

A Sermon on Spousal Abuse and Divorce

Sermon by Rev. Minister Angela Smith of COPE for June 28th, 2020 (and beyond)

I've assisted many families involved in court proceedings throughout my years as a minister and consumer/victim's advocate. And, because of wishing to respect gender identities and diversity the couple in the example provided as dialogue is lesbian. Both parties are women. The setting is family court as opposed to criminal or tort. And, this is in part in honor of King Solomon and specifically the 1 Kings (KJV) 3:16-28 story of the judgment of the two mothers.

JUDGE: What say you complainant 1?

Complainant #1: Complainant #2 abused me physically, psychologically, and emotionally throughout the duration of our union. I provide first an e-mail I received dated 4/20/14 stating: "I'll kill you." The text is highlighted.

JUDGE: I accept that. Complainant #2, your response? Did you write the e-mail in question?

Complainant #2: I did write the e-mail in question, but, I need to provide full context for your consideration. This is what happened: Complainant #1 sent e-mail to me stating (here's a copy and text is also highlighted, my reply contained the "I'll kill you") "If you are late again, I'm going to kill the dog in front of the children and blame you. Then, I'm calling the cops to report you killed the dog and the kids will back me up." What I said in full context as you'll see "If you do that if I don't divorce you, I'll kill you." and the "if" negates any suggestion of imminent threat and in full context just provides additional evidence as to why we're getting divorced.

JUDGE: I accept that. Now, the question I need to consider today is who gets the kids and the dog. Has there been an agreement reached between the parties regarding custody of the children and dog? Complainant #1?

Complainant #1: I deserve full custody because Complainant #2 is horrifyingly abusive. I have a scar and medical report from where I was burned during an incident. Here's the record. May I approach to show you the scar or are the photos sufficient?

JUDGE: Was that incident reported to law enforcement and/or did you pursue a civil suit to recover damages in tort? This report you've handed me is what you told the doctor and not the doctor's testimony because I'm assuming the doctor didn't witness the incident, is that correct? Complainant #1 still.

Complainant #1: I didn't report it because I was scared and didn't want to be abused again. So, I just stayed in the same situation believing the abuse would magically stop if I never reported it properly. But, I did notify my physician. Aren't they supposed to report it if mandated reporters and spousal abuse is suspected? Complainant #2 has threatened my physician which is why they won't testify. The doctor witnessed the

injury. I didn't sue because shared expenses and I figured we could get justice in the divorce proceedings.

JUDGE: So, no civil nor criminal judgments finding guilt or responsibility for the injury sustained. I'm referencing the burn. And, if you need a subpoena for a hostile witness have your attorney file, I'll sign off on it and we'll get your physician here on a continuance. In the meantime, we need to settle on at least a temporary custody order regarding the dog and kids. Complainant #2?

Complainant #2: First, that "incident" was in 2004. Complainant #1 threw a "candle party" and invited a lot of guests while serving alcohol and more. I was unaware that such a party would be in progress when I got home from working a 12 hour shift as a nurse at the hospital. A new sconce had been attached to the wall next to the entry to the kitchen which I used to enter the house. This may have been November, 2004. I didn't expect to see it and hit my head on it having not seen it in time. There were three lit candles in it, apparently not secured in a manner they wouldn't discharge if jostled, and Complainant #1 saw me hit my head and ran to grab the candles and sconce getting burned in the process. I don't understand how that amounts to battery in any way as a matter of common sense and law.

Complainant #1: First, excuse me your honor, but Complainant #2 knew I was having a party because I sent them an invitation online. I'm pretty sure. We live together so I might not have, but, I think I did. Secondly, Complainant #2 flung open the door to the kitchen in a violent manner, then yelled for everyone to get out because the party wasn't authorized by Complainant #2, and then when I approached to deescalate, Complainant #2 stormed by and hit head on sconce and then laughed when I was the one who got burned. That is adding insult to injury and an example of the emotional abuse.

JUDGE: Complainant #1, I need to ask that you not volunteer information until called upon. I've heard Complainant #1 and Complainant #2 on the matter of the candle party incident. That incident and any similar incidents that would need to be adjudicated in tort or criminal court are outside the scope of today's hearing. Today's hearing is to decide temporary or permanent custody order and/or agreement regarding custody and guardianship of the kids and dog. Has an agreement been reached? Have you prepared a final order for my review and official recognition stipulating agreed upon terms?

Complainant #1: I deserve full custody of the dog and kids. I trained the dog. The dog only obeys me. The dog has won many prizes at dog shows. I've invested more time and know the dog better. And, as abusive as Complainant #2 is, I can't imagine anyone would grant Complainant #2 custody not even half.

JUDGE: Complainant #2?

Complainant #2: The dog won a stupid Halloween costume contest once at the local pet store and I opposed it because I think dressing dogs up in costumes amounts to animal cruelty. That's the only prize ever and second place. Second place doesn't equate to two

prizes. The dog is well-behaved and does respond to my commands. The children love the dog and I feel they should go together even if we split custody. I'll take the kids and the dog on weekends, holidays, and summer, and concede to Complainant #1 having the rest of the custody. I'll continue to provide medical insurance through work for the children and half of veterinary bills for the dog unless Complainant #1 hurts the dog which she's already threatened to do once. But, no way am I getting cut out entirely while footing the bill. That's not happening.

Complainant #1: Your honor, the prize package for second place in that contest included multiple items including dog food, dog toys, and a weekend getaway. So, I don't appreciate Complainant #2 suggesting I misled you. But, no big surprise because abusers do that.

JUDGE: Complainant #1, I need you to remember not to testify without being called upon so we can keep the record straight. The court reporter is doing her best. So, it is my understanding Complainant #2 has presented an order granting Complainant #2 half the custody with agreeable schedule and expense sharing. Complainant #1 do you agree to those terms as provided by Complainant #2?

Complainant #1: Oh, now it is my turn to talk. Thank you your honor or should I say highness? I believe I already stated that there is ample evidence as to why Complainant #2 should not have custody at all and I should get full custody and guardianship for the safety of the children and dog. Here's my prepared order stating that and that's what I'm prepared to agree to today.

JUDGE: I'm going to take a brief recess and come back with a signed order. I'll review all the evidence submitted during that time and both prepared filed custody agreements or order requests. [returning] After thoughtful review, I'm granting a temporary order of joint custody per Complainant #2's request as it appears objectively most fair to all parties including the dog and children. We can schedule a hearing on the permanent order for a later date and hopefully everyone will have reached an agreement by that point.

Complainant #1: I can't believe this. You are conspiring against me and enabling an abuser. I'm royally disgusted with the family courts and particularly you. I'm going to file a complaint with the judicial review board. Complainant #2 paid you off, didn't she? You are all in on it.

JUDGE: Bailiff, please announce next case on the docket. Complainant #1, do you need help finding the exit?

Complainant #2: (Laughs.)

And, then sometimes Complainant #1 contacts the HEAL Mission of COPE for assistance and other times Complainant #2. Sometimes both put me on an e-mail exchange with their lawyers that I can't help with and that is really none of my business.

Even where I've asked that requests be limited to: Relevant Data (verified background checks, court records, news reports, etc) and Potential Witness Testimony (where an entity on the watch-list is involved), they don't respect the boundary. I've expressly set the boundary multiple times and explained like above how the courts actually work, but, they don't stop. And, even have their friends or adult siblings contact me if I don't respond quickly enough for their liking. Sometimes they try to rally me to parrot their talking points in court. I explain as the judge does above that that's hearsay and just repeating what they said so not actually going to be considered. I'll testify in a heartbeat to abuse I witness or experience firsthand. But, I also understand that would be a criminal or tort-related case and not a family court case as outside the scope of what family courts consider.

When people don't respect my expressly set and clearly communicated boundaries, where I've explained in a million different ways in the event there's any failure on my part to be clear enough, it triggers my rape trauma to some extent. It's because I feel like I've said "no" so many times and stated what was within the bounds of how I can and/or will help so many times and it's just ignored. But, I stick with it in hopes to help the better parent and most importantly the kids (dog too).

And, I feel like the law and courts in our own US Justice System feel very much the same. So, hypocrites self-sabotage and liars self-negate. Both hypocrites and liars when reviewed objectively do not get their way in most cases (unless using a loved one as a human shield thereby coercing some unethical compromise from the other side seeking to protect the loved one (in other words, some form of extortion even if just emotional extortion)). Those of us who do help find those who wish to subjugate us to serve their will rather than God's will (TRUTH AND ALL THE VIRTUES) are often disappointed in the event they process the whole truth and realize their own fallibility. But, with malignant narcissists they are so delusional they are rarely disappointed and treat all disappointment as a crime against humanity. I'm disappointed often, sometimes with my own failures of fully effective due diligence, and have a sense of humor so that helps. Laughter is the best medicine and often how this Wycliffite alleviates suffering.

Bringing this back to scripture, King Solomon is the judge and there are two women fighting over a child they both claim is their own. It is up to King Solomon to decide who is the true mother deserving custody. Paraphrasing, he asks each "Would you like me to cut the child in half and give each of you half of the child's body?" One mother says "yes". The other mother says "No, if that is your solution, then I forfeit." The one who chose to give up the child for the sake of sparing the child's life is the victor in King Solomon's court. And, that's the difference. With our courts the one who agrees to split custody/guardianship rather than demanding full custody is seen as the reasonable one. And, the one who forfeits is taken at their word. The point is though, even in the Bible the one who would kill just to keep half does not get their way.

"And ye shall know the truth, and the truth shall make you free." John 8:32 KJV Willful blindness is an abomination.

COPE accepts Feedback, critical and complimentary. Learn more at <http://www.churchofphilosophicalexploration.church/feedback.htm>. For the sake of keeping myself and others humble, a sense of humor is welcome on all sides.

For More About COPE and the HEAL Mission, see:

<https://www.cope.church> and <http://www.heal-online.org>