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## Brethren mother ignores court order

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AN EXCLUSIVE Brethren mother has risked jail by ignoring a judge's clear instructions to make her children available to their non-Brethren father for an access visit.

The dispute has become a test case about whether the Exclusive Brethren sect can ignore orders of the court because they do not want their children associating with non-believers.

In a December 15 judgement, Family Court Justice Robert Benjamin gave custody of the three children to the mother, with regular fortnightly access to the father, a lapsed Brethren member.

But the judge called the mother, the children, and a number of senior Brethren members into the court to warn them to obey the orders, saying, "the laws regarding contravention of orders are tough".

"If there is a breach of an order it can precipitate a change in the person with whom the children live. Courts ... have the power to imprison people who contravene court orders.

"If a person abuses a child, whether physically or psychologically, it seems to me that prison is a proper consideration particularly when it also involves contravention of a court order.

"Similarly, the court has power to impose hefty fines to create economic burdens on people who breach orders."

The mother, "E", told the court she would obey the law, but *The Age* has confirmed that a contravention order has been filed in the case because the children were not presented for a week-long access visit on January 14.

Addressing the children, who are 16, 12 and 8, in his judgement, Justice Benjamin said: "I expect that the adults around you will obey these orders and that they will render to Caesar what is Caesar's."

To the Brethren elders he said: "It must surely not be beyond your intellect and wit to find a dimension in your beliefs so that they may reconcile with the law of this country and the need for children to know both of their parents."

He attached the comments to the judgement "so there will be no ability for any of you to say you did not know".

The Family Law Act assumes a child will benefit from having a meaningful relationship with both parents, but the Brethren order their members not to eat, live or socialise with those outside the faith, under threat of excommunication.

*The Age* has previously reported several attempts Brethren members have made to influence the Family Court and the Government to exempt them from providing access to non-Brethren parents.

In this case, the father quit the Brethren in 2003, leaving his wife and eight children still practising their

faith.

The five eldest are adult, and so not bound by any access orders.

To appease the Brethren's strict beliefs, Justice Benjamin banned the father from allowing the three youngest children access to TV, radio, computers and mobile phones, or other non-sect members. He also ordered both father and mother not to denigrate the other's religious beliefs.

A court officer found during the case that the mother and her extended family had abused the children by denying them access to their father, and denigrating him.

"(The family reporter) said that the emotional removal of these children from the father was at the higher end of 'psychological abuse of the children'," the judge said.

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