

# Parental Rights Amendment Q&A

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*Children across the United States rely on their parents to protect and nurture them throughout their childhood, and help launch them successfully into adulthood. But today, the parental rights we so often take for granted are at risk of being erased. The only way to effectively preserve parental rights for today's parents, as well as for future generations, is to amend the Constitution to protect parental rights.*

## **1) Why is a constitutional amendment necessary? Are there instances when parental rights are being violated?**

While parental rights are generally recognized and respected today, instances of unnecessary governmental intrusion in family life are on the rise. Moreover, shifting views within the Supreme Court – which has consistently preserved parental rights for over eighty years – are resulting in a quiet departure from the traditionally upheld parental rights doctrine.

## **2) If the Supreme Court has consistently supported parental rights, then why a constitutional amendment?**

The winds of change are blowing in the Supreme Court. Today, it is likely that a majority on the Supreme Court would *not* favor parental rights – not because they don't believe in them, but because these rights are not explicitly protected in the text of the United States Constitution. In *Troxel v. Granville* (2000), the last major parental rights case heard by the Supreme Court, Justice Scalia, a supporter of parental rights, voted to *deny* parental rights the status of an enforceable constitutional right. Why? Like others, Scalia cited a mounting belief that no right can be protected by the federal courts unless *explicitly stated* in the Constitution.

## **3) Would the Parental Rights Amendment provide parental protections even in situations of abuse or neglect?**

No. The language of the amendment was specifically written to preserve parental rights, while carefully protecting children who are in danger of abuse or neglect. By ensuring that the government can still intervene in family relationships to protect at-risk children by “demonstrating that its governmental interest as applied to the person is of the highest order,” the Parental Rights Amendment secures the child-parent relationship while protecting children from abuse and neglect.

## **4) Is this a partisan issue?**

Neither side has a monopoly on protecting families and ensuring that parents have the necessary resources to raise their children in a nurturing environment. The Parental Rights Amendment ensures that parental rights are protected now, and for future generations.

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