend family counseling?
- Why did you reject family counseling?
- Is it not correct that your children become upset when they observe angry interchanges between their parents?
- Is it not true that your children are disturbed and upset by your separation from your spouse?

Corporal punishment:

- Do you discipline your children?
- Do you ever spank your children?

Holidays:

- How has your spouse actively discouraged children from sharing in Christmas, etc., with yourself?
- Has your spouse prevented you from having your friends into the home?
- Has your spouse ever invited people into the home over the Christmas period?
- Has your spouse ever asked you to make a meal during this period?

SAMPLE CROSS-EXAMINATION QUESTIONS FOR *NON-WITNESS PARENT*

- Does your spouse give gifts to children at Christmas?
- Do they accept gifts?
- Does your spouse prevent you from sharing in such celebrations with the children?

Blood:

- What do you know about blood transfusions?
- Have you ever read any medical information about blood transfusions?
- Do you know if there are any adverse side effects?
- Have you heard of AIDS and hepatitis being contracted through blood transfusions?
- Have you inquired if there are alternatives?
- Can you point to any medical information that shows more people recover with blood transfusions than any alternative treatment?
- Have you talked to any doctors who operate without blood transfusions?
- Have you discussed the issue of blood transfusions with your spouse?
- Did your spouse say that he/she would let the children die without any medical treatment? What were your spouse's exact words?
- Does your spouse bring your children to your family doctor on a regular basis?
- Do any of your children have health/medical problems at present?
- Do your children at present suffer from any conditions requiring blood transfusions?
- Have your children ever needed a blood transfusion?
- Has your spouse ever denied your children any medical treatment when they were sick?

Non-Witness spouse's religious activities

- In what religion were you raised?
- Which religions have you been affiliated with/attended during your life?
- Do you practice any religion? Which religion? Where?
- When was the last church service attended?
- How often have you attended services in last six months? Year? Five years?
- Has your spouse ever tried to prevent you from going to your own church?
- Does your spouse interfere with your taking the children to a church of your choice?
- Do you bring your children with you when you attend church?
- Does your family attend church on a regular basis as a family unit? Which church? How often?
- Which churches have you taken children to? When? Where? When was the last time?
- Describe your activities within your church.
- Do your children attend Sunday School at your church? When?
- Over what period of time have they attended Sunday School?
- Do you believe in the Bible?
- Is the Bible a Holy Book to your church?
- Does your priest (minister) read from the Bible?
- Do you read the Bible? Do you study the Bible? How often?
- Do you have any objection to your spouse reading/studying the Bible? (If so, what and why?)
- Do you have any objection to your children reading/studying the Bible? (If so, what and why?)

SAMPLE CROSS-EXAMINATION QUESTIONS FOR *NON-WITNESS PARENT*

- Do you pray with your children at home? When? How often?
- Do you pray with your children at mealtimes? Bedtime?
- Do you believe in Hell?
- Does your church teach your children to believe in Hell?
- What form of birth control do you practice?
- Is this a form of birth control that is accepted/approved by your church?

Status of children:

- What are the ages of your children?
- What are the hobbies, interests, aptitudes, etc., of your children? (Note: Ask about the children individually; often a rigid parent will not know his individual children well.)
- Where do your children attend school?
- What grades are they in?
- Are your children doing well in school? What are their marks? (Note: See if parent can describe how each child is doing individually.)
- What do the report cards show? (Note: Seek order compelling discovery of the children's report cards.)
- Do the teachers find their progress acceptable?
- Have you seen the children during classes?
- Do your children have friends?
- Do your children have friends at school? Have you inquired?
- So you consider your children to be normal children?
- Are you proud of your children?

Religious activities of Witness spouse:

- Is your spouse free to choose a religion for himself/herself?
- Do you object to him/her going to church?
- If your spouse were to attend services at a Jewish Synagogue or Mormon Tabernacle, would that be objectionable to you? If not, why not? (Note: Repeat above question for Christian Science Church, Mennonite or Amish Church.)
- Would you permit your children to attend these services with your spouse?
- Do you object to your spouse attending meetings at the Kingdom Hall? Why?
- Do you object to your spouse bringing your children to the Kingdom Hall? Why?
- When does your spouse attend church meetings?
- What are the hours?
- Please tell me what hours your spouse spends in church work. (Monday, Tuesday, Wednesday, etc.)
- Is this at the same time that the children are in school?
- How has your spouse forced the children into her religion? Give examples.

If non-Witness spouse alleges that beliefs of Jehovah's Witness spouse will harm children:

- What religious beliefs of your spouse will damage children? (Provide list and examples.)
- What religious practices of your spouse will damage children? (Provide list and examples.)
- What has been your spouse's "indoctrination of the children"?
- What examples can you point to?
- Is reading the Bible indoctrination?

SAMPLE CROSS-EXAMINATION QUESTIONS FOR *NON-WITNESS PARENT*

- How have your children been “disrupted,” “confused,” “emotionally disturbed,” “upset,” etc., by your spouse’s religious beliefs/practices? (Give examples.)
- Where is this “confusion,” “anxiety” reflected in your children’s school reports?
- What do the teachers say?
- Do the children have a problem with your spouse’s faith or do you?
- Do the children love your spouse? Do they enjoy being with your spouse?
- Is this evidence of children who are “worried and anxious”?

Non-Witness spouse’s attitude to Witness spouse:

- Has your spouse ever tried to stop you from going to your own church?
- Does your spouse allow you to take the children to the church of your choice?
- Have you ever attended a meeting of Jehovah’s Witnesses to hear what is taught?
- Have you ever read publications of Jehovah’s Witnesses? What have you read? (Note: If affirmative answer given, ask name, page, and date of publication.)
- Have you talked to any ministers of Jehovah’s Witnesses to ask them questions?
- Have you associated with Jehovah’s Witnesses on a social basis?
- Do they have parties? Do they enjoy other recreation? What inquiries have you made?
- Are “birthdays, Christmas, Halloween, and New Year’s” the only enjoyable activities there are in your life?
- Does your spouse, as one of Jehovah’s Witnesses,

SAMPLE CROSS-EXAMINATION QUESTIONS FOR *NON-WITNESS PARENT*

teach your children honesty? To tell the truth?
Respect others' property?

- How do you know Jehovah's Witnesses "do not recognize the government of the United States"? Why were you told this? (Note: Or any other allegations raised by non-Witness spouse.)
- What do they not recognize?
- Do they pay taxes? Do they obey the laws?
- Do they encourage honesty and good citizenship?
- What has been your response when your spouse talks to you about religion?

Note: Fit the following questions to the facts of individual case:

- Have you not admitted to being frustrated?
- Did you not on one occasion rip up a book?
- Is it surprising that a wife/husband would not want to talk to her/his husband/wife about such matters when reaction is always one of anger? (Note: If non-Witness spouse has used words such as "fanatic," "proselytizing," "religious intransigence," "obsessed," "indoctrination," ask him/her to define these words as he/she understands them. These may be his/her lawyer's words and not his own.)
- Do you respect the government of the United States?
- Do you respect the Constitution of the United States?
- Do you respect the constitutional provision that guarantees your spouse's freedom of worship?
- Are you so intolerant that the minute your spouse wants to practice the religion of his/her choice, you want to break up the family?
- Is that how you demonstrate your respect for the Constitution of the United States? The Bill of Rights? The government of the United States?

SAMPLE CROSS-EXAMINATION QUESTIONS FOR *NON-WITNESS PARENT*

- Is your spouse's religion the problem, or is it your intolerant attitude?

If non-Witness spouse alleges Witness spouse made an agreement as to the religion of the children:

- What is the agreement you are referring to?
- When did your spouse agree that he/she would not involve your children in the teachings of Jehovah's Witnesses (or raise them as Catholics, etc.)?
- Where is the agreement?
- When was it signed? (Note: Seek an order to compel discovery of agreement.)

Child's freedom of choice:

- Do you object to your child being exposed to different 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 your spouse prevent the children from knowing about your religious views?
- Why do you want to stop the children from learning about his/hers?
- Should your children be allowed to choose which religion they wish to follow?
- How can a child be allowed to choose his/her own religious persuasion unless he/she is exposed to his/her parents' religious choices?
- Do you love your children only so long as they are in your religion?

SAMPLE CROSS-EXAMINATION QUESTIONS FOR *NON-WITNESS PARENT*

- Will you still love your children if they become Catholics, Jews, members of the United Church, Mormons, or Jehovah's Witnesses?
- What have you told your children about Jehovah's Witnesses?

**SAMPLE DIRECT EXAMINATION
AND SAMPLE RESPONSES
FOR *LOCAL ELDER***

- What is your name? What is your occupation?
Where do you live?
- What sort of instruction does the church encourage
parents to provide their children?

(For example, you might wish to share some of the following educational and culturally-enriching subjects from the Society's publications:

Arts and Crafts

"You, Too, Can Learn Calligraphy!" *Awake!*, August 8, 1985, p. 25-27

"Oil Painting—Wholesome Relaxation," *Awake!*, May 8, 1974, p. 21-23

"A Closer Look at Famous Works of Art," *Awake!*, January 8, 1982, p. 16-20

"Keeping Small Hands Busy," *Awake!*, May 8, 1985, p. 24-27

"Are We Losing the Art of Learning?" *Awake!*, September 22, 1982, p. 22, 23

Hobbies and Recreation

"Choosing a Hobby Wisely," *Awake!*, November 8, 1961, p. 13-16

"Beauty in the Rocks," *Awake!*, September 22, 1969, p. 20-22

"The Value of Toys," *Awake!*, January 8, 1971, p. 9-12

"Stamp Collecting as a Hobby," *Awake!*, July 8, 1971, p. 20-23

"Is Home Sewing for You?" *Awake!*, August 22, 1973, p. 9-12

"Knitting as a Lifetime Hobby," *Awake!*, May 8, 1978, p. 23-26

"The Origin of Playing Cards," *Awake!*, August 22, 1978, p. 9-12

"Home Computers—Are They for You?"

Awake!, February 8, 1984, p. 12-15

"Cooking Spaghetti Giulia's Way," *Awake!*,

January 8, 1986, p. 25-27

"Cheese—Are You a Connoisseur?" *Awake!*,

August 8, 1986, p. 25-27

"Will the Abacus Survive Again?" *Awake!*,

December 8, 1986, p. 19

"Young People Ask . . . What About After-School Activities?" *Ibid.*, p. 16-18

"Exploring Earth's Last Great Frontier,"

Awake!, December 22, 1986, p. 16-19

Music and Entertainment

"What Should Your Child Read?" *Awake!*,

March 22, 1978, p. 16-21

"Can Television Benefit Us?" *Awake!*, April 22,

1978, p. 4-6

"Control Your Television!" *Ibid.*, p. 17-20

"What Do You Do for Entertainment?" *Awake!*,

January 22, 1979, p. 3, 4

"Don't Ignore the Need for Entertainment,"

Ibid., p. 5-8

"Playing Indoor Games," *Ibid.*, p. 9-12

"Understanding and Enjoying Music," *Awake!*,

February 8, 1979, p. 20-24

"Music Lessons for Your Two-Year-Old?"

Awake!, February 22, 1980, p. 25-28

"A Sense of Humor—God's Gift," *Awake!*,

September 8, 1980, p. 25-28

"Begin Teaching Your Baby to Read," *Awake!*,

September 22, 1982, p. 23-27

"What Is Your Kind of Music?" *The Watchtower*,

January 15, 1983, p. 3, 4

"Bridge That Gap With Conversation," *Awake!*, June 8, 1983, p. 24, 25

"They Are Helping Children to Read," *Awake!*, June 22, 1985, p. 23

"Reading—It Can Enrich Your Life," *Awake!*, September 8, 1985, p. 3-8

"Young People Ask . . . How Can I Have a Good Time?" *Awake!*, November 8, 1986, p. 10-12

Sports

"Winter Can Be Fun," *Awake!*, December 22, 1958, p. 8-11

"Flying a Kite Can Be Fun," *Awake!*, March 22, 1973, p. 24-26

"How Long Could You Survive in Deep Water?" *Awake!*, June 22, 1973, p. 17-19

"Discovering the Wonderful World of Walking," *Awake!*, August 22, 1973, p. 24-27

"You Can Sail Safely," *Awake!*, September 8, 1980, p. 23-25

"My First Marathon," *Awake!*, December 22, 1980, p. 27, 28

"Lessons You Can Learn from Sports," *Awake!*, July 22, 1981, p. 25-27

"Sports and the Family—A Balanced View," *Awake!*, May 22, 1982, p. 9-11

"Surfing—What's It All About?" *Awake!*, August 22, 1982, p. 12-16

"Young People Ask . . . Should I Go In for Bodybuilding?" *Awake!*, December 22, 1986, p. 13-15)

(Other general topics include Animals and Plant Life, Economics and Employment, Health, Human Relations, Lands and Peoples, Science, World Affairs, and many more.)

DIRECT EXAMINATION AND SAMPLE RESPONSES FOR **LOCAL ELDER**

- How does the church assist parents?

(For example, you might consider *Bible Story* book and illustrate how the book is organized and how it teaches principles such as honesty, respect for authority, the value of obedience, etc.)

- Is this publication used only by Jehovah's Witnesses?
- Is this the only type of publication the church provides?

(You may want to refer to and give brief résumé of *Great Teacher* and *Youth* books and "Young People Ask" series and discuss in similar fashion as *Bible Story* book résumé.)

- How important do Jehovah's Witnesses consider such parental instruction of children?

(Referring to scriptures such as 1 Timothy 5:8, Ephesians 6:1-4, and Proverbs 1:8, 9, you may want to give Bible examples of parental instruction which benefited offspring to emphasize this fundamental Bible belief. Also see "Rearing Happy Children in a Troubled World," *The Watchtower*, January 15, 1982, p. 12.)

- Can you describe what takes place at the meetings of Jehovah's Witnesses?

(Many criticize the meeting schedule as one which is overly demanding for a young child. You may want to highlight that they are religious, educational, promote a warm familial spirit, and that young people make many social contacts at these meetings.)

- Why do Jehovah's Witnesses visit people in their homes by calling from house to house?

(Highlight that visits are made with interested people to share good news of bright future for all mankind. Also see *Kingdom Ministry*, December 1977, "Are You Instructing Your Family?" and *Kingdom Ministry*, February 1979, "How Does God's Kingdom Affect Your Family?")

- Can you describe what takes place at such visits?

(There are various positive features to highlight. For example, many people invite Jehovah's Witnesses in and engage in upbuilding conversations; people who are not interested are left on a friendly basis; many visits are made on people who are also social contacts and conversation is not restricted to religious beliefs; many home visits are like dropping in to see friends; children who accompany parent learn to be outgoing and take an active interest in people from various backgrounds.)

- What view does your church encourage children to take toward a parent who is not one of Jehovah's Witnesses?

(Ephesians 6:1 is to be applied to one who is not one of Jehovah's Witnesses, as well as to a parent who is disfellowshipped. See *w10/15/81*, p. 19; *g10/22/75*, p. 27, 28; *g9/22/70*, p. 27, 28.)

- What view does church take toward people of other religions?

(Jesus taught love neighbor as self, includes all; we respect others' right to worship as they choose.)

- Does church teach that young people should learn only about religion of Jehovah's Witnesses?

(No. Consider following objective consideration of other religions in our publications:

Young People Ask . . . Why Should I Accept
My Parents' Religion?,
Awake!, November 22, 1986, p. 13-15;

Young People Ask . . . Is the Bible Relevant
for Me?,
Awake!, May 22, 1986, p. 12-14;

A Non-Violent World—Did Ghandi Show the
Way?,
Awake!, April 8, 1984, p. 3-12;

What Is Religion Doing for Mankind?,
Awake!, January 8, 1984, p. 3-14;

The Latter-Day Saints in Today's World,
Awake!, December 22, 1982, p. 24-27;

Moon's Unification Church—What Does It
Believe?,
Awake!, September 8, 1982, p. 10-15;

The Church of England—An "Endangered
Species"?,
Awake!, July 8, 1981, p. 25-27;

Why So Many Religions in South Africa?,
Awake!, January 22, 1981, p. 12-15;

A Look at Hindu Views of Life and Death,
Awake!, February 8, 1977, p. 16-23;

Is Buddhism the Way to Enlightenment?,
Awake!, January 8, 1974, p. 16-19;

Test Your Religious Knowledge,
Awake!, April 22, 1961, p. 4-27;

Examining Islamic Teachings,
Watchtower, November 1, 1953,
p. 653-656.

- Are there substantial differences between basic principles of morality as taught by Jehovah's Witnesses and the Catholic (or whichever) Church?
(Principles of Ten Commandments are common to both groups.)

SAMPLE RÉSUMÉ OF *BIBLE STORY* BOOK

RÉSUMÉ OF *BIBLE STORY* BOOK

This book is designed for young children. (See blue block on publisher's page of *Bible Story* book.) This book would be the basis for any religious communication between the parent and the child, up to about age seven or eight.

The teachings are positive as will be shown by analysis. No serious-minded parent could object, regardless of particular religious association. The lessons are objective.

The lessons in this book are NOT doctrinal. They are lessons on loyalty, honesty, morality, human relationships, and self-discipline.

If, for example, the mother is a serious Catholic, there is no real conflict between what the father would communicate to the child and what the mother would teach.

Following is a list of chapters that might be referred to and the lesson in each:

INTRODUCTION: The book is a lesson in chronological Bible history.

CHAPTER 2: "A Beautiful Garden"

Used to introduce very young child to the animal kingdom and to teach basic lessons in biology. Note that all the animals in the picture are in pairs, and they have babies. Allows introduction of such basic subjects as reproduction.

CHAPTER 5: "A Hard Life Begins"

Child can be introduced to the value of respect and obedience to authority, whether parental or community, e.g. police and courts.

CHAPTER 19: "Jacob Has a Big Family"

Child is introduced to the concept that producing a family is an honor and a privilege. Emphasizes unselfishness exhibited in production of a large family. Families contribute to growth of community and nation.

CHAPTER 20: "Dinah Gets into Trouble"

Introduces child to the dangers of associating with immoral and dishonest persons. Teaches morality at an early age without specifics. Aversion to sexual abuse of women and discrimination.

CHAPTER 37: "A Tent for Worship"

This chapter shows that child is taught respect for a house of worship and all the equipment and material used in the house of worship. Child is taught respect for altar and priests.

CHAPTER 44: "Rahab Hides the Spies"

Child learns that we do not refuse to help people or show kindness to people even though we do not approve of what they do. Rahab was a prostitute.

CHAPTER 51: "Ruth and Naomi"

No better lesson in family loyalty and teaching child value of respect for older persons and responsibility to help senior citizens.

CHAPTER 55: "A Little Boy Serves God"

Very young children can learn respect for religious service, respect for God, and for legitimate priesthood. (Use the picture.)

CHAPTER 63: "Wise King Solomon"

(Use the picture.) What an illustration of the value of judicial wisdom and family love. Builds respect for modern-day judiciary. The mother would rather give up the child than have him injured. In terms that a very young child can understand. Also shows that wisdom is better than materialism.

CHAPTER 71: "God Promises a Paradise"

This is what the child is being taught to look forward to. Is it bad? Gives hope and optimistic future in a world where many turn to suicide.

CHAPTER 75: "Four Boys in Babylon"

Teenagers do not have to give in to pressure from their peers. The old virtues and basics are worth standing up for.

CHAPTER 77: "They Would Not Bow Down"

(Sequel to chapter 75.) Children learn that there is a time in life to be firm for right principles.

CHAPTER 84: "An Angel Visits Mary"

CHAPTER 85: "Jesus Born in a Stable"

Child is taught respect for the circumstances of Jesus' birth. (Use the picture.) Child learns the real value of the birth and life of Jesus without influence from commercialism. Who can object?

CHAPTER 86: "Men Guided by a Star"

Same points. (Use the picture.)

CHAPTER 94: "He Loves Little Children"

Jesus used children to teach lessons of flexibility, humility, and respect. Children can understand this better than adults.

CHAPTER 95: "The Way Jesus Teaches"

Who can object to a child learning the story of the Good Samaritan? It is universally respected. We even have "Good Samaritan" hospitals in some locations. Child learns history and background of a very common expression as well as the lesson in human responsibility that is taught. Learns racial discrimination to be shunned.

CHAPTER 99: "In an Upstairs Room"

Jesus introduced the Last Supper. Respected by most religions, including Catholicism. Why shouldn't a child learn the history of its origin?

CHAPTER 110: "Timothy—Paul's New Helper"

The ministry is a respected and honorable profession.

CHAPTER 115: "A New Paradise on Earth"

(Use the picture.) This is what the child is taught to look forward to.

**SAMPLE DIRECT EXAMINATION AND
SAMPLE RESPONSES
FOR *YOUNG WITNESSES***

DIRECT EXAMINATION & RESPONSES FOR *YOUNG WITNESSES*

- What is your name?
- How old are you?
- Where do you live?
- Are you one of Jehovah's Witnesses?
- When did you become one of Jehovah's Witnesses?
- Do you have any brothers or sisters?
- Are they Jehovah's Witnesses?
- How is your relationship with them?
- Tell us something about your father and mother:

Are they Jehovah's Witnesses?

If not, what religion?

What are their occupations?

If Married:

- Is your husband/wife one of Jehovah's Witnesses?
- Are his/her parents Jehovah's Witnesses?
- What are their occupations?
- What is your relationship with them?
- How is your relationship with your parents?
- How old were you when your mother/father became one of Jehovah's Witnesses?
- Have you therefore been exposed to different religious views?
- Can you tell us how this has affected you?

(Helped to understand other views; be tolerant; appreciate divergence of opinions; respect for other religions; listen to other people's comments; in general to be a more fulfilled and balanced person, etc.)

DIRECT EXAMINATION & RESPONSES FOR *YOUNG WITNESSES*

- Did you find that this difference of religion was confusing to you?
- Did it cause you any problems?
- How has your association with Jehovah's Witnesses affected your life?
- Did it help you avoid any problems?

(Comment regarding positive ways association with Jehovah's Witnesses has helped; to have a purpose in life; to help other people; to be good citizens; good morals; be selective as to conduct, company, etc.)

- What do you do for recreation?
- What about social activities?
- What about family activities?
- How did you do in school?
- Did you have any problems?
- Did you get along with other students?
- The fact that you are one of Jehovah's Witnesses, do you feel that hindered your situation?
- What are your plans for the future?

EVIDENCE OF YOUNG PEOPLE:

This can be used to show that they are normal. Identify and interview young people from local congregations who have been raised as Jehovah's Witnesses and, in the eyes of the presiding overseer, are spiritually minded but also enjoy the normal healthy things that young people do. They don't have to be competitive to enjoy sports. Be careful that they don't get the impression that they are in a demonstration at the circuit assembly, when they would show that the first things in life are service and going to the Kingdom Hall. Show hobbies, crafts, social activity, sports, and especially plans for the future. Be careful they don't all say that they are going to be pioneers. Plans can be trade, getting married and having children, journalism, and all kinds of other things. Maybe you can show an interest in art and the theater. They must be clean, moral, honest, but with the interests that you would expect from other young people.

Have you been exposed to different religious views since youth? How has this affected you?

Learned to be tolerant and appreciate divergence of opinions; while personally choosing teachings of Jehovah's Witnesses, have learned to respect others' right of choice.

How has your association with Jehovah's Witnesses affected your life?

Comment on positive value of truth; have a purpose in life; take interest in other people; good morals; obey the law, etc.

Do you go from house-to-house? Describe your reaction.

Educational value of social contact; learn how to meet people, strike up a conversation and reason on a variety of topics. At an early date learned

about the many different views people have. Meeting people at doors overcame shyness and lack of confidence. Ease of dealing with people is valuable now in business as well as religious and social activities.

Is it not depressing when you are rejected at a door?

No. We have something good to share with those who want to listen. Each individual has the right to his opinion. If rejected, we can leave and find someone who does want to talk a few doors away.

Are not three religious meetings a week boring?

No. Meetings are interesting. Participate in Theocratic Ministry School and learn how to talk to people. Associate with other young people at meetings. Make social and recreational arrangements.

What do you do for recreation, social activities, family activities?

Describe a balanced range of activity.

How did you do in school? Did you have any problems? Did you get along with other students? Did your association with Jehovah's Witnesses hinder your education?

Not at all; kept me out of trouble with the drug scene, immorality, illegitimate children, shoplifting, etc. Helped me take a mature view of the need for an education so I could do something useful and interesting with my life.

LIST OF SOURCE MATERIAL
Professional Studies in
Child Psychology

1. Freud, *Child Observations and Prediction of Development*, 13 Psychoanalytic Study of the Child 92, 97, 98 (1958) (emphasis added):

It was Ernst Kris himself who drew our attention to the hopelessness of such clinical foresight in what he had described as the first phase of psychoanalytic child psychology. While we knew no more of the predestined sequences of development than the libidinal phases and "some crucial conflicts and typical danger situations related to the maturational sequence" (p.27), prediction was not possible. There were too many unknown factors which determined the outcome of the child's reactions to his experiences and their genetic, economic, and dynamic interrelations. . . . There remain a number of factors which make clinical foresight, i.e., prediction, difficult and hazardous. I name three of them here. (1) There is no guarantee that the rate of maturational progress on the side of ego development and drive development will be an even one; and whenever one side of the structure outdistances the other in growth, a variety of unexpected and unpredictable deviations from the norm will follow. (2) There is still no way to approach the quantitative factor in drive development, nor to foresee it; but most of the conflict solutions within the personality will, in the last resort, be determined by quantitative rather than by qualitative factors. (3) The environmental happenings in a child's life will always remain unpredictable since they are not governed by any known laws.

2. Thomas & Chess, *Genesis and Evolution of Behavioral Disorders: From Infancy to Early Adult Life*, 141 Am. J. Psychiatry 9 (1984):

As we grow from childhood to maturity, all of us have to shed many childhood illusions. As the field of developmental studies has matured,

we now have to give up the illusion that once we know the young child's psychological history, subsequent personality and functioning is *ipso facto* predictable.

3. J. Ziskin, *Coping with Psychiatric and Psychological Testimony*, 104, 105 (2d ed. Supp. 1977) (emphasis added):

The picture concerning reliability and validity of psychiatric and psychological evaluations remains grim, even in regard to clinical usages, let alone the more rigorous requirements for use in evidence. The current literature reflects widespread agreement that reliability and validity are unacceptably low.

4. H. Schaffer, *The Growth of Sociability* 15-17 (emphasis added):

Parents may be firmly convinced that the particular experiences encountered by their baby will mark him for good or ill for the rest of his life, but when we turn to scientific support for this assertion there is as yet not a single study available which firmly and without ambiguity demonstrates that a specific experience impinging at one particular point of time in early human development will leave permanent effects on that individual. Birth trauma, breast or bottle feeding, type of toilet training, swaddling practices—whatever their effects at the time, the lasting imprint of such events has not been demonstrated. The aphorism that the child is father to the man remains an article of faith rather than a scientifically supported conclusion.

What are the forces that come to shape infant behaviour? Here we find one of the major issues that has divided psychologists in the past into,

on the one hand, those who see the child as essentially an inert blob of clay that must be moulded by forces impinging upon him from the environment and, on the other hand, those who consider the child preformed and look upon development as largely an unfolding of inherent tendencies. *It is easy to assert that heredity and environment must both play a part and there are few who would go against such a safe viewpoint. Yet in practice, and particularly so in relation to early development, we find the divergence of opinion a real and often a heated one.*

5. Chess, *Developmental Theory Revisited*, 26 Can. J. Psychiatry 110, 111 (1979) (emphasis added):

The accumulation of research data in recent years has by now made it clear that our "inability to make empirical predictions about later personality from the early years" is indeed "evidence of a developmental reality." These data have come most dramatically from the major longitudinal studies—the type of study which is uniquely suited to examine the issue of continuity over time. The same message has come from all (5-7, 12), reaffirming the findings of our own longitudinal studies. Similar conclusions have come from the two major comprehensive reviews of the recent literature by Sameroff (9) and Clarke and Clarke (2).

...

The data offer no firm support for the popular belief that certain events during the first year can produce irreversible consequences in either human or infrahuman infants (5).

6. Ellsworth & Levy, *Legislative Reform of Child Custody Adjudication*, 4 L. Soc'y Rev. 199 (1969):

In general, studies show no clear advantage for

trained judges; psychologists are not consistently better or worse than nonpsychologists (e.g., secretaries, college students, nurses), and clinical training and experiences does not improve the accuracy of global judgments. If anything, clinical training and experience may be somewhat detrimental and reduce judgmental accuracy, or at least introduce systematic biases such as greater emphasis on pathology and less favorable prognoses. [Mischel, 1968: 116; see also Sarbin et al. 1940].

7. Dewing & Taft, *Some Personality Characteristics of the Parents of Creative Twelve-year-olds*, 41 J. Personality 81, 82 (1973):

A second demographic variable found to be related to creative ability was unusual religious belief. In particular, a disproportionately large number of highly creative children were Jehovah's Witnesses. Four children from the total sample of 394 were members of this sect, and all four showed high creative ability. The girl who gained the highest total score on the Torrance tests, and the girl who was the only child, male or female, to be included in the top 20 percent of all five performance measures, were both Jehovah's Witnesses.

8. Sanua, *Religion, Mental Health and Personality: A Review of Empirical Studies*, 125 Am. J. Psychiatry 1206 (1969):

What may be said at this point is that a substantial number of additional empirical findings would be necessary before any valid conclusions could be drawn as to the relationship between religiousness and mental health.

9. Frideres, *Offspring of Jewish Intermarriage: A Note*, 35 Jewish Soc. Stud. 156 (1973):

The results concerning the remaining dependent variables show that little 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.

10. Lynch, *Mixed Marriages in the Aftermath of "Matrimonia Mixta"*, 11 J. Ecumenical Stud. 653 (1974) (emphasis added):

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.

11. R. Mnookin, *Child-Custody Adjudication: Judicial Functions in the Face of Indeterminacy*, Vol. 39, No. 3, 1975:

While psychiatrists and psychoanalysts have at times been enthusiastic in claiming for themselves the largest possible role in custody proceedings, many have conceded that their theories provide no reliable guide for predictions about what is likely to happen to a particular child. Anna Freud, who has devoted her life to the study of the child and who plainly believes that theory can be a useful guide to treatment, has warned: "In spite of . . . advances there remain factors which make clinical foresight, i.e., prediction, difficult and hazardous," not the least of which is that "environmental happenings in a child's life will always remain unpredictable since they are not governed by any known laws."

PROFESSIONAL STUDIES IN CHILD PSYCHOLOGY

The difficulty of making accurate predictions is shown clearly by a study undertaken by Joan Macfarlane and her associates in Berkeley, California. Using various tests and interviews, the Berkeley group, during a thirty-year period, studied a group of 166 infants born in 1929. Their objective was to observe the growth—emotional, mental, and physical—of normal people. As Arlene Skolnick observed, "Over the years this study has generated several significant research findings, but the most surprising of all was the difficulty of predicting what thirty-year-old adults would be like even after the most sophisticated data had been gathered on them as children."

**PREPARATION FOR PSYCHOLOGICAL
OR
PSYCHIATRIC EVALUATION**

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 interest 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 children. Therefore, there is a growing likelihood that both spouses as well as the children will receive some type of psychological 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 psychiatric or psychological 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 examination is to determine which parent is best suited to provide the child a secure and safe home. Therefore, certain matters must be kept clearly in mind:

- 1. Do not be unduly defensive or suspicious of the health care professional's role in the evaluation process.** Many people who work in psychology and psychiatry 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 with him and he 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 the truth has helped you to overcome psychological scars or problems, but do not exaggerate or paint the truth 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 psychiatric session as an opportunity to present Bible literature and witness about the Kingdom hope. The health care professional selected to evaluate you and your family has an objective in mind. If court appointed, he is required to present his findings to the court and you will want to make it easy for him to do his job. The psychologist is probably not interested in the Bible principles that guide your life. Rather, he is 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 child. 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 professional who conducts the interview.

4. Show that you have a balanced view and that the truth has helped you to maintain such a view. Do not present yourself or the truth as rigid or obsessive. Rather, show the evaluator that you are a reasonable person by showing your flexibility and responding in an open and nondefensive manner. For example, questions about religious practices such as not celebrating holidays will be a part of the psychological examination. The mental health professional will be interested in determining how you, as a good parent, handle this practice with your child. He will want to know whether or not you are sensitive to the fact that your child 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 a loving bond with your child, that you understand your child's honest reactions to your religious practices, that you have helped your child to develop a sense of security

about the practice of his religion, and that he is not merely parroting the expressions that you have provided for him. If your child is to be tested, you should also try to prepare him or her 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 interviewer 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 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 deemphasizing 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 with the evaluator specific 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 with your evaluator. Sit up straight and try to relax as you speak with the evaluator. 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 by your evaluator 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 the health care professional is trained to do this type of evaluation, to the degree reasonable allow him 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 help the evaluator 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 the examinee'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) is widely used to test for certain personality traits. It consists of about 550 statements and

PREPARATION FOR PSYCHOLOGICAL OR PSYCHIATRIC EVALUATION

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 MMPI 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 child. The mental health 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 child. You must be prepared to show in a positive, honest and frank manner that you will provide for your child’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 child and the way in which you are able to express this to the child. Show that you have already developed a close, loving relationship with your child and that there is nothing in your personality or religious practices that would require the child not to be placed in your custody.

COPING WITH PSYCHIATRIC EVALUATION

To help you understand how the foregoing general principles can be applied, the following examples of questions and answers are provided to assist you in a psychological or psychiatric evaluation. As indicated, a person being evaluated should not be unduly defensive or suspicious of the 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?

PREPARATION FOR PSYCHOLOGICAL OR PSYCHIATRIC EVALUATION

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 nondefensive 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 get married to 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 my Lisa.

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

PREPARATION FOR PSYCHOLOGICAL OR PSYCHIATRIC EVALUATION

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 my Lisa and saying I'm a religious fanatic. You know, doctor, I really think there's more to it than just the religion.

A court will 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 child's well-being. Rather, when viewed in the proper perspective, comparing the love and affection you offer your child 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 child'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 Orientals 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

PREPARATION FOR PSYCHOLOGICAL OR PSYCHIATRIC EVALUATION

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 child. You want to communicate the fact that your religious beliefs have helped you to become a better parent. You will want to show that a Christian parent is capable of providing for the emotional and physical needs of the child, as well as the child's spiritual needs. Take the opportunity to show that a warm, loving bond already exists between you and your child, so that any disruption to this bond will be detrimental to the child.

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 lifestyle 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 examiner to see that the course you have selected is a course of wisdom and

PREPARATION FOR PSYCHOLOGICAL OR PSYCHIATRIC EVALUATION

reason. The following dialogue is an example of how you might explain the fact that Christians attend five Bible-based meetings 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 an unbelieving mate. 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 child in the event of a medical crisis. However, because of the Scriptural admonition regarding blood, and the many serious medical dangers associated with blood transfusions, you

PREPARATION FOR PSYCHOLOGICAL OR PSYCHIATRIC EVALUATION

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 alternatives in some detail, showing that you are capable and prepared to care for the child'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. Because of our stand, some feel that we refuse all medical treatment. But this is just not true. We fully utilize medical doctors. In the area of transfusions, we do accept non-blood volume 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 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. (Reproduced 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.

CHILD CUSTODY LITIGATION AND THE CHRISTIAN FAMILY

REVISED 1991

TABLE OF CONTENTS

	PAGE
INTRODUCTION	
SAMPLE CROSS-EXAMINATION QUESTIONS THAT <i>WITNESS PARENT</i> COULD FACE	1
SAMPLE APPROACH BY <i>WITNESS PARENT</i> TO CROSS-EXAMINATION	11
SAMPLE CROSS-EXAMINATION QUESTIONS FOR <i>NON-WITNESS PARENT</i>	14
SAMPLE DIRECT EXAMINATION AND SAMPLE RESPONSES FOR <i>LOCAL ELDER</i>	26
SAMPLE RÉSUMÉ OF <i>BIBLE STORY BOOK</i>	34
SAMPLE DIRECT EXAMINATION AND SAMPLE RESPONSES FOR <i>YOUNG WITNESSES</i>	40
LIST OF SOURCE MATERIAL— <i>Professional Studies in Child Psychology</i>	45
PREPARATION FOR PSYCHOLOGICAL OR PSYCHIATRIC EVALUATION	52
APPENDIX	65

INTRODUCTION

This booklet is designed to help you and your attorney prepare for the difficulties Christian parents often face in child custody 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 will examine all aspects of the child's physical, emotional, and spiritual welfare in either household. Thus your religious practices and teachings as one of Jehovah's Witnesses will probably be a subject of inquiry by your former spouse and the court.

Opposers often focus attention on holidays and birthday celebrations. They argue that Witness children are deprived of a "normal" upbringing. There is no need to hide or distort your religious beliefs and practices in the face of such criticism. When giving an answer, always try to focus on the positive aspects of your religious beliefs, showing how they have benefited you and your family. (Isa. 48:17) Be sure to answer questions regarding such subjects in a way that is both understandable and reasonable, accurately presenting the wholesomeness of the Christian home.—1 Pet. 3:15.

This booklet will also help you prepare for psychological examinations that frequently *are required as part of* a child custody determination. Having some idea of the type of questions a psychologist may ask should help you handle the examination naturally and without undue anxiety.

Disputes over child custody can be an ordeal for Christian parents. But with preparation and reliance on Jehovah, you need not be without hope, knowing that in the end Jehovah will set all matters straight.—Ps. 43:1; 1 Pet. 3:12.

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

Holidays:

When answering questions about holidays, we want to remember that many people view our religion as a litany of negative responses. Therefore, whenever 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: "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."

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?
- Do most of the children in your child's class celebrate Christmas . . . , etc.?
- It is difficult for children to feel different than their classmates and school friends?
- So it is difficult for children to be Jehovah's Witnesses?
- In fact, it is 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. When answering questions about your 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 the elders. You want to emphasize the fact that you are a thinking, well-balanced and 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?
- How do you feel about your ex-wife/husband who is not one of Jehovah's Witnesses?
- Is he/she under the control of Satan?
- ~~What do you teach your child about your ex-wife/husband?~~
- 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?
- Will you teach your child that his father's/mother's religious beliefs are wrong?
- Will you teach your child that his father/mother will be destroyed by God if he/she does not become one of Jehovah's Witnesses?
- Will you teach your child that there is a risk that his father/mother will be destroyed by God?
- Isn't it true that there are great differences between

beliefs of Catholics (or whoever) and Jehovah's Witnesses?

- In fact, didn't you leave the Catholic (or other) church to become one of Jehovah's Witnesses?
- Can you be one of Jehovah's Witnesses and a Catholic (or whatever) at the same time?
- If you cannot be one of Jehovah's Witnesses and a Catholic (or whatever) at the same time, how can you expect your child to be?
- Will you teach your child that both your church and the Catholic (or other) church are right?
- Won't your child be confused by being taught two religions?
- If your son was participating in a play or another special event at the Catholic (or other) church, would you attend?
- Do you respect all religions?
- If a member of your family was being baptized, married, or a family funeral service was being given in a Catholic (or other) church, would you attend?
- **How is this showing respect for the Catholic (or other) church or your family?**
- If you respect all religions, why do you go from house to house trying to convert people?
- How would you feel if your child decided he did not want to be one of Jehovah's Witnesses and chose to belong to another church?
- Would you still love your child?
- Do you teach your child only about the religion of Jehovah's Witnesses?
- Do you believe that your child should learn about other religions?
- If your child, out of curiosity, decided he wanted to attend the services of another church, would you allow him to? Would you accompany him?

Blood:

Some confuse our stand on the use of blood and blood products with the position of religions that refuse all medical treatment. You want to show that you are a loving, caring parent who wants the best medical care possible of your child's medical and surgical needs. 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 child's medical and surgical needs. Acknowledge that your former mate properly has a right to participate and have a say in any medical decisions involving your child. Stress the fact that you want the best available medical treatment for yourself and your child and that avoidance of blood, in your opinion and the opinion of many in the medical community, is a sound, healthful course.

- Do you believe that every word of the Bible is literally true?
- Do you teach that it is better to die than to take a blood transfusion?
- You claim that there are alternatives; what is the alternative where someone loses blood in a car accident?
- How do you know there are alternatives?
- Is it true that only a minority of doctors are willing to try alternative, bloodless treatment?
- Don't most doctors recommend blood transfusions?
- 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 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 well known and 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 honor and respect.

- Do you believe the governments of this world are controlled by Satan?
- **Are the judge and this court controlled by Satan?**
- Do you believe God will destroy the governments of this world?
- Do you vote?
- Do you stand up for the National Anthem/salute the flag?
- If your 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 child that he will be persecuted for his beliefs? Is that healthy for your child?

- Is your child frightened by the prospect of persecution?

Satan:

Many do not consider Satan to be a real person and will find your 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?
- Does Satan control everyone who is not one of Jehovah's Witnesses?
- Is Satan powerful?
- Are you afraid of Satan?
- Do you teach your child about Satan? Is your child afraid of Satan?

Armageddon:

Armageddon marks a time of destruction of the wicked, as well as the beginning of Jehovah's righteous new system. ~~Emphasize the positive aspects of the event.~~ It is not like the tragic hellfire doctrine, which keeps the wicked in torment forever.

- 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?
- Will that be a frightening time?
- Do you teach your child about Armageddon?
- Is your child not scared/upset at the prospect of his mother/father, school friends, neighbors, and himself/herself being destroyed at Armageddon?

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 child to all of these meetings?
- Is it not correct that if your child attends your midweek meeting he 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 a small child to sit through these long meetings? Wouldn't your child rather be playing than attending these church meetings?
- Would you teach your child to be one of Jehovah's Witnesses?
- Do you hope your child will become one of Jehovah's Witnesses?
- Will you bring your child to all of your meetings?
- Will you bring your child out in your preaching work? Every weekend? For how long?
- If your child did not want to go to your church meetings, would you force him to go?
- If your child did not want to go out preaching, would you force him 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 child went preaching, wouldn't he encounter people who disagree with him, reject him and are rude to him?
- Wouldn't that be difficult for your child? Would he find that hard to endure?
- Is it not harmful for children to feel rejected?
- If you care about your child, why would you deliberately place him in a situation where he is bound to suffer embarrassment and rejection?

School: (May be faced with quotes from "School" Brochure)

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 and career are left with the parents and child. You may use the *Index* to investigate the wide range of topics on which the Society encourages discussion and research. The Society's publications encourage our youths to be diligent and serious-minded in their studies.

- Does this booklet "School and Jehovah's Witnesses" set out your church's beliefs in the school setting? Does your church recommend that parents and children in your faith follow the rules set out in this booklet and that teachers should also abide by them?
- Isn't it true that you won't permit your child 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 child to go to school dances? to 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 child to be a class representative or be on the school council?
- Isn't it true that you would not permit your child to participate in school elections?
- Isn't it true that you would not allow your child to join any school clubs?
- Isn't it true that you would not allow your child to join any school teams?
- Isn't it true you would not permit your child to engage in any school activities associated with national or religious holidays?
- Do you permit your child to stand up for the National Anthem in school?

- Will your children be very different from the majority of children in school and deprived of many enjoyable, healthy activities that they enjoy?
- At times will your child be mocked or alienated at school because of these beliefs?
- Is it difficult for a child to be one of Jehovah's Witnesses at school?
- If you love your child, why would you want to deprive him/her of so many activities that he/she would enjoy?
- Isn't it true that you would not permit your child to attend a college or university?
- Isn't it true that if your child attended a college or university, he/she would face disapproval in congregation and be subject to counseling by your ministers?
- Would you support your child if he/she decided to go to a college or university?
- Isn't it true that you want and are going to teach your child to be a full-time minister?
- Isn't that the only career that you intend for your child?

Corporal punishment:

- As one of Jehovah's Witnesses, do you believe in corporal punishment?
- Do you believe the Bible directs parents to discipline their children with a rod or stick?
- Isn't it true that if you failed to heed the Bible's command to discipline your child, you would not be considered a good Christian/good parent?

Practice sessions:

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

**SAMPLE APPROACH BY
WITNESS PARENT
TO CROSS-EXAMINATION**

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.

Cross-examination questions are typically structured to limit your response to simple yes or no answers. For example, a typical question would 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 may be able to explain your answer either at the time it is asked or when your attorney questions you after cross-examination.

Here are a few sample questions together with references to some of the Society's publications containing background information which may 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.

Do you believe you have the only right religion?

See, for example, *Jehovah's Witnesses in the Twentieth Century*, page 29.

Isn't it true that you'd let your child die before you would consent to a blood transfusion?

See, for example, *Reasoning from the Scriptures*, page 74.

Isn't it true that you have forbidden your children to participate in holiday activities in school?

See, for example, "Questions From Readers," *The Watchtower*, Nov. 15, 1960, page 703.

Isn't it true that you teach your children that their mother/father will be destroyed at Armageddon because they are not Jehovah's Witnesses?

See, for example, *Jehovah's Witnesses in the Twentieth Century*, page 29, and *Reasoning from the Scriptures*, pages 46-49.

Isn't it true that you are required by your religion to take the children from door to door selling Watchtowers?

See, for example, "Questions From Readers," *The Watchtower*, Dec. 1, 1960, page 735, and "How to Be a Successful Parent," *The Watchtower*, May 1, 1988, pages 3-6.

Isn't it true that you would not encourage your child to attend college?

See, for example, "What Career Should I Choose?" *Awake!*, May 8, 1989, pages 12-14.

Isn't it true that the direction in the School brochure forbids you to allow your child to participate in patriotic holidays?

See, for example, *School and Jehovah's Witnesses*, page 3, and "Questions From Readers," *The Watchtower*, Dec. 1, 1960, page 735.

**SAMPLE CROSS-EXAMINATION
QUESTIONS FOR
*NON-WITNESS PARENT***

Work:

- Where do you work?
- How far is your work place from your home?
- What time do you leave for work?
- What are your hours of work?
- What times would the child require day-care assistance of a neighbor? friend? relative?
- Is your spouse home at those same times?
- Is a neighbor/friend/relative to be preferred over the child's mother/father for day-care?

Jehovah's Witnesses' role as parents and spouse . . .

A) Parent:

- Does your spouse prepare meals for the family?
- Does your spouse do family laundry?
- Does your spouse care well for the home? (i.e., provide a neat home, do maintenance, etc.)
- Does your spouse care well for the children?
- Does your spouse wake the children in the morning?
- Does your spouse dress the children in the morning?
- Does your spouse prepare breakfast for the children?
- Does your spouse prepare lunch for the children?
- Does your spouse prepare supper for the children?
- Does your spouse take the children to school?
- Does your spouse take care of the children when they are sick?
- Is your spouse at home when the children return from school?

- Does your spouse put the children to bed?
- Does your spouse take an interest in the children's education?
- Does your spouse spend time helping the children with their education/homework in school?
- Does your spouse visit the schoolteachers?
- Does your spouse attend the school on parent/teacher night?
- Do you attend the school on parent/teacher nights?
- When was the last time you attended the school on parent/teacher night?
- Does your spouse engage in recreation with your children? Which? When?
- Do your children love your spouse?
- Does your spouse love your children?
- Wouldn't you agree that your children need both their mother and their father?
- Is your spouse a good parent?
- Would you describe your spouse as a good man/woman?
- Describe your spouse's good qualities.

If non-Witness alleges Witness spouse has made church more important than family:

- How has your spouse put his/her church ahead of family? Give examples.
- What you really mean is she will not let you dictate what church she goes to?

B) Spouse:

- How did spouse's conversion to Jehovah's Witnesses harm his/her sexual relationship with you?
- Did your spouse refuse the marital due?

- Have you been very upset since your spouse has become one of Jehovah's Witnesses?
- Might your angry attitude have an adverse emotional effect on your spouse?
- Is it surprising your spouse would find it difficult in view of your attitude of intolerance and animosity?
- Is your spouse hospitable?
- Does your spouse entertain your friends and family?
- Isn't it true that your spouse is friendly and has good relationships with your family members?
- Did your spouse suggest family counseling?
- Wasn't he/she willing to attend family counseling?
- Why did you reject family counseling?
- Is it not correct that your children become upset when they observe angry interchanges between their parents?
- Is it not true that your children are disturbed and upset by your separation from your spouse?

Corporal punishment:

- Do you discipline your children?
- Do you ever spank your children?

Holidays:

- How has your spouse actively discouraged children from sharing in Christmas, etc., with yourself?
- Has your spouse prevented you from having your friends into the home?
- Has your spouse ever invited people into the home over the Christmas period?
- Has your spouse ever asked you to make a meal during this period?

- Does your spouse give gifts to children at Christmas?
- Do they accept gifts?
- Does your spouse prevent you from sharing in such celebrations with the children?

Blood:

- What do you know about blood transfusions?
- Have you ever read any medical information about blood transfusions?
- Do you know if there are any adverse side effects?
- Have you heard of AIDS and hepatitis being contracted through blood transfusions?
- ~~Have you inquired if there are alternatives?~~
- Can you point to any medical information that shows more people recover with blood transfusions than any alternative treatment?
- Have you talked to any doctors who operate without blood transfusions?
- Have you discussed the issue of blood transfusions with your spouse?
- Did your spouse say that he/she would let the children die without any medical treatment? What were your spouse's exact words?
- Does your spouse bring your children to your family doctor on a regular basis?
- Do any of your children have health/medical problems at present?
- Do your children at present suffer from any conditions requiring blood transfusions?
- Have your children ever needed a blood transfusion?
- Has your spouse ever denied your children any medical treatment when they were sick?

Non-Witness spouse's religious activities

- In what religion were you raised?
- Which religions have you been affiliated with/attended during your life?
- Do you practice any religion? Which religion? Where?
- When was the last church service attended?
- How often have you attended services in last six months? Year? Five years?
- Has your spouse ever tried to prevent you from going to your own church?
- Does your spouse interfere with your taking the children to a church of your choice?
- Do you bring your children with you when you attend church?
- Does your family attend church on a regular basis as a family unit? Which church? How often?
- Which churches have you taken children to? When? Where? When was the last time?
- Describe your activities within your church.
- Do your children attend Sunday School at your church? When?
- Over what period of time have they attended Sunday School?
- Do you believe in the Bible?
- Is the Bible a Holy Book to your church?
- Does your priest (minister) read from the Bible?
- Do you read the Bible? Do you study the Bible? How often?
- Do you have any objection to your spouse reading/studying the Bible? (If so, what and why?)
- Do you have any objection to your children reading/studying the Bible? (If so, what and why?)

- Do you pray with your children at home? When? How often?
- Do you pray with your children at mealtimes? Bedtime?
- Do you believe in Hell?
- Does your church teach your children to believe in Hell?
- What form of birth control do you practice?
- Is this a form of birth control that is accepted/approved by your church?

Status of children:

- What are the ages of your children?
- What are the hobbies, interests, aptitudes, etc., of your children? (Note: Ask about the children individually; often a rigid parent will not know his individual children well.)
- Where do your children attend school?
- What grades are they in?
- Are your children doing well in school? What are their marks? (Note: See if parent can describe how each child is doing individually.)
- What do the report cards show? (Note: Seek order compelling discovery of the children's report cards.)
- Do the teachers find their progress acceptable?
- Have you seen the children during classes?
- Do your children have friends?
- Do your children have friends at school? Have you inquired?
- So you consider your children to be normal children?
- Are you proud of your children?

Religious activities of Witness spouse:

- Is your spouse free to choose a religion for himself/herself?
- Do you object to him/her going to church?
- If your spouse were to attend services at a Jewish Synagogue or Mormon Tabernacle, would that be objectionable to you? If not, why not? (Note: Repeat above question for Christian Science Church, Mennonite or Amish Church.)
- Would you permit your children to attend these services with your spouse?
- Do you object to your spouse attending meetings at the Kingdom Hall? Why?
- Do you object to your spouse bringing your children to the Kingdom Hall? Why?
- When does your spouse attend church meetings?
- What are the hours?
- Please tell me what hours your spouse spends in church work. (Monday, Tuesday, Wednesday, etc.)
- Is this at the same time that the children are in school?
- How has your spouse forced the children into her religion? Give examples.

If non-Witness spouse alleges that beliefs of Jehovah's Witness spouse will harm children:

- What religious beliefs of your spouse will damage children? (Provide list and examples.)
- What religious practices of your spouse will damage children? (Provide list and examples.)
- What has been your spouse's "indoctrination of the children"?
- What examples can you point to?
- Is reading the Bible indoctrination?

- How have your children been “disrupted,” “confused,” “emotionally disturbed,” “upset,” etc., by your spouse’s religious beliefs/practices? (Give examples.)
- Where is this “confusion,” “anxiety” reflected in your children’s school reports?
- What do the teachers say?
- Do the children have a problem with your spouse’s faith or do you?
- Do the children love your spouse? Do they enjoy being with your spouse?
- Is this evidence of children who are “worried and anxious”?

Non-Witness spouse’s attitude to Witness spouse:

- Has your spouse ever tried to stop you from going to your own church?
- Does your spouse allow you to take the children to the church of your choice?
- Have you ever attended a meeting of Jehovah’s Witnesses to hear what is taught?
- Have you ever read publications of Jehovah’s Witnesses? What have you read? (Note: If affirmative answer given, ask name, page, and date of publication.)
- Have you talked to any ministers of Jehovah’s Witnesses to ask them questions?
- Have you associated with Jehovah’s Witnesses on a social basis?
- Do they have parties? Do they enjoy other recreation? What inquiries have you made?
- Are “birthdays, Christmas, Halloween, and New Year’s” the only enjoyable activities there are in your life?
- Does your spouse, as one of Jehovah’s Witnesses,

teach your children honesty? To tell the truth?
Respect others' property?

- How do you know Jehovah's Witnesses "do not recognize the government of the United States"? Why were you told this? (Note: Or any other allegations raised by non-Witness spouse.)
- What do they not recognize?
- Do they pay taxes? Do they obey the laws?
- Do they encourage honesty and good citizenship?
- What has been your response when your spouse talks to you about religion?

Note: Fit the following questions to the facts of individual case:

- Have you not admitted to being frustrated?
- Did you not on one occasion rip up a book?
- Is it surprising that a wife/husband would not want to talk to her/his husband/wife about such matters when reaction is always one of anger? (Note: If non-Witness spouse has used words such as "~~fanatic~~," "~~proselytizing~~," "~~religious intransigence~~," "obsessed," "indoctrination," ask him/her to define these words as he/she understands them. These may be his/her lawyer's words and not his own.)
- Do you respect the government of the United States?
- Do you respect the Constitution of the United States?
- Do you respect the constitutional provision that guarantees your spouse's freedom of worship?
- Are you so intolerant that the minute your spouse wants to practice the religion of his/her choice, you want to break up the family?
- Is that how you demonstrate your respect for the Constitution of the United States? The Bill of Rights? The government of the United States?

- Is your spouse's religion the problem, or is it your intolerant attitude?

If non-Witness spouse alleges Witness spouse made an agreement as to the religion of the children:

- What is the agreement you are referring to?
- When did your spouse agree that he/she would not involve your children in the teachings of Jehovah's Witnesses (or raise them as Catholics, etc.)?
- Where is the agreement?
- When was it signed? (Note: Seek an order to compel discovery of agreement.)

Child's freedom of choice:

- Do you object to your child being exposed to different 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 your spouse prevent the children from knowing about your religious views?
- Why do you want to stop the children from learning about his/hers?
- Should your children be allowed to choose which religion they wish to follow?
- How can a child be allowed to choose his/her own religious persuasion unless he/she is exposed to his/her parents' religious choices?
- Do you love your children only so long as they are in your religion?

SAMPLE CROSS-EXAMINATION QUESTIONS FOR *NON-WITNESS PARENT*

- Will you still love your children if they become Catholics, Jews, members of the United Church, Mormons, or Jehovah's Witnesses?
- What have you told your children about Jehovah's Witnesses?

**SAMPLE DIRECT EXAMINATION
AND SAMPLE RESPONSES
FOR *LOCAL ELDER***

- What is your name? What is your occupation?
Where do you live?
- What sort of instruction does the church encourage
parents to provide their children?

(For example, you might wish to share some of the following educational and culturally-enriching subjects from the Society's publications:

Arts and Crafts

"You, Too, Can Learn Calligraphy!" *Awake!*,
August 8, 1985, p. 25-27

"Oil Painting—Wholesome Relaxation," *Awake!*,
May 8, 1974, p. 21-23

"A Closer Look at Famous Works of Art,"
Awake!, January 8, 1982, p. 16-20

"Keeping Small Hands Busy," *Awake!*, May 8,
1985, p. 24-27

"Are We Losing the Art of Learning?" *Awake!*,
September 22, 1982, p. 22, 23

Hobbies and Recreation

"Choosing a Hobby Wisely," *Awake!*,
November 8, 1961, p. 13-16

"Beauty in the Rocks," *Awake!*, September 22,
1969, p. 20-22

"The Value of Toys," *Awake!*, January 8, 1971,
p. 9-12

"Stamp Collecting as a Hobby," *Awake!*, July 8,
1971, p. 20-23

"Is Home Sewing for You?" *Awake!*, August 22,
1973, p. 9-12

"Knitting as a Lifetime Hobby," *Awake!*, May 8,
1978, p. 23-26

"The Origin of Playing Cards," *Awake!*,
August 22, 1978, p. 9-12

"Home Computers—Are They for You?"

Awake!, February 8, 1984, p. 12-15

"Cooking Spaghetti Giulia's Way," *Awake!*,

January 8, 1986, p. 25-27

"Cheese—Are You a Connoisseur?" *Awake!*,

August 8, 1986, p. 25-27

"Will the Abacus Survive Again?" *Awake!*,

December 8, 1986, p. 19

"Young People Ask . . . What About After-School

Activities?" *Ibid.*, p. 16-18

"Exploring Earth's Last Great Frontier,"

Awake!, December 22, 1986, p. 16-19

Music and Entertainment

"What Should Your Child Read?" *Awake!*,

March 22, 1978, p. 16-21

"Can Television Benefit Us?" *Awake!*, April 22,

1978, p. 4-6

"Control Your Television!" *Ibid.*, p. 17-20

"What Do You Do for Entertainment?" *Awake!*,

January 22, 1979, p. 3, 4

"Don't Ignore the Need for Entertainment,"

Ibid., p. 5-8

"Playing Indoor Games," *Ibid.*, p. 9-12

"Understanding and Enjoying Music," *Awake!*,

February 8, 1979, p. 20-24

"Music Lessons for Your Two-Year-Old?"

Awake!, February 22, 1980, p. 25-28

"A Sense of Humor—God's Gift," *Awake!*,

September 8, 1980, p. 25-28

"Begin Teaching Your Baby to Read," *Awake!*,

September 22, 1982, p. 23-27

"What Is Your Kind of Music?" *The Watchtower*,

January 15, 1983, p. 3, 4

"Bridge That Gap With Conversation," *Awake!*, June 8, 1983, p. 24, 25

"They Are Helping Children to Read," *Awake!*, June 22, 1985, p. 23

"Reading—It Can Enrich Your Life," *Awake!*, September 8, 1985, p. 3-8

"Young People Ask . . . How Can I Have a Good Time?" *Awake!*, November 8, 1986, p. 10-12

Sports

"Winter Can Be Fun," *Awake!*, December 22, 1958, p. 8-11

"Flying a Kite Can Be Fun," *Awake!*, March 22, 1973, p. 24-26

"How Long Could You Survive in Deep Water?" *Awake!*, June 22, 1973, p. 17-19

"Discovering the Wonderful World of Walking," *Awake!*, August 22, 1973, p. 24-27

"You Can Sail Safely," *Awake!*, September 8, 1980, p. 23-25

"My First Marathon," *Awake!*, December 22, 1980, p. 27, 28

"Lessons You Can Learn from Sports," *Awake!*, July 22, 1981, p. 25-27

"Sports and the Family—A Balanced View," *Awake!*, May 22, 1982, p. 9-11

"Surfing—What's It All About?" *Awake!*, August 22, 1982, p. 12-16

"Young People Ask . . . Should I Go In for Bodybuilding?" *Awake!*, December 22, 1986, p. 13-15)

(Other general topics include Animals and Plant Life, Economics and Employment, Health, Human Relations, Lands and Peoples, Science, World Affairs, and many more.)

- How does the church assist parents?

(For example, you might consider *Bible Story* book and illustrate how the book is organized and how it teaches principles such as honesty, respect for authority, the value of obedience, etc.)

- Is this publication used only by Jehovah's Witnesses?
- Is this the only type of publication the church provides?

(You may want to refer to and give brief résumé of *Great Teacher* and *Youth* books and "Young People Ask" series and discuss in similar fashion as *Bible Story* book résumé.)

- How important do Jehovah's Witnesses consider such parental instruction of children?

(Referring to scriptures such as 1 Timothy 5:8, Ephesians 6:1-4, and Proverbs 1:8, 9, you may want to give Bible examples of parental instruction which benefited offspring to emphasize this fundamental Bible belief. Also see "Rearing Happy Children in a Troubled World," *The Watchtower*, January 15, 1982, p. 12.)

- Can you describe what takes place at the meetings of Jehovah's Witnesses?

(Many criticize the meeting schedule as one which is overly demanding for a young child. You may want to highlight that they are religious, educational, promote a warm familial spirit, and that young people make many social contacts at these meetings.)

- Why do Jehovah's Witnesses visit people in their homes by calling from house to house?

(Highlight that visits are made with interested people to share good news of bright future for all mankind. Also see *Kingdom Ministry*, December 1977, "Are You Instructing Your Family?" and *Kingdom Ministry*, February 1979, "How Does God's Kingdom Affect Your Family?")

- Can you describe what takes place at such visits?

(There are various positive features to highlight. For example, many people invite Jehovah's Witnesses in and engage in upbuilding conversations; people who are not interested are left on a friendly basis; many visits are made on people who are also social contacts and conversation is not restricted to religious beliefs; many home visits are like dropping in to see friends; children who accompany parent learn to be outgoing and take an active interest in people from various backgrounds.)

- What view does your church encourage children to take toward a parent who is not one of Jehovah's Witnesses?

(Ephesians 6:1 is to be applied to one who is not one of Jehovah's Witnesses, as well as to a parent who is disfellowshipped. See *w10/15/81*, p. 19; *g10/22/75*, p. 27, 28; *g9/22/70*, p. 27, 28.)

- What view does church take toward people of other religions?

(Jesus taught love neighbor as self, includes all; we respect others' right to worship as they choose.)

- Does church teach that young people should learn only about religion of Jehovah's Witnesses?

(No. Consider following objective consideration of other religions in our publications:

Young People Ask . . . Why Should I Accept
My Parents' Religion?,
Awake!, November 22, 1986, p. 13-15;

Young People Ask . . . Is the Bible Relevant
for Me?,
Awake!, May 22, 1986, p. 12-14;

A Non-Violent World—Did Ghandi Show the
Way?,
Awake!, April 8, 1984, p. 3-12;

What Is Religion Doing for Mankind?,
Awake!, January 8, 1984, p. 3-14;

The Latter-Day Saints in Today's World,
Awake!, December 22, 1982, p. 24-27;

Moon's Unification Church—What Does It
Believe?,
Awake!, September 8, 1982, p. 10-15;

The Church of England—An "Endangered
Species"?,
Awake!, July 8, 1981, p. 25-27;

Why So Many Religions in South Africa?,
Awake!, January 22, 1981, p. 12-15;

A Look at Hindu Views of Life and Death,
Awake!, February 8, 1977, p. 16-23;

Is Buddhism the Way to Enlightenment?,
Awake!, January 8, 1974, p. 16-19;

Test Your Religious Knowledge,
Awake!, April 22, 1961, p. 4-27;

Examining Islamic Teachings,
Watchtower, November 1, 1953,
p. 653-656.

- Are there substantial differences between basic principles of morality as taught by Jehovah's Witnesses and the Catholic (or whichever) Church?

(Principles of Ten Commandments are common to both groups.)

SAMPLE RÉSUMÉ OF *BIBLE STORY* BOOK

This book is designed for young children. (See blue block on publisher's page of *Bible Story* book.) This book would be the basis for any religious communication between the parent and the child, up to about age seven or eight.

The teachings are positive as will be shown by analysis. No serious-minded parent could object, regardless of particular religious association. The lessons are objective.

The lessons in this book are NOT doctrinal. They are lessons on loyalty, honesty, morality, human relationships, and self-discipline.

If, for example, the mother is a serious Catholic, there is no real conflict between what the father would communicate to the child and what the mother would teach.

Following is a list of chapters that might be referred to and the lesson in each:

INTRODUCTION: The book is a *lesson* in chronological Bible history.

CHAPTER 2: "A Beautiful Garden"
Used to introduce very young child to the animal kingdom and to teach basic lessons in biology. Note that all the animals in the picture are in pairs, and they have babies. Allows introduction of such basic subjects as reproduction.

CHAPTER 5: "A Hard Life Begins"
Child can be introduced to the value of respect and obedience to authority, whether parental or community, e.g. police and courts.

CHAPTER 19: "Jacob Has a Big Family"

Child is introduced to the concept that producing a family is an honor and a privilege. Emphasizes unselfishness exhibited in production of a large family. Families contribute to growth of community and nation.

CHAPTER 20: "Dinah Gets into Trouble"

Introduces child to the dangers of associating with immoral and dishonest persons. Teaches morality at an early age without specifics. Aversion to sexual abuse of women and discrimination.

CHAPTER 37: "A Tent for Worship"

This chapter shows that child is taught respect for a house of worship and all the equipment and material used in the house of worship. Child is taught respect for altar and priests.

CHAPTER 44: "Rahab Hides the Spies"

Child learns that we do not refuse to help people or show kindness to people even though we do not approve of what they do. Rahab was a prostitute.

CHAPTER 51: "Ruth and Naomi"

No better lesson in family loyalty and teaching child value of respect for older persons and responsibility to help senior citizens.

CHAPTER 55: "A Little Boy Serves God"

Very young children can learn respect for religious service, respect for God, and for legitimate priesthood. (Use the picture.)

CHAPTER 63: "Wise King Solomon"

(Use the picture.) What an illustration of the value of judicial wisdom and family love. Builds respect for modern-day judiciary. The mother would rather give up the child than have him injured. In terms that a very young child can understand. Also shows that wisdom is better than materialism.

CHAPTER 71: "God Promises a Paradise"

This is what the child is being taught to look forward to. Is it bad? Gives hope and optimistic future in a world where many turn to suicide.

CHAPTER 75: "Four Boys in Babylon"

Teenagers do not have to give in to pressure from their peers. The old virtues and basics are worth standing up for.

CHAPTER 77: "They Would Not Bow Down"

(Sequel to chapter 75.) Children learn that there is a time in life to be firm for right principles.

CHAPTER 84: "An Angel Visits Mary"

CHAPTER 85: "Jesus Born in a Stable"

Child is taught respect for the circumstances of Jesus' birth. (Use the picture.) Child learns the real value of the birth and life of Jesus without influence from commercialism. Who can object?

CHAPTER 86: "Men Guided by a Star"

Same points. (Use the picture.)

CHAPTER 94: "He Loves Little Children"

Jesus used children to teach lessons of flexibility, humility, and respect. Children can understand this better than adults.

CHAPTER 95: "The Way Jesus Teaches"

Who can object to a child learning the story of the Good Samaritan? It is universally respected. We even have "Good Samaritan" hospitals in some locations. Child learns history and background of a very common expression as well as the lesson in human responsibility that is taught. Learns racial discrimination to be shunned.

CHAPTER 99: "In an Upstairs Room"

Jesus introduced the Last Supper. Respected by most religions, including Catholicism. Why shouldn't a child learn the history of its origin?

CHAPTER 110: "Timothy—Paul's New Helper"

The ministry is a respected and honorable profession.

CHAPTER 115: "A New Paradise on Earth"

(Use the picture.) This is what the child is taught to look forward to.

**SAMPLE DIRECT EXAMINATION AND
SAMPLE RESPONSES
FOR *YOUNG WITNESSES***

- What is your name?
- How old are you?
- Where do you live?
- Are you one of Jehovah's Witnesses?
- When did you become one of Jehovah's Witnesses?
- Do you have any brothers or sisters?
- Are they Jehovah's Witnesses?
- How is your relationship with them?
- Tell us something about your father and mother:

Are they Jehovah's Witnesses?

If not, what religion?

What are their occupations?

If Married:

- Is your husband/wife one of Jehovah's Witnesses?
- Are his/her parents Jehovah's Witnesses?
- What are their occupations?
- What is your relationship with them?
- How is your relationship with your parents?
- How old were you when your mother/father became one of Jehovah's Witnesses?
- Have you therefore been exposed to different religious views?
- Can you tell us how this has affected you?

(Helped to understand other views; be tolerant; appreciate divergence of opinions; respect for other religions; listen to other people's comments; in general to be a more fulfilled and balanced person, etc.)

- Did you find that this difference of religion was confusing to you?
- Did it cause you any problems?
- How has your association with Jehovah's Witnesses affected your life?
- Did it help you avoid any problems?

(Comment regarding positive ways association with Jehovah's Witnesses has helped; to have a purpose in life; to help other people; to be good citizens; good morals; be selective as to conduct, company, etc.)

- What do you do for recreation?
- What about social activities?
- What about family activities?
- How did you do in school?
- Did you have any problems?
- Did you get along with other students?
- ~~The fact that you are one of Jehovah's Witnesses, do~~ you feel that hindered your situation?
- What are your plans for the future?

EVIDENCE OF YOUNG PEOPLE:

This can be used to show that they are normal. Identify and interview young people from local congregations who have been raised as Jehovah's Witnesses and, in the eyes of the presiding overseer, are spiritually minded but also enjoy the normal healthy things that young people do. They don't have to be competitive to enjoy sports. Be careful that they don't get the impression that they are in a demonstration at the circuit assembly, when they would show that the first things in life are service and going to the Kingdom Hall. Show hobbies, crafts, social activity, sports, and especially plans for the future. Be careful they don't all say that they are going to be pioneers. Plans can be trade, getting married and having children, journalism, and all kinds of other things. Maybe you can show an interest in art and the theater. They must be clean, moral, honest, but with the interests that you would expect from other young people.

Have you been exposed to different religious views since youth? How has this affected you?

Learned to be tolerant and appreciate divergence of opinions; while personally choosing teachings of Jehovah's Witnesses, have learned to respect others' right of choice.

How has your association with Jehovah's Witnesses affected your life?

Comment on positive value of truth; have a purpose in life; take interest in other people; good morals; obey the law, etc.

Do you go from house-to-house? Describe your reaction.

Educational value of social contact; learn how to meet people, strike up a conversation and reason on a variety of topics. At an early date learned

about the many different views people have. Meeting people at doors overcame shyness and lack of confidence. Ease of dealing with people is valuable now in business as well as religious and social activities.

Is it not depressing when you are rejected at a door?

No. We have something good to share with those who want to listen. Each individual has the right to his opinion. If rejected, we can leave and find someone who does want to talk a few doors away.

Are not three religious meetings a week boring?

No. Meetings are interesting. Participate in Theocratic Ministry School and learn how to talk to people. Associate with other young people at meetings. Make social and recreational arrangements.

What do you do for recreation, social activities, family activities?

Describe a balanced range of activity.

How did you do in school? Did you have any problems? Did you get along with other students? Did your association with Jehovah's Witnesses hinder your education?

Not at all; kept me out of trouble with the drug scene, immorality, illegitimate children, shoplifting, etc. Helped me take a mature view of the need for an education so I could do something useful and interesting with my life.

LIST OF SOURCE MATERIAL
Professional Studies in
Child Psychology

1. Freud, *Child Observations and Prediction of Development*, 13 *Psychoanalytic Study of the Child* 92, 97, 98 (1958) (emphasis added):

It was Ernst Kris himself who drew our attention to the hopelessness of such clinical foresight in what he had described as the first phase of psychoanalytic child psychology. While we knew no more of the predestined sequences of development than the libidinal phases and "some crucial conflicts and typical danger situations related to the maturational sequence" (p.27), prediction was not possible. There were too many unknown factors which determined the outcome of the child's reactions to his experiences and their genetic, economic, and dynamic interrelations. . . . There remain a number of factors which make clinical foresight, i.e., prediction, difficult and hazardous. I name three of them here. (1) There is no guarantee that the rate of maturational progress on the side of ego development and drive development will be an even one; and whenever one side of the structure outdistances the other in growth, a variety of unexpected and unpredictable deviations from the norm will follow. (2) There is still no way to approach the quantitative factor in drive development, nor to foresee it; but most of the conflict solutions within the personality will, in the last resort, be determined by quantitative rather than by qualitative factors. (3) The environmental happenings in a child's life will always remain unpredictable since they are not governed by any known laws.

2. Thomas & Chess, *Genesis and Evolution of Behavioral Disorders: From Infancy to Early Adult Life*, 141 *Am. J. Psychiatry* 9 (1984):

As we grow from childhood to maturity, all of us have to shed many childhood illusions. As the field of developmental studies has matured,

we now have to give up the illusion that once we know the young child's psychological history, subsequent personality and functioning is *ipso facto* predictable.

3. J. Ziskin, *Coping with Psychiatric and Psychological Testimony*, 104, 105 (2d ed. Supp. 1977) (emphasis added):

The picture concerning reliability and validity of psychiatric and psychological evaluations remains grim, even in regard to clinical usages, let alone the more rigorous requirements for use in evidence. The current literature reflects widespread agreement that reliability and validity are unacceptably low.

4. H. Schaffer, *The Growth of Sociability 15-17* (emphasis added):

Parents may be firmly convinced that the particular experiences encountered by their baby will mark him for good or ill for the rest of his life, but when we turn to scientific support for this assertion there is as yet not a single study available which firmly and without ambiguity demonstrates that a specific experience impinging at one particular point of time in early human development will leave permanent effects on that individual. Birth trauma, breast or bottle feeding, type of toilet training, swaddling practices—whatever their effects at the time, the lasting imprint of such events has not been demonstrated. The aphorism that the child is father to the man remains an article of faith rather than a scientifically supported conclusion.

What are the forces that come to shape infant behaviour? Here we find one of the major issues that has divided psychologists in the past into,

on the one hand, those who see the child as essentially an inert blob of clay that must be moulded by forces impinging upon him from the environment and, on the other hand, those who consider the child preformed and look upon development as largely an unfolding of inherent tendencies. *It is easy to assert that heredity and environment must both play a part and there are few who would go against such a safe viewpoint. Yet in practice, and particularly so in relation to early development, we find the divergence of opinion a real and often a heated one.*

5. Chess, *Developmental Theory Revisited*, 26 Can. J. Psychiatry 110, 111 (1979) (emphasis added):

The accumulation of research data in recent years has by now made it clear that our "inability to make empirical predictions about later personality from the early years" is indeed "evidence of a developmental reality." These data have come most dramatically from the major longitudinal studies—the type of study which is uniquely suited to examine the issue of continuity over time. The same message has come from all (5-7, 12), reaffirming the findings of our own longitudinal studies. Similar conclusions have come from the two major comprehensive reviews of the recent literature by Sameroff (9) and Clarke and Clarke (2).

...

The data offer no firm support for the popular belief that certain events during the first year can produce irreversible consequences in either human or infrahuman infants (5).

6. Ellsworth & Levy, *Legislative Reform of Child Custody Adjudication*, 4 L. Soc'y Rev. 199 (1969):

In general, studies show no clear advantage for

trained judges; psychologists are not consistently better or worse than nonpsychologists (e.g., secretaries, college students, nurses), and clinical training and experiences does not improve the accuracy of global judgments. If anything, clinical training and experience may be somewhat detrimental and reduce judgmental accuracy, or at least introduce systematic biases such as greater emphasis on pathology and less favorable prognoses. [Mischel, 1968: 116; see also Sarbin et al. 1940].

7. Dewing & Taft, *Some Personality Characteristics of the Parents of Creative Twelve-year-olds*, 41 J. Personality 81, 82 (1973):

A second demographic variable found to be related to creative ability was unusual religious belief. In particular, a disproportionately large number of highly creative children were Jehovah's Witnesses. Four children from the total sample of 394 were members of this sect, and all four showed high creative ability. The girl who gained the highest total score on the Torrance tests, and the girl who was the only child, male or female, to be included in the top 20 percent of all five performance measures, were both Jehovah's Witnesses.

8. Sanua, *Religion, Mental Health and Personality: A Review of Empirical Studies*, 125 Am. J. Psychiatry 1206 (1969):

What may be said at this point is that a substantial number of additional empirical findings would be necessary before any valid conclusions could be drawn as to the relationship between religiousness and mental health.

9. Frideres, *Offspring of Jewish Intermarriage: A Note*, 35 Jewish Soc. Stud. 156 (1973):

The results concerning the remaining dependent variables show that little 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.

10. Lynch, *Mixed Marriages in the Aftermath of "Matrimonia Mixta"*, 11 J. Ecumenical Stud. 653 (1974) (emphasis added):

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.

11. R. Mnookin, *Child-Custody Adjudication: Judicial Functions in the Face of Indeterminacy*, Vol. 39, No. 3, 1975:

While psychiatrists and psychoanalysts have at times been enthusiastic in claiming for themselves the largest possible role in custody proceedings, many have conceded that their theories provide no reliable guide for predictions about what is likely to happen to a particular child. Anna Freud, who has devoted her life to the study of the child and who plainly believes that theory can be a useful guide to treatment, has warned: "In spite of . . . advances there remain factors which make clinical foresight, i.e., prediction, difficult and hazardous," not the least of which is that "environmental happenings in a child's life will always remain unpredictable since they are not governed by any known laws."

The difficulty of making accurate predictions is shown clearly by a study undertaken by Joan Macfarlane and her associates in Berkeley, California. Using various tests and interviews, the Berkeley group, during a thirty-year period, studied a group of 166 infants born in 1929. Their objective was to observe the growth—emotional, mental, and physical—of normal people. As Arlene Skolnick observed, "Over the years this study has generated several significant research findings, but the most surprising of all was the difficulty of predicting what thirty-year-old adults would be like even after the most sophisticated data had been gathered on them as children."

**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 interest 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 children. Therefore, there is a growing likelihood that both spouses as well as the children will receive some type of psychological 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 psychiatric or psychological 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 examination is to determine which parent is best suited to provide the child a secure and safe home. Therefore, certain matters must be kept clearly in mind:

- 1. Do not be unduly defensive or suspicious of the health care professional's role in the evaluation process.** Many people who work in psychology and psychiatry 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 with him and he 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 the truth has helped you to overcome psychological scars or problems, but do not exaggerate or paint the truth 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 psychiatric session as an opportunity to present Bible literature and witness about the Kingdom hope. The health care professional selected to evaluate you and your family has an objective in mind. If court appointed, he is required to present his findings to the court and you will want to make it easy for him to do his job. The psychologist is probably not interested in the Bible principles that guide your life. Rather, he is 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 child. 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 professional who conducts the interview.

4. Show that you have a balanced view and that the truth has helped you to maintain such a view. Do not present yourself or the truth as rigid or obsessive. Rather, show the evaluator that you are a reasonable person by showing your flexibility and responding in an open and nondefensive manner. For example, questions about religious practices such as not celebrating holidays will be a part of the psychological examination. The mental health professional will be interested in determining how you, as a good parent, handle this practice with your child. He will want to know whether or not you are sensitive to the fact that your child 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 a loving bond with your child, that you understand your child's honest reactions to your religious practices, that you have helped your child to develop a sense of security

about the practice of his religion, and that he is not merely parroting the expressions that you have provided for him. If your child is to be tested, you should also try to prepare him or her 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 interviewer 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 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 deemphasizing 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 with the evaluator specific 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 with your evaluator. Sit up straight and try to relax as you speak with the evaluator. 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 by your evaluator 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 the health care professional is trained to do this type of evaluation, to the degree reasonable allow him 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 help the evaluator 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 the examinee'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) is 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 MMPI 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 child. The mental health 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 child. You must be prepared to show in a positive, honest and frank manner that you will provide for your child'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 child and the way in which you are able to express this to the child. Show that you have already developed a close, loving relationship with your child and that there is nothing in your personality or religious practices that would require the child not to be placed in your custody.

COPING WITH PSYCHIATRIC EVALUATION

To help you understand how the foregoing general principles can be applied, the following examples of questions and answers are provided to assist you in a psychological or psychiatric evaluation. As indicated, a person being evaluated should not be unduly defensive or suspicious of the 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 nondefensive 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 get married to 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 my Lisa.

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 my Lisa and saying I'm a religious fanatic. You know, doctor, I really think there's more to it than just the religion.

A court will 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 child's well-being. Rather, when viewed in the proper perspective, comparing the love and affection you offer your child 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 child'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 Orientals 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 child. You want to communicate the fact that your religious beliefs have helped you to become a better parent. You will want to show that a Christian parent is capable of providing for the emotional and physical needs of the child, as well as the child's spiritual needs. Take the opportunity to show that a warm, loving bond already exists between you and your child, so that any disruption to this bond will be detrimental to the child.

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 lifestyle 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 examiner 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 five Bible-based meetings 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 an unbelieving mate. 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 child in the event of a medical crisis. However, because of the Scriptural admonition regarding blood, and the many serious medical dangers associated with blood transfusions, 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 alternatives in some detail, showing that you are capable and prepared to care for the child'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. Because of our stand, some feel that we refuse all medical treatment. But this is just not true. We fully utilize medical doctors. In the area of transfusions, we do accept non-blood volume 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 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. (Reproduced 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.

APPENDIX

The 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

"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

"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*, 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?"

"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?"

Blood Transfusions

"Questions From Readers," *The Watchtower*, June 1, 1990, pages 30-31.

"Questions From Readers," *The Watchtower*, March 1, 1989, pages 30-31.

"Jehovah's Witnesses—The Surgical/Ethical Challenge," *Awake!*, June 22, 1982, pages 25-27.

Higher Education

"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.

CHILD CUSTODY LITIGATION

WHEN RELIGION IS A FACTOR

NOVEMBER 1993

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
Settlement	17
Exclude Religious Prejudice	19
Use of Expert Testimony	19
1. Mental Health Experts	19
2. "Religious" Experts	20
3. Character Witnesses	21
Impact of Extended Family	21
SAMPLE CROSS-EXAMINATION QUESTIONS THAT THE WITNESS PARENT COULD FACE	23
Holidays	23
Religion	26
Blood	27
Governments	30
Satan	31
Armageddon	31
Isolation	32
Disfellowshipping	34
Practices of Jehovah's Witnesses	35
Education	36
Corporal Punishment	38
Practice Sessions	39
SAMPLE CROSS-EXAMINATION QUESTIONS FOR NON-WITNESS PARENT	41
PREPARATION FOR PSYCHOLOGICAL OR PSYCHIATRIC EVALUATION	43
APPENDIX	59

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 inter-

¹ Ala., Code § 30-3-1 (1989); Alaska Stat. § 25.20.060 (1991); Ariz. Rev. Stat. Ann. § 25.332 (Supp. 1992); Ark. Code Ann. § 9-13-203 (1991); Cal. Civil Code § 4608 (West Supp. 1993); Colo. Rev. Stat. § 14-10-124 (1987); Conn. Gen. Stat. Ann. § 46b-56 (West 1986); Del. Code Ann. tit. 13, § 722 (Supp. 1990); D.C. Code Ann. § 16-914 (1989); Fla. Stat. Ann. § 61.13 (West Supp. 1993); Ga. Code Ann. § 19-9-1 (Supp. 1992); Haw. Rev. Stat. § 571-46 (Supp. 1992); Idaho Code § 32-717 (Supp. 1992); Ill. Ann. Stat. ch. 40, para. 602 (Smith-Hurd Supp. 1992); Ind. Code Ann. § 31-1-11.5-21 (Burns 1987); Iowa Code Ann. § 598.41 (West Supp. 1992); Kan. Stat. Ann. § 60-1610(a)(3) (Supp. 1992); Ky. Rev. Stat. Ann. § 403.270 (Michie/Bobbs-Merrill 1984); La. Civ. Code Ann. art. 131 (West Supp. 1993); Me. Rev. Stat. Ann. tit. 19, § 752(5) (West Supp. 1992); Md. Code Ann., Family Law § 9-204(a)(2) (1991);

ests as the paramount consideration in child custody cases. While ensuring a 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

Mass. Ann. Laws ch. 208, § 31 (Law. Co-op. Supp. 1993); Mich. Comp. Laws Ann. § 722.23 (West Supp. 1990); Minn. Stat. Ann. § 518.17 (West Supp. 1993); Miss. Code Ann. § 93-5-24 (Supp. 1992); Mo. Ann. Stat. § 452.375 (Vernon Supp. 1992); Mont. Code Ann. § 40-4-212 (1991); Neb. Rev. Stat. § 42-364 (Supp. 1992); Nev. Rev. Stat. Ann. § 125.480 (Michie 1993); N.H. Rev. Stat. Ann. § 458:17 (1992); N.J. Stat. Ann. § 9:2-4 (West 1993); N.M. Stat. Ann. § 40-4-9 (Michie 1989); N.Y. *Dom. Rel. Law* § 240 (McKinney Supp. 1993); N.C. Gen. Stat. § 56-13.2 (1987); N.D. Cent. Code § 14-09-06.1 (1991); Ohio Rev. Code Ann. § 3109.04 (Anderson Supp. 1992); Okla. Stat. Ann. tit. 43, § 109 (West 1990); Or. Rev. Stat. § 107.137 (1991); 23 Pa. Cons. Stat. Ann. § 5301 (1991); R.I. Gen. Laws § 15-14-2 (1988); S.C. Code Ann. § 20-3-160 (Law. Co-op. 1985); S.D. Codified Laws Ann. § 25-5-7.1 (1992); Tenn. Code Ann. § 36-6-101 (1991); Tex. Family Code Ann. § 14.07 (West Supp. 1993); Utah Code Ann. § 30-3-10 (1989); Vt. Stat. Ann. tit. 15, § 665 (1989); Va. Code Ann. § 20-107.2 (Michie Supp. 1992); Wash. Rev. Code Ann. § 26.09.184 (Supp. 1993); W. Va. Code § 48-2-15 (Supp. 1992); Wis. Stat. Ann. § 767.24 (West Supp. 1992); Wyo. Stat. § 20-2-113 (1987). See generally 1 J. Atkinson, *Modern 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.

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 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

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.")

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 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., *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*, 567 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

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.

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

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 *Clift v. Clift*, 346 So. 2d 429 (Ala. Civ. App. 1977): "Questions regarding the celebration of Christmas and birthdays or relating to participation in the electoral process or military service are not 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, 104 S. 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 contact" 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 behavior 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 fathoming 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 mold. 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); *Hanson 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*, 575 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

Settlement

Settlement between the parties is always favored 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 shortsighted 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 should 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 adamantly criticizes the teachings of Jehovah's Witnesses.

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 pretrial 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 pretrial motions or motions *in limine* to strike non-probative, prejudicial evidence. If local practice affords a motion *in limine* or some other pretrial 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 reestablish 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.

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 shortsighted 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.

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?
- It is 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 it is 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? 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!*, 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:

"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.

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.

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.

"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 honor 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 neighbors 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 important 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 express-

ing genuine concern and sympathy for persons in need, but also by doing what they can to be of help. It may simply be a matter of 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 honor'—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 neighborhood or at school are no good. Some of them may be pleasant and decent, as some of your neighbors, 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. Second, all children are admonished to show honor 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 mid-week 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 to all of your meetings?
- 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*, No-

vember 1, 1992, "Education With a Purpose," page 19.) You may 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 congregation and be subject to counseling 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 instill right principles or just fear?'

Awake!, February 8, 1993, page 11.

- 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 would 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 nondefensive 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 avail-

able. 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 nondefensive 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.

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

"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

"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

"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.

**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 <i>WITNESS PARENT</i> COULD FACE	31
Holidays	32
Religion.....	34
Blood.....	36
Governments	39
Satan.....	39
Armageddon.....	40
Isolation.....	40
Disfellowshipping.....	43
Practices of Jehovah's Witnesses.....	44
Education	45
Corporal Punishment	47
Practice Sessions	48

SAMPLE CROSS-EXAMINATION QUESTIONS FOR <i>NON-WITNESS PARENT</i>	49
PREPARATION FOR PSYCHOLOGICAL OR PSYCHIATRIC EVALUATION	51
COPING WITH EVALUATIONS BY MENTAL HEALTH CARE PROFESSIONALS.....	56
WHEN A PARTY TO THE DIVORCE IS DISFELLOWSHIPED OR DISASSOCIATED	65
APPENDIX.....	67

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 en-

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. ch. 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); Ky. 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 ch. 208, § 31 (1996); Mich. Comp. Laws Ann. § 722.23 (1996); Minn. Stat. Ann. § 518.17 (1996); Miss. Code Ann. § 93-5-24 (1996); Mo. Ann. Stat. § 452.375 (1996); Mont. Code Ann. § 40-4-212 (1996); Neb.

sureing a 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. Rel. Law § 240 (1997); N.C. 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.I. 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); Va. Code Ann. § 20-124.3 (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, *Modern 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

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.")

those beliefs 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*, 609 N.Y.S.2d 80 (2d Dept. 1994); *Osteraas v. Osteraas*, 859 P.2d 948 (Idaho 1993); *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*, 567 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 *Clift v. Clift*, 346 So. 2d 429 (Ala. Civ. App. 1977): "Questions regarding the celebration of Christmas and birthdays or relating to participation in the electoral process or military service are not 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, 104 S. 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 pas-

torally 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 be-

cause the law sees a value in "frequent and continuing contact" 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 behavior 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 fathoming 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 mold. 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); *Hanson 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*, 575 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 favor 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 skillful 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 principles 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 favored 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 shortsighted 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 adamantly 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 pretrial 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 pretrial motions or motions *in limine* to strike non-probative, prejudicial evidence. If local practice affords a motion *in limine* or some other pretrial 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 reestablish 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 pretrial deposition.

A pretrial 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 pretrial 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 shortsighted 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 honor 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 neighbors 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 important 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 what they can to be of help. It may simply be a matter of 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 honor’—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 neighborhood or at school are no good. Some of them may be pleasant and decent, as some of your neighbors, 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 honor 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 counseling 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 instill 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 upbuilt, not burdened or torn 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 nondefensive 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 avail-

able 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 nondefensive 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 op-

portunity 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 un-

derstand 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.