

Homeschooler Forced to Attend Public School

By Samuel Blumenfeld

Divorces create problems, not only for the exes but also for the children. Many a child is forced to choose between his or her parents when it comes to primary custody.

CONCORD, NH, March 17, 2011 (LifeSiteNews.com) - The New Hampshire Supreme Court upheld a lower court order Wednesday that sided with the father of a homeschooled student and forced her into a government-run school against her Christian mother's wishes.

The court made clear that it was not addressing larger religious liberty and homeschooling concerns and was basing its ruling only on the narrow and specific facts of the case.

"While [the case] involves home schooling, it is not about the merits of home verses public schooling," stated the justices in their [opinion](#).

"We affirm the decision on the narrow basis that it represents a sustainable exercise of the trial court's discretion to determine the educational placement that is in daughter's best interests."

The court heard oral argument in the case on Jan. 6.

Alliance Defense Fund (ADF) attorney John Anthony Simmons, who represented the mother, who is divorced from the father, argued that the burden of proof was on the father to prove harm in order to change the schooling arrangement. Because no harm was demonstrated and the girl was acknowledged to be academically superior and socially interactive, even by the court, Simmons argued that the homeschooling arrangement should not have been changed.

However, in the [original order](#) issued in July 2009, Judge Lucinda V. Sadler reasoned that the girl's "vigorous defense of her religious beliefs to [her] counselor suggests strongly that she has not had the opportunity to seriously consider any other point of view."

"Parents have a fundamental right to make educational choices for their children," responded Simmons. "Courts can settle disputes, but they cannot legitimately order a child into a government-run school on the basis that her religious views need to be mixed with other views. That's precisely what the lower court admitted it was doing."

"The lower court held the Christian faith of this mother and daughter against them," Simmons said. "Unfortunately, the Supreme Court bypassed this issue and wrote this off as a 'parent versus parent' issue without recognizing the very real underlying threat to

religious liberty.”

Nevertheless, ADF Senior Counsel Joseph Infranco said that the law firm appreciates the Supreme Court’s choice to limit “its decision to the facts of this case,” which should ensure that the decision “cannot be used as a battering-ram against religious liberty or homeschooling.”

The “ADF will be vigilant to make sure that it’s not,” he concluded.

“We are disappointed that this young girl is being forced to attend a public school over her mother’s, and reportedly her own, wishes,” said Michael Donnelly, the attorney for the Home School Legal Defense Association (HSLDA). HSLDA had submitted an amicus brief to the Supreme Court in the case.

“However, the NH Supreme Court confined its ruling to this case and these facts avoiding any collateral impact on the rights of other parents in New Hampshire who homeschool their children,” he continued. “While the lower court’s decision could have been read to create a presumption in favor of public education over homeschooling, the court emphatically rejected this notion.”