

**COMMONWEALTH OF MASSACHUSETTS  
THE TRIAL COURT  
PROBATE AND FAMILY COURT DEPARTMENT**

**DIVISION**

**DOCKET #**

Plaintiff	v.
Defendant	

**DEFENDANT’S MEMORANDUM OF LAW: CONSIDERATION OF PLAINTIFF’S  
RELIGIOUS BELIEFS**

The plaintiff’s religious beliefs may be considered by the court where there is a showing that they are harmful to the children. Vilakazi v. Maxie, 371 Mass. 406 (1976) (mother teaching child that white people were devils created psychological harm).

The plaintiff has stated, under solemn oath, that she considers immunizations against disease to be “unholy” and “against [her] religious beliefs”. As a consequence of her religious belief, the plaintiff sought to have the minor children exempted from the law requiring that children be immunized against various diseases as a condition of their being admitted to the public schools. Exhibit 1.

While the plaintiff is free to make such determinations regarding her own medical care, this court must consider whether her religious beliefs jeopardize the health of the minor children, especially if she were granted custody of them and allowed to remove them to a remote compound in .

Respectfully submitted,  
the defendant,

by his attorney:

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