

**“PARENT” IS A VERB:
ALLOCATING FAMILIAL RIGHTS AND
RESPONSIBILITIES**

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Contemporary Family Structures



Obergefell v. Hodges

576 U.S. 644, 668 (2015)

“Without the recognition, stability, and predictability that marriage offers . . . children suffer the stigma of knowing that their families are somehow lesser.”



Practical Tips To Be A Responsible Parent



Discipline children and set firm boundaries



Invest time in instilling values



Encourage children to share their thoughts and feelings



Express love and affection often



Spend quality time with children



Be their support system



Parents are the **PRIMARY** Stakeholders in their children's education, healthcare, and future!



First in responsibility...
First in decision making.

Not the teacher...
Not the doctor...
Not the police...
Not the coach...
Not the priest...



“to establish a home and bring up children.....”

Meyer v. Nebraska, 262 U.S. 390, 399 (1923)

Pierce v. Society of Sisters, 268 U.S. 510, 534-35 (1925)

Prince v. Massachusetts, 321 U.S. 158, 88 (1944)

Stanley v. Illinois, 405 U.S. 645, 651 (1972)

Quilloin v. Walcott, 434 U.S. 246, 255 (1978)

Parham v. J.R., 442 U.S. 584, 602 (1979)

Santosky v. Kramer, 455 U.S. 745, 745 (1982)

Wash v. Glucksberg, 521 U.S. 702, 702 (1997)

“[T]he interest of parents in the care, custody, and control of their children . . . is perhaps the oldest of the fundamental liberty interests recognized by this Court.”

Troxel v. Granville

530 U.S. 57, 65 (2000)

“ . . . those fundamental rights and liberties which are, objectively, deeply rooted in this Nation’s history and tradition.”

Dep’t of State v. Muñoz, 602 U.S. 899, 910 (2024)

(quoting *Wash v. Glucksberg*, 521 U.S. 702, 720 (1997) (internal quotation marks omitted))



“[T]he claim that a State must recognize multiple fatherhood has no support in the history or traditions of this country.”

Michael H. v. Gerald D., 491 U.S. 110, 131 (1989)





***Sosna v. Iowa*, 419 U.S. 393, 404 (1975) (domestic relations fall within the “virtually exclusive province of the States”)**

***Barber v. Barber*, 62 U.S. 582 (1858) (all domestic relations belong to the laws of the States)**

***Simms v. Simms*, 175 U.S. 162, 167 (1899) (all domestic relations belong to the laws of the States)**

***Pennoyer v. Neff*, 95 U.S. 714, 734-735 (1878) (States have the absolute right to prescribe the conditions for marriage and its dissolution)**

***In re Burrus*, 136 U.S. 586, 593-94 (1890); see also *Moore v. Sims*, 442 U.S. 415 (1979) (federal district courts should not exercise jurisdiction over a suit challenging the constitutionality of a State statute concerning the parent-child relationship absent extraordinary circumstances)**

***Boggs v. Boggs*, 520 U.S. 833, 848 (1997) (adjudicating parent and child relationships belongs to the States)**

“The nationwide enactment of nonparental visitation statutes is assuredly due, in some part, to the States' recognition of these changing realities of the American family. Because grandparents and other relatives undertake duties of a parental nature in many households, States have sought to ensure the welfare of the children therein by protecting the relationships those children form with such third parties.”

Troxel v. Granville, 530 U.S. 57, 64 (2000)





“As a matter of judicial economy, state courts are more eminently suited to work of [domestic relations] . . . than are federal courts, which lack the close association with state and local government organizations dedicated to handling issues that arise out of conflicts over divorce, alimony, and child custody decrees. Moreover, as a matter of judicial expertise, it makes far more sense to retain the rule that federal courts lack power to issue these types of decrees because of the special proficiency developed by state tribunals over the past century and a half in handling issues that arise in the granting of such decrees.”

Ankenbrandt v. Richards, 504 U.S. 689, 704 (1992)



Quasi-parental Third-party Caregivers





Kentucky Statutes

KY. REV. STAT. ANN. § 159.010 (2024) delineates education requirements

KY. REV. STAT. ANN. § 214.185 (2024) defines medical decision-making

KY. REV. STAT. ANN. § 405.021 (2024) provides for grandparent visitation

**KY. REV. STAT. ANN. § 625.090 (2024); KY. REV. STAT. ANN. ch. 199 (2024)
discuss termination of parental rights**

**KY. REV. STAT. ANN. ch. 387 (2024) outlines the process for appointing third
party guardians**

Exclusive, Joint, Independent Parental Rights and Responsibilities



The “Functional Turn” in Family Law



C.S. v. J.B.

About half of people in state prisons are parents to children under 18

In fact, there are as many children with a parent in prison as there are adults in prison.

1,248,300 ADULTS IN STATE PRISONS NATIONWIDE



= about 50,000 adults in prison



= about 50,000 minor children

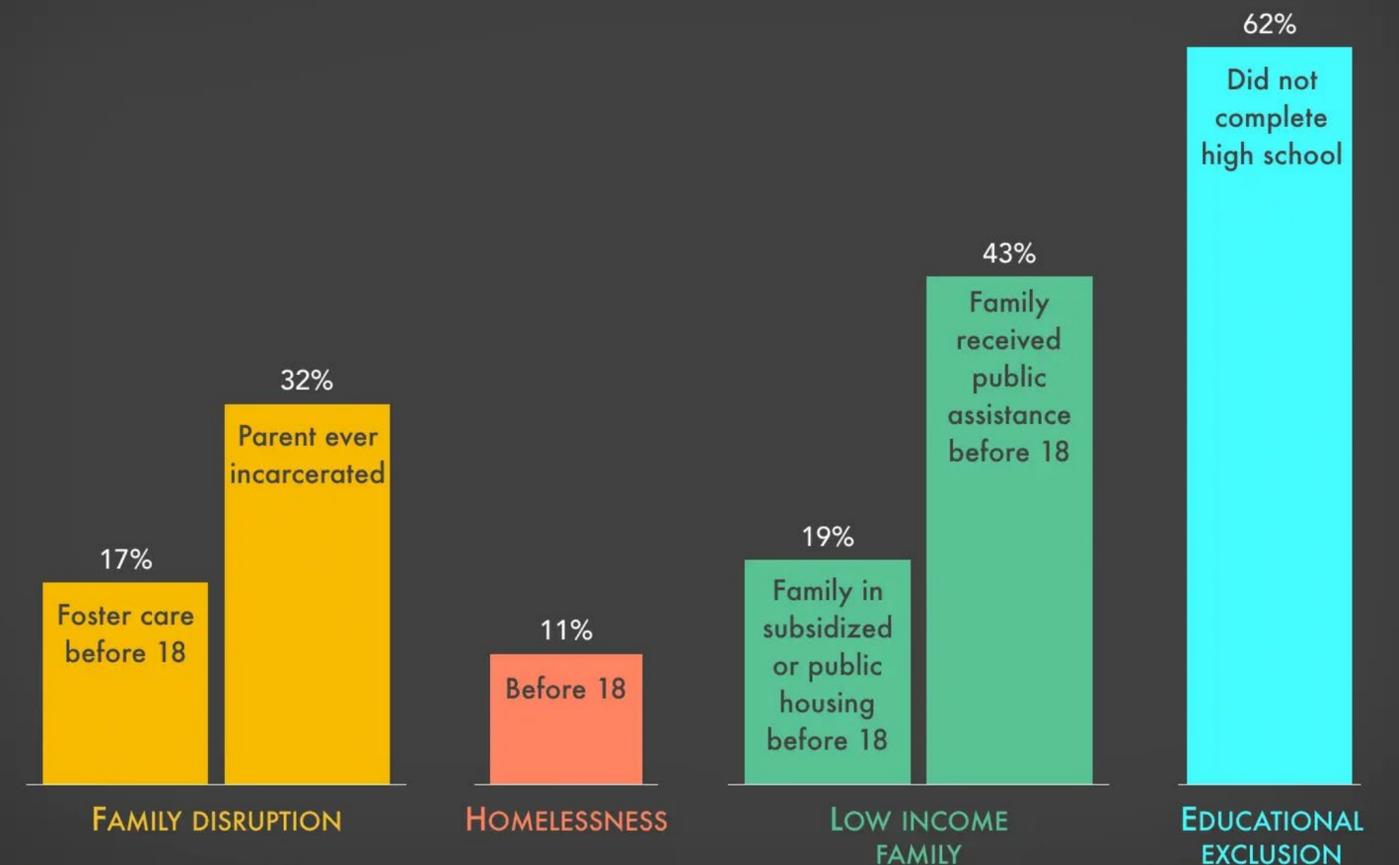
1,252,100 MINOR CHILDREN WITH A PARENT IN STATE PRISON

Source: Bureau of Justice Statistics' *Survey of Prison Inmates, 2016* and *Parents in Prison and their Minor Children*.

PRISON
POLICY INITIATIVE

Incarcerated parents often grew up in struggling households

These social and economic disadvantages are important context for familial cycles of incarceration.



Source: Bureau of Justice Statistics' *Survey of Prison Inmates, 2016* data analyzed by the Prison Policy Initiative



Reno v. Flores

507 U.S. 292, 304 (1993)

“[T]he ‘best interests of the child’ is not the legal standard that governs [the exercise of] . . . custody: So long as certain minimum requirements of child care are met, the interests of the child may be subordinated.”

C.S. v. J.B.

**C.S. v. J.B, 169 A.3d 1156, *14
(Pa. Super. Ct. 2017)**

“[T]he best interest of the child trumps the biological parent’s right to custody.”



THANK YOU