

MASTROPIERO v. MASTROPIERO was a 1997 Connecticut court case. The 1994 dissolution of their marriage granted joint custody of the three minor children to both parents; with physical custody granted to the Father. In 1996, per the desires of the three children, the Mother filed for and was granted physical custody of the three children. Both parents had remarried. Father was a Jehovah's Witness, and given his demonstrated controlling attitude, I'm guessing he also was an Elder in his local Jehovah's Witness congregation:

"Father, entrusted with primary residence, immediately and unilaterally modified the joint custodial agreement, by effectively changing it to his own sole custody. The judgment, incorporating their agreement, assured each of the parents that they would share educational and medical access and information. ... Father consistently denied mother a role in educational and medical issues from the date of dissolution. He did not disclose the childrens' educational appointments or activities. He did not share the names of their medical or dental practitioners, nor was mother informed of the dates or purposes of their medical or dental appointments. Since the date of the judgment, conflict over the upbringing of the children has increased. Mother has made some contribution to that conflict, but it has been father who has been the major factor in creating the increasing parental discord."

Specifically addressing the "Jehovah's Witness" factor, this court stated:

"The behaviors required by father's commitment to raise the children as Jehovah's Witnesses have been offered as a basis for denying father custody of the children. Such a denial would violate father's right to religious freedom under the First Amendment. It is a fundamental law of our land that a parent may not be deprived of a child's custody based upon religious beliefs. Our constitution forbids this court to evaluate the merits of father's religious practices. ... Further, the Jehovah's Witness religion, as practiced by father, is not a threat to the well being of the Mastropiero children. The children will be limited in some activities that may be seen as valuable in the social development of children. They will not celebrate birthdays or some widely

observed holidays. They will not recite the pledge of allegiance nor salute the flag. They will not participate in many group extracurricular activities. They are less likely to attend four years of college. They will not be allowed blood transfusions. They will be expected to spend many hours calling door to door to present their Jehovah's Witness beliefs. But this court has been offered no expert testimony that these religiously based variations from communal norms threaten the childrens' best interests. Nor was any credible evidence presented to indicate that the children were accident prone or afflicted with health problems that were likely to necessitate blood transfusions"

Specifically addressing the Father's "assumption" of sole custody, this court stated:

"Father has consistently and repeatedly refused to disclose the minor childrens' doctor and school appointments to their joint custodial mother. He refused to give mother the childrens' medical insurance cards until pressured by this court, making it impossible for their joint custodial mother to initiate medical care without father's specific approval. He placed lengthy and repeated telephone calls when the children vacationed with their mother. He challenged mother's authority with the children by arbitrarily scheduling religious activities for the children while they vacationed with her, thus interfering with mother's own scheduling choices. He altered the terms of the childrens' school medical releases, eliminating mother's joint custodial role."

Specifically addressing the Father's controlling nature and credibility, this court stated:

Father is controlling. He has limited mother's participation as a joint custodial parent by limiting her decision making powers. When his judgment was questioned, he refused to discuss mother's contrary opinions. Plaintiff mother is less controlling. And more credible. Father was an evasive and argumentative witness who repeatedly chose replies that were adversarially advantageous or that masked his intentions with ambiguity. His testimony was not credible, particularly his representations that the children were free to make their own choices while under his roof.