

# Court Reverses Spanking Ruling, Ends Family's Nightmare

Judge: 'We are unwilling to prohibit corporal punishment'

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*Note from Pastor Kevin Lea follows this article.*

The Minnesota Supreme Court ruled Friday that a father who spanked his 12-year-old son 36 times with a maple paddle did not commit physical abuse.

The unanimous ruling finalized the reversal of a lower court's decision, which did deem the punishment administered by Shawn Fraser of Bloomington, Minn., abusive.

The case passed through 3 courts – county, district and state Supreme – while lawyers and judges argued whether there was any evidence of physical or mental harm from the spankings.

The guardian ad litem, an attorney appointed to represent the children's interests, argued that while there was no evidence of injury, inflicting pain should be grounds enough for establishing abuse. The Supreme Court disagreed. "We are unwilling to establish a bright-line rule that the infliction of any pain constitutes either physical injury or physical abuse, because to do so would effectively prohibit all corporal punishment of children by their parents," Justice Alan Page wrote for the court. The law allows "reasonable discipline," the ruling said, and "it is clear to us that the Legislature did not intend to ban corporal punishment."

According to court documents, the Fraser family's oldest son, Gerard, had been caught sneaking out of the house on numerous occasions and lying about his whereabouts. After attempting grounding and other punishments to curb the behavior, the Gerard's parents – devout Christians – discussed biblical verses on corporal punishment with their son and posted the verses on the family fridge.

Gerard was warned that if he snuck out again or was overtly disrespectful to his parents, he would be paddled once for each year of his age.

On the evening of June 29, 2005, Gerard again snuck out, only to be caught by a younger sibling. Gerard's father paddled him 12 times. The boy was

spanked again 12 times after "throwing a temper tantrum." When Gerard then grabbed a knife and threatened self-injury, his father disarmed him and spanked him 12 times more – a total of 36 swats administered in intervals over an hour's time span.

"I wasn't trying to harm him," Fraser told the Minneapolis Star Tribune. "I was trying to teach him about the importance of self-control and respect for authority." According to reports, there were no marks or signs of injury on the boy.

Later that evening, the boy snuck out again and was apprehended by the police. Six days later, county human services filed a petition alleging that both of the Fraser boys were in need of protection, and subsequently, the boys were removed into foster care.

Jill Waite, an attorney for Shawn Fraser, told the St. Paul Pioneer Press that the family's 6-month separation was agonizing. The 11-year-old younger son "didn't believe that he would ever be back with his family again," Waite said. With the help of attorneys, however, the boys were returned to their home, 2 days before Christmas.

As a condition of keeping the boys, Shawn Fraser agreed to discontinue spanking until the courts finalized their rulings. The family remained under the supervision of the county child protective services.

A Hennepin County court eventually ruled that, largely because of the spankings, the Fraser home was "a dangerous environment" and that Shawn Fraser's treatment of the boy constituted "physical abuse."

Shawn Fraser then appealed the case, where a district appeals court affirmed that parents enjoy "a wide latitude regarding the discipline of their children," took into account the child's size (5 feet 2 inches, 195 pounds) and ruled the measures nonabusive. Hennepin County, however, appealed the case to the state Supreme Court.

The Supreme Court's Friday ruling upheld the appeals court decision and declined to return the case to lower courts for any further findings. "Almost three years have passed since the incident at issue, during most of which time the children have been living at home without apparent further incident," wrote Justice Page.

The ruling now marks the end of three long years of lawyers, allegations, investigations and protective services for the Fraser family. "The intrusiveness of the system is amazing," said Waite.

Gerard Fraser, now 15, told the Star Tribune that he's glad the case is settled. Speaking of his parents, he said, "They didn't, like, abuse us or anything. I was a really bad kid...I understand now that my dad paddled me because he loves me, and he wants me to have success in my life. He disciplined me; he didn't abuse me. They're very different things."

Waite told the St. Paul Pioneer Press that the whole family is elated. "After three years," she said, "finally, they'll be able to get their lives back."

*Note from Pastor Kevin Lea: For many years the social psychologists have been trying to remove corporal punishment from the American family. They have been immensely successful and the results are quite apparent in our culture – to our own hurt. The Bible predicted that in the last days perilous times would come because children would be disobedient to parents (Romans 1:30 and 2 Timothy 3). According to the Bible, flagrant disobedience of children comes from allowing them to continue their sinful and selfish ways without correcting them. Parents who have raised respectful, kind, and obedient children know that those fruits were not a result of talking them to death, but rather the application of a loving physical spanking when necessary. Only then does the child learn that it is not worth it to continue in the rebellion and selfishness they were born with. These children then grow up to be very thankful that their parents sent them down the right path of life, just as this man's son did in the end.*

Proverbs 29:15 The rod and rebuke give wisdom, but a child left to himself brings shame to his mother. 16 When the wicked are multiplied (**godless CPS workers**), transgression increases; but the righteous will see their fall (**goodbye America – it was nice while it lasted**). 17 Correct your son, and he will give you rest; yes, he will give delight to your soul. (NKJ)

2 Tim 3:1 But know this, that in the last days perilous times will come: 2 For men will be lovers of themselves, lovers of money, boasters, proud, blasphemers, disobedient to parents, unthankful, unholy, 3 unloving, unforgiving, slanderers, without self-control, brutal, despisers of good --