

Testimony on parental rights and S.9
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No child should have to suffer at the hands of an abusive and neglectful parent. And I cannot speak to the challenges that DCF faces when trying to watch out for children, there are others, some of whom are in this room who can speak to how to best help families through social services.

By way of introduction, I have been an advocate that has been in and out of this building for 20 years for the topics of homeschooling, school choice, and parental rights. I am not here often as homeschooling and parental rights do not come up often. I primarily work with homeschoolers and Vermont Home Education Network where I have an email list that reaches about 1500 homeschoolers.

I have been watching this bill for a while and struggled as to whether I should speak up at all but I decided that if I should speak up it should be your committee. I bring to you today a voice that you do not hear often in this State House.

It is hard to talk about parental rights when children have died because of a parent. This bill is a reaction to those deaths and well-intended. But current statute, with or without these changes, affect all parents who get caught up in social services, even if they are innocent of wrong doing. It can be hellish for them and yes I've seen it happen.

I get at least one call a year from a parent for advice. I don't know who they are but they apparently know who I am. Still, I take the time to talk to them. Usually they need help in dealing with the home study unit and its quasi-judicial hearing process for denying a home study enrollment which provides due process for dealing with parental rights while provide an avenue of protection for a child. Or they want to homeschool because of issues in the school. I have worked with many parents to learn how to deal with their local school. And far less often I get to talk to a parent who is actually facing some kind of DCF interaction.

So for a moment to explain my point of view, I would like to step away from the tragedy and this bill and share how I think things should be I will use education as the example. (read the following):

1923 USSC court decision: *Meyer v. Nebraska*: The Court invalidated a state law which prohibited foreign language instruction for school children because the law did not "promote" education but rather "arbitrarily and unreasonably" interfered with "*the natural duty of the parent to give his children education suitable to their station in life...*" and that the state was set to "*materially to interfere with the power of parents to control the education of their own.*"

1925 USSC court decision: *Pierce v. Society of Sisters*: The court struck down an Oregon compulsory education law which, in effect, required attendance of all children between ages eight and sixteen at public schools. The Court declared, and I quote:

"Under the doctrine of Meyer v. Nebraska, we think it entirely plain that the Act of 1922 unreasonably interferes with the liberty of parents and guardians to direct the upbringing and education of children. The fundamental theory of liberty upon which all governments in this Union repose excluded any general power of the state to standardize its children The child is not the mere creature of the state; those

who nurture him and direct his destiny have the right and the high duty, to recognize and prepare him for additional obligations.”

2010: Even the US Dept of Health and Human Services recognizes this case law in their introduction to the reauthorization of CAPTA (child abuse prevention and treatment act): *It has long been recognized that parents have a fundamental liberty, protected by the Constitution, to raise their children as they choose. The legal framework regarding the parent-child relationship balances the rights and responsibilities among the parents, the child, and the State, as guided by Federal statutes. This parent-child relationship identifies certain rights, duties, and obligations, including the responsibility of the parents to protect the child's safety and well-being. If parents, however, are unable or unwilling to meet this responsibility, the State has the power and authority to take action to protect the child from harm.*

This is parental rights in a nutshell.

Now let's step back to this bill. There are obviously parents in this state incapable of protecting their children from harm, so why am I here?

When the State uses the phrase, “in the best interests of the child” I am concerned. Who gets to decide what that means? From my years' worth of conversations with parents I am seeing a pattern here. The state is always right. So parents are hard pressed to stand up to why they see and may truly be an injustice. There is a balance here that must be respected.

Since parental rights in the life of a child are so important, I want Vermont law to directly and specifically address this. I have two requests for added language:

In Sec 22(a) it says: that the Commissioner for Children and Families shall: ensure that all Family Services Division employees receive training on: and in (6) I would like to see added:

Sec 22(a) (C) “their legal duties to protect the constitutional and statutory rights of children and families from the initial time of contact during investigation through treatment. The training curriculum must include instruction in the Fourth and Fourteenth Amendments to the U.S. Constitution and parents' rights.”

In Sec 22(a) add (L) add that "All representatives of the DCF shall, at the initial time of contact with the individual subject to a child abuse and neglect investigation, advise the individual of the specific complaints or allegations made against the individual."

This makes it very clear that the actions of caseworkers are based in an understanding of the Constitutional issues involving parental rights before they engage with subjects, so that when that social worker is standing on my porch, I know that they know what my parental rights are before they do what they must do.