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Top Takeaways

Parental Rights

Legal Precedent Has Established the Constitutional Doctrine of Parental Rights

- In *Meyer v. Nebraska* (1923), the Court recognized that the liberty protected by the Fourteenth Amendment encompasses the rights of teachers and the rights and responsibilities of parents concerning their children's education.
- In *Pierce v. Society of Sisters* (1925), the Court held "the child is not the mere creature of the State," and parents have liberty "to direct the upbringing and education of children under their control."
- *Parham v. J.R.* (1979) established that, as parents generally possess what children lack in "maturity, experience, and capacity for judgment required for making life's difficult decisions," the Constitution presumes that parents act in their children's best interests, regardless of whether the government may make a different decision for their welfare.
- In *Troxel v. Granville* (2000), the Court emphasized that it recognizes the "care, custody, and control of their children" as "perhaps the oldest of the fundamental liberty interests."

Recent SCOTUS Decisions Protect Parental Rights

- After a Maryland school prevented parents from receiving notice of and opting out of LGBTQ themed curriculum, parents sued, and the Court found in their favor, holding: The right to direct a child's religious upbringing extends beyond what parents teach within the walls of their own homes.
- In *Skrmetti*, the Court explained that parents' fundamental right to direct their children's medical care does not give them an unfettered right to obtain treatments that a state has lawfully restricted to protect children from harm.
- A petitioner is currently asking the Court to decide whether government medical professionals can disregard a parent's legally protected authority over significant and irreversible medical decisions for a child's medical treatment.

The Court Has Yet to Rule on Important Gender Identity and Social Transition Questions

- Despite not producing overt physical consequences, social transition cements a child's "gender identity" in his or her head, and essentially fast-tracks the child to full medicalization.
- IWLC is asking the Court to hear a case on this issue, arguing that decisions involving a child's gender dysphoria and social transition belong to parents, not school officials, who should not be permitted to make such decisions in secret or against parents' express instructions
- *Mahmoud* and another recent case, *Mirabelli*, indicate that schools have substantial authority to educate children but that authority does not transform schools into substitutes for parents, or give government officials the right to exclude parents from significant decisions regarding their own children.

Click HERE to read the policy focus and learn more about parental rights.