

German homeschoolers regain custody of children, vow to stay and fight for freedom

By Thadeus Baklinski

One year to the day since a team of 20 social workers, police officers, and special agents stormed a homeschooling family's residence near Darmstadt, Germany, and forcibly removed all four of the family's children, aged 7 to 14, a state appeals court has returned custody of the children to their parents.

The reason given for the removal was that parents Dirk and Petra Wunderlich continued to homeschool their children in defiance of a German ban on home education.

The children were returned three weeks after being taken, following an international outcry spearheaded by the Home School Legal Defense Association.

However, a lower court imposed the condition on the parents that their children were required to attend state schools in order for them to be released, and took legal custody of the children in order to prevent the family from leaving the country.

In a decision that was still highly critical of the parents and of homeschooling, the appeals court decided that the action of the lower court in putting the children in the custody of the state was "disproportional" and ordered complete custody returned to the parents, according to a [statement](#) by the HSLDA.

The Wunderlichs, who began homeschooling again when the court signaled it would rule this way, said they were very pleased with the result, but noted that the court's harsh words about homeschooling indicated that their battle was far from over.

"We have won custody and we are glad about that," Dirk said.

"The court said that taking our children away was not proportionate—only because the authorities should apply very high fines and criminal prosecution instead. But this decision upholds the absurd idea that homeschooling is child endangerment and an abuse of parental authority."

The Wunderlichs are now free to emigrate to another country where homeschooling is legal, if they choose, but they said they intend to remain in Germany and work for educational freedom.

"While we no longer fear that our children will be taken away as long as we are living in Hessen, it can still happen to other people in Germany," Dirk said. "Now we fear crushing fines up to \$75,000 and jail. This should not be tolerated in a civilized country."

Petra Wunderlich said, "We could not do this without the help of HSLDA," but cautioned that, "No family can fight the powerful German state—it is too much, too expensive."

"If it were not for HSLDA and their support, I am afraid our children would still be in state custody. We are so grateful and

thank all homeschoolers who have helped us by helping HSLDA."

HSLDA's Director for Global Outreach, Michael Donnelly, said he welcomed the ruling but was concerned about the court's troubling language.

"We welcome this ruling that overturns what was an outrageous abuse of judicial power," he said.

"The lower court decision to take away legal custody of the children essentially imprisoned the Wunderlich family in Germany. But this decision does not go far enough. The court has only grudgingly given back custody and has further signaled to local authorities that they should still go after the Wunderlichs with criminal charges or fines."

Donnelly pointed out that such behavior in a democratic country is problematic.

"Imprisonment and fines for homeschooling are outside the bounds of what free societies that respect fundamental human rights should tolerate," he explained.

"Freedom and fundamental human rights norms demand respect for parental decision making in education. Germany's state and national policies that permit banning home education must be changed.

"Such policies from a leading European democracy not only threaten the rights of tens of thousands of German families but establish a dangerous example that other countries may be tempted to follow," Donnelly warned.

HSLDA Chairman Michael Farris said that acting on behalf of the Wunderlichs was an important stand for freedom.

"The Wunderlichs are a good and decent family whose basic human rights were violated and are still threatened," Farris said.

"Their fight is our fight," Farris stressed, "and we will continue to support those who stand against German policy banning homeschooling that violates international legal norms. Free people cannot tolerate such oppression and we will do whatever we can to fight for families like the Wunderlichs both here in the United States and abroad. We must stand up to this kind of persecution where it occurs or we risk seeing our freedom weakened."

Visit the HSLDA website dedicated to helping the Wunderlich family and other German homeschoolers

<http://www.hsllda.org/LandingPages/Wunderlich>

Contact the German embassy in the U.S.

<https://www.germany.info/Vertretung/usa/en/Kontakt.html>

Contact the German embassy in Canada

<https://www.germany.info/Vertretung/usa/en/Kontakt.html>

