

Protect **Children** by Empowering **Parents** Through a **U.S. Parental Rights Amendment**

Don't let a biased system determine a child's future.

Disproportionate Treatment by Race

African-American parents see their parental rights taken away at a disproportionate rate compared to other parents. This is seen in the disproportionate number of Black children in foster care in the United States. The U.S. Accountability Office has attributed this phenomenon in part to **racial bias**.

	% of Total Child Population	% of Substantiated Cases*	% of Children in Foster Care
White	61.2%	49.3%	48.1%
African-American	12.8%	16.9%	20.6%
Hispanic	15.8%	15.3%	15.9%
Native American/ Alaska Native	2.0%	3.9%	4.5%

*Substantiated means a judge determined that evidence indicates abuse or neglect exists.
SOURCE: U.S. Dept. of Health & Human Services, Administration for Children and Families.

The Problem: No Clear Standard

Judges and the States are able to apply their own rules and biases to parental rights law because **there is no clear national standard**. The National Council on Disability says of the Supreme Court's latest parental rights ruling, "[D]espite the conclusion that the substantive liberty interest of parents requires strict scrutiny of any government intervention into the family, Justice O'Connor's plurality opinion in *Troxel* **does not apply strict scrutiny.**" -- *Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and Their Children*, National Council on Disability, Sept. 27, 2012, page 53, emphasis added.

The Solution

The Parental Rights Amendment to the U.S. Constitution gives judges clear direction. It states that: "The liberty of a parent to direct the upbringing, education, and care of their children is a fundamental right," and that "Neither the United States nor any State shall infringe this right without demonstrating that its governmental interest...is of the highest order and not otherwise served."

The People Agree

According to a poll by Zogby Polling in 2010, **93.6% of all Americans agree with this statement:** "In general, parents have the constitutional right to make decisions for their children without government interference unless there is proof of abuse or neglect."