

ESTES v. ESTES was a 1991 Kansas trial court case which received atypical media coverage. On February 9, 1992, the front page of the Kansas City Star carried an article entitled, "A Matter of Faith, Hope and Custody", written by Rick Montgomery. That two page article started:

"The temperature on Dec. 22, 1989, hit 23 degrees below zero, the lowest ever recorded in Kansas City. Raymond Estes answered the phone that morning in his Johnson County apartment and heard his 6-year-old son sobbing. "Daddy, please don't let Momma take me," the boy pleaded. "Take you where?" Just before the line clicked dead, his son replied: "Door to door."

When this custody case went to trial, the Jehovah's Witness mother had temporary custody of Scott Estes, who had been born in 1983. Although the domestic court services investigation recommended that custody be awarded to the mother, the judge awarded custody to the father, Raymond Estes, stating in part: "... because of the absolute conflict between the parents with reference to the Jehovah's Witness religion, and for good cause shown, sole custody of said minor child be granted to the respondent father". With respect to the mother, this court stated, in part, that she was:

"... enjoined and restrained from exposing said minor child to any activities in which she participates as a member of the Jehovah's Witness religion, and is to restrain from indoctrinating or attempting to indoctrinate the minor child in the restrictions and prohibitions of that religion; the petitioner is specifically ordered restrained from teaching said child or exposing said child to teachings that his father, grandmother, or other paternal relatives are 'of the Devil' or are 'of Satan' or that his relatives including his father and grandmother are 'going to die' and will be just 'dust'"

The judge's reasoning included the potential threat of the child's health because of the Watchtower prohibition on blood transfusions, their disparagement of all higher education, their teaching that all non-Witnesses including the child's father are in bonds of Satan and will be destroyed soon at Armageddon, and the fact that "the behavior of the minor child, Scotty, reflects that he is becoming more and more alienated from his father and

from his extended family, believing that 'Christmas persons' (those who celebrate Christmas as opposed to ... the Jehovah's Witnesses who do not) ... are going to die ... and should be shunned".

Raymond Estes also introduced as evidence at trial a booklet prepared by the WatchTower Society entitled, "Preparing for Child Custody Cases". This booklet was written by staff at the WatchTower's world headquarters (including being co-authored by Carolyn Wah, WatchTower attorney and child custody specialist), in 1986, as a response to the approximately 1000 requests per year that the WatchTower's Legal Department was receiving for assistance with JW related child custody cases. After reviewing this WatchTower trial preparation booklet, the judge concluded that the booklet "was designed, and encourages, the Jehovah's Witness to cover up some of their true beliefs and mislead the court as to what their beliefs and practices are with reference to children." He further stated that the Watchtower Society teaches that, "There is nothing wrong under the religion, as I understand it, in misleading or even lying to somebody that is not a Jehovah's Witness." The later newspaper article also addressed this booklet stating that the WatchTower Society "encourages its faithful to fudge their testimony".