

# Children's Protective Services: Education Neglect and Homeschooling

Children's Protective Services, Educational Neglect and Homeschooling  
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In the 2001 case of *In re Janet T.*, the California appellate court held that children cannot be removed from the care and custody of their parents solely based on the allegation that they are not attending school.

In that case, the juvenile court had sustained an allegation that the mother had failed to ensure her children's school attendance. The evidence established that the mother did not make sure that her children went to school. The appellate court said that while attending school is extremely important, failing to send children to school does not subject them to physical injury or illness, and cannot sustain a dependency petition.

The court stated:

*"It is also no doubt true failing to go to school regularly is very detrimental to the children. Failing to attend school regularly not only deprives the children of an education, but also of the social interaction and "peer relationships necessary for normal growth and development," as alleged in the petition. It is a very serious allegation and a factual circumstance which needed immediate correction. However, that is not the same as saying the failure to attend school created a "substantial risk" of suffering "serious physical harm or illness." The lack of education may well cause psychic or emotional or financial or social harm. But there are no facts alleged, or suggested by the supporting documentary evidence, to indicate mother's failure to ensure the children's regular school attendance subjected the children to physical injury or illness, serious or otherwise. We thus fail to see how this factual ground can support the court's order sustaining the petition under section 300, subdivision (b)." (In re Janet T. (2001) 93 Cal.App.4th 377, 388-389.)*

If you are interested in reading this case, you may find it  
at <https://law.justia.com/cases/california/court-of-appeal/4th/93/377.html>