



Affair produces child caught between Amish culture and non-Amish father

By DAN HAUGEN
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INDEPENDENCE -- Tiny hands hoisted an Amish straw hat off the floor. Gripping it like a steering wheel, Rachel Schrock focused her curiosity on the wide-brimmed object, tilting it for perspective. Wearing a blue dress and bonnet, she teetered among the courtroom pews and elders' legs.

Rachel is at the center of an unusual, perhaps unprecedented, custody case unfolding in Buchanan County. The 13-month-old girl was born out of an affair between a young woman from the Amish community and an Oelwein businessman.

A district court judge granted temporary visitation rights to the girl's non-Amish father, Dieter Erdelt. But cultural differences and resistance from the mother, Edna Schrock, caused difficulties. Erdelt now believes he should be Rachel's primary guardian.

"This little girl is going to have -- at best -- a very complicated life," District Court Judge K.D. Briner said before adjourning a hearing Thursday.

The judge will decide in coming weeks which parent should have custody and under what terms the other should see their daughter.

Rachel was born March 17, 2004, at Allen Memorial Hospital. Edna's husband, Samuel, who is also Amish, listed himself as the father on the birth certificate.

"I think my name should be on there because we were married before Rachel was born," Samuel Schrock told the judge.

However, no one in court disputed the girl's biological father is Erdelt, 67, who owns Oelwein Landscaping. Edna Schrock, 30, was an employee at the greenhouse when the relationship formed. Erdelt was married at the time and Schrock was seeing her husband-to-be.

In court, Schrock implied Erdelt forced the relationship.

"He went ahead and did what he wanted," Edna Schrock testified.

She later changed her tone, though, when confronted by Erdelt's attorney with questions about sentiments contained in a letter she sent during the affair.

"I didn't say those words. They were just written on paper. They were not my real feelings," she said. "He had me confused."

In July 2004, four months after Rachel's birth, Edna and Samuel Schrock abandoned their newly built house near Hazleton for a carpeted garage near Lavelle, Wis. The Amish community is about 150 miles northeast of Oelwein.

"I think they made the move with hopes the father would not be involved as he wanted to be," said Gary McClintock of Independence, Schrock's attorney.

The temporary court order issued in January granted Erdelt eight hours with his daughter every other week. The document specifies the father is "free to take the child to a park or anywhere else he so chooses."

Erdelt has twice filed complaints with the court against Schrock, alleging the mother "has continually tried to thwart" the visitations. One filing says the Schrocks refused to allow Erdelt to leave their home with the child.

Erdelt declined to comment on the situation, saying he did not want to jeopardize his case. His initial court filing July 14,

2004, requested "a liberal and reasonable visitation schedule." On Jan. 28, he requested physical placement.

Edna Schrock last week explained to the judge her reluctance to allow Erdelt to see their daughter.

"We want her to grow up in our way of life," she said. "What if he would take her out? She would see television and radio and phones -- we don't want her to want that kind of stuff."

The Rev. William Lindholm, chairman of the National Committee for Amish Relief, a Michigan group that provides legal defense to members of the community, said it would be unhealthy to attempt to raise Rachel in both worlds.

"This girl would continually be bombarded with two cultures, and I don't think that's good," he said. "The father should show some respect for the culture and just bow out."

Legally, though, state case law makes it clear: Erdelt has a right to a relationship with his daughter, civil attorney Ray Walton said. He's not involved in the case, but predicted the judge would protect the father's rights. And if the judge believes charges made in the father's complaints, it could also weigh against the Amish couple.

"The courts don't like parents that deprive other parents of contact with their children," Walton said.

Judges rarely grant sole custody to one parent, Walton said, with the exception of cases with abuse or abandonment.

Erdelt's attorney asked Samuel Schrock on the witness stand whether he'd ever seen the father do anything to harm Rachel. Samuel Schrock explained he once watched Erdelt kiss the girl's cheek until it turned red.

"Clearly we have two people here who both care about this child," Judge Briner said. "I have a lot of thinking and reading to do before I make my decision."

WCF COURIER

Amish case demonstrates how religion can complicate custody

By DAN HAUGEN
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INDEPENDENCE --- The Amish life is supposed to be simple, but this legal dilemma is anything but uncomplicated.

An unusual custody battle over a 14-month-old Amish girl in Buchanan County shows how parents' differing religious views can complicate family law cases.

Rachel Schrock was born out of an affair between a young woman from the Amish community and an Oelwein businessman. Both argued before a judge earlier this month why they should be the girl's primary guardian.

"We want her to grow up in our way of life," said Edna Schrock, the girl's mother. She was explaining why she believes the father, Dieter Erdelt, should not share parenting duties. "His church is different --- they sing different songs."

While it's rare for members of the Amish communities to form relationships with outsiders, other religions recently report rises in interfaith marriages. When those marriages go awry, children can be caught in contentious battles of beliefs.

"These religion cases get very tricky," said Phyllis Bossin, past chair of the American Bar Association's Family Law Section. "You sometimes have severe clashes."

Several custody disputes dealing with religious issues involve Jehovah's Witnesses. One parent converts and the other objects to children's exposure. An Ohio judge once denied a mother custody because she practiced as a Jehovah's Witness. However, the state's supreme court overturned the decision, calling it unconstitutional.

Custody case law varies from state to state, Bossin said, but courts cannot discriminate against parents on religious grounds.

"It's very difficult to prohibit either parent from exposing a child to their religion unless you can prove specific detriment to the child," she said. "The freedom of religion is one of our very basic rights."

In Rachel Schrock's case, her mother argued that exposing the girl to both Amish and English cultures would be frightening and confusing.

"She's more scared of people with different clothing," Schrock said.

Confusion is not grounds for removing a parent's legal right to seeing their children, though, Bossin said. Attorneys have successfully argued detriment in cases involving cult-like religions. But most of the time, when a parent has a child they are free take the child to worship.

Bossin recalled a case in which her client was a Christian woman who married and had a child with a Muslim man. They agreed to raise their child a Baptist, but after a divorce the father began exposing the child to Islam. The mother was upset, but the courts protected the father's right to share religion with his child.

"Both parents have a right to guide religious instruction," said Aaron Bixby, a Waterloo lawyer who practices some family law. He said many of the disputes are settled out of court between parties.

"Each party needs to be tolerant of the other party's beliefs," Bixby said. "They may not like what the other party does all the time, but if they want to take the child to church, that's their right."



Amish mother maintains custody in fight for daughter

By DAN HAUGEN
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INDEPENDENCE --- A district court judge on Monday ruled an Amish mother should keep primary custody of a 14-month-old daughter conceived in an affair with an Oelwein businessman.

Judge K.D. Briner's order cited the father's age, family circumstances and "stunningly irresponsible behavior" as factors in his decision. But it also contained a strict warning to the mother, Edna Schrock, and her family: Refuse visitation to the father and the result will almost certainly be a loss of custody.

Schrock, 30, was an employee at Oelwein Landscaping two years ago when she and owner Dieter Erdelt, 67, formed a relationship. Erdelt was married at the time and Schrock was seeing her husband-to-be.

Erdelt "was more than old enough to know better," Briner said in his decision. "The consequence is that an innocent child will have a complicated and probably conflict-ridden life."

Rachel Schrock was born March 17, 2004, at Allen Hospital in Waterloo. Since then she's been at the center of an unusual, possibly unprecedented custody case.

"The fighting question in this case is whether the general presumption in favor of maximum contact with both parents is applicable where the parents live in radically different cultures," Briner said.

Erdelt asked the court in July 2004 for "a liberal and reasonable visitation schedule." Within a week of the filing, Schrock, her husband and the child moved to Lavallo, Wis., an Amish community 150 miles northwest of Oelwein.

A temporary visitation order granted Erdelt eight hours with his daughter every other week, during which he was free to take Rachel "to a park or anywhere else he so chooses." Schrock and her family, however, continually thwarted Erdelt's efforts to visit, according to court documents, and in December a judge found the mother in contempt of court.

As a result of continued frustrations, Erdelt filed a request in January asking for primary custody. Both parents argued their case in court May 12 before Judge Briner.

"I don't think it was ever Mr. Erdelt's intention to remove their child from the mother," said Tim Luce, Erdelt's attorney. "It was a concern that we didn't feel we were being taken seriously."

Luce said he and his client are mostly satisfied with the judge's decision, which emphasizes in bold-face type the Schrock's responsibility to accommodate visitation. Luce said he plans to file a request for clarification this week asking for a holiday schedule and some overnight stays.

In court, Schrock explained her resistance to allowing Erdelt access to their daughter.

"We want her to grow up in our way of life," Schrock said. "What if he would take her out? She would see television and radio and phones --- we don't want her to want that kind of stuff."

She added Rachel is uncomfortable around "people with different clothing" and is upset and unable to rest while Erdelt is present. That, however, is not grounds for overriding a parent's legal right to a relationship with their child, multiple lawyers weighing in on the case said.

"The courts are not going to interfere unless there's specific detriment to the child, and being confused is not a sufficient detriment to take a parent's rights away," said Phyllis Bossin, past chair of the American Bar Association Family Law Section.

Briner's decision said the court claims no ability to decide what lifestyle Rachel should ultimately live. But he noted

Schrock has many advantages over Erdelt as Rachel's primary caregiver.

"(Schrock) is 30 years old and in apparent good health. She brings to Rachel's upbringing not only her own vitality, but also the attention and care lavished upon Rachel by (Schrock's) extended family and other members of the Amish community," the judge wrote.

"Although (Erdelt) appears to be in good health ... it is not reasonable to presume that for the next 17 to 25 years (Erdelt) will continue to be healthy and vigorous enough to provide primary physical care to Rachel. His ability to rely upon his extended family for help is also curtailed."

Erdelt divorced as a result of the affair with Schrock.

The Rev. William Lindholm, chairman of the National Committee for Amish Religious Freedom, praised the judge for condemning Erdelt's behavior. He acknowledged the father's legal rights but said the best thing would still be for Erdelt to leave the mother and child alone.

"For the long haul, I say it's not in the child's best interest to have two opposite cultures," Lindholm said. "The Amish do not do well outside of their society. I don't think it's going to work very well."

Schrock's attorney, Gary McClintock, of Independence, did not return phone calls.