

# Judge: Homeschooling A 'Concrete Endangerment' To Kids

*Father says ruling just like 'what happened under communism'*

By Bob Unruh, Jan 5, 2014

*By Bob Unruh Bob Unruh joined WND in 2006 after nearly three decades with the Associated Press, as well as several Upper Midwest newspapers, where he covered everything from legislative battles and sports to tornadoes and homicidal survivalists. He is also a photographer whose scenic work has been used commercially.*



The Wunderlich family with Michael Farris of HSLDA

A judge has issued a stunning verdict in a homeschooling case in Germany, ordering that the parents cannot have custody of their children because the family might move to another country and homeschool, posing a “concrete endangerment” to the children.

Dirk and Petra Wunderlich’s case made international headlines in August when 20 armed police arrived with a battering ram and forcibly took their four children from their home in Darmstadt, Germany, and enrolled them in public school.

[As WND reported at the time](#), the children, ages 7 to 14, were taken into police custody. They were allowed to return home three weeks

later when their father and mother, given no choice by the federal bureaucracy in Germany, agreed to allow their kids to attend public schools despite their objection to the social and religious instruction there.

According to the [Home School Legal Defense Association](#), an international organization advocating for homeschool rights, the ruling from Family Court Judge Marcus Malkmus rejected emphatically the parents’ request to regain custody.

Lawyers for the family had asked the judge to allow the parents to have custody because they had met all court demands for their children to go to public schools, and they wished to move to France, where homeschooling is legal. The judge, in [his ruling](#), said that even though the Wunderlich children were academically proficient, well-adjusted socially and without educational deficiencies, he was horrified by homeschooling.

Malkmus compared homeschooling to having the children wear a straitjacket and said he had to make sure the children remained in Germany so they would be integrated into society. He feared “the children would grow up in a parallel society without having learned to be integrated or to have a dialogue with those who think differently and facing them in the sense of practicing tolerance.” Such treatment, he warned would be “concrete endangerment to the wellbeing of the child.”

The father, Dirk, told HSLDA the recent decision was shocking. “I had really hoped the judge would just let us leave Germany peacefully. We don’t isolate our children. They are well adjusted and doing well academically. We are happy for them to be connected to society. We just prefer to homeschool them because we believe it is better for them. It is so sad that my countrymen are not able to see that homeschooling should be allowed. It is legal in many other countries, and I believe it’s a human right.”

He compared Malkmus’ decision to building “another Berlin Wall apparently designed to prevent all parents who might leave to homeschool from leaving Germany.” Wunderlich said it’s no different “than what happened in the former East Germany under communism and before that under the Third Reich.” “We need help from others around the world to help our country see this terrible violation of human rights,” he said.

Chairman Michael Farris of HSLDA, which is working on the family’s behalf, said such statements about homeschooling being a “danger” are why the U.S. Supreme Court needs to rule on behalf of homeschooling families in a case involving the Romeikes.

The family moved to the U.S. several years ago because of similar homeschooling-related persecution in Germany. They were granted asylum on those grounds, but the Obama administration appealed. The appeals court sided with Germany and ordered the Romeikes to return to the punishment they would face for wanting to teach their children. The Supreme Court has been asked to intervene.

“Germany is acting outside the boundaries of accepted international norms by imposing through force its vision for state control through education,” Farris said. “The Romeikes fled Germany in 2008 because of this very threat. The United States should not send them back to a country that will take their children away just because they homeschool.”

The arguments in the Romeike court case note that Germany is violating international human rights standards in its restriction of homeschooling parents. “The responsibility and freedom of parents to educate their children is among the most cherished and important of basic human rights,” continued Farris. “This right is recognized in the Universal Declaration of Human Rights in direct response to Germany’s nationalization of education during World War II. The fact that Germany continues to impose a totalitarian view in education for those who would homeschool is very troubling.”

Michael Donnelly, the organization’s director of international affairs, said the German decision is a disgrace. “The German constitution and multiple international treaties guarantee the Wunderlichs’ right to leave their country. It’s one thing to disagree with homeschooling and enforce the law, but to prevent an otherwise loving and caring family from leaving because of homeschooling is a monumental violation of basic human rights.”

He said Malkmus “has effectively imprisoned the Wunderlichs in Germany over their intention to homeschool. It’s the kind of thing that you would expect from a communist bureaucrat in the former Soviet Union, not a modern German court of law.”

The judge also threatened that if the family departs without his permission, he would seek the parents return and prosecution in a criminal court.

Because of the anti-homeschooling law in Germany, adopted under the guidance of Adolf Hitler, German courts awarded custody of the Wunderlich children to social workers in 2012, but they were allowed to remain with their family because they consistently test high on academic and social scales.

Then in August, a different judge authorized the armed, SWAT-team raid to seize the children.

Although the homeschooling ban dates to Hitler, the current German government has endorsed it fully. In 2003, the German Supreme Court handed down the Konrad decision in which “religiously or philosophically motivated” homeschooling was banned.

Four years later, the German Federal Parliament changed a key provision of German child protection law, making it easier for children to be taken away from their parents for supposed “educational neglect.” In that same year, the case of Katerina Plett, a homeschooling mother ...

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