

**WANGUGI v. WANGUGI** was a 2000 Ohio appellate court decision. Joseph Wangugi and Marion Wangugi were divorced in 1995. In 1997, Marion Wangugi was awarded physical custody. In February 1999, Joseph Wangugi filed a motion to modify custody of the parties' two children. He alleged that a change of circumstances had occurred and that the children's best interests would be served by modifying the custody order. Marion Wangugi, by then a Jehovah's Witness, had decided that she would remove the children from Catholic school, which they had attended since kindergarten. After interviewing both children, the lower court decided to modify custody to allow the son to live with Joseph Wangugi. The son did not want to attend public school, and Joseph Wangugi, a Catholic, agreed that he would enroll the son in a Catholic school in his locale. The court noted that although Aaron enjoys a loving relationship with both his mother and father, the son expressed his desire to live with his father. Additionally, several years had passed since the original custody award and the son had matured and developed common interests with his father. No change in custody was made with respect to the daughter.

Marion Wangugi argued that the trial court inappropriately considered her WatchTower religious faith when considering whether to modify the custody order. This appellate court disagreed, stating: "... we find no evidence that the trial court considered appellant's religion or religious practices when determining the custody modification issue. We acknowledge that the magistrate's report contained accurate statements of fact regarding the parties' religious practices. The report did not, however, rely upon the parties' religious differences when resolving the custody modification issue. In fact, the magistrate's report explicitly indicates that neither child expressed any concerns with either parent's religious practice and that neither child displayed any adverse effects from appellant's religious beliefs."