

Texas Family Law and U.S. Supreme Court Citations on Parental Rights

Citation	Description	Relevance
Troxel v. Granville, 530 U.S. 57 (2000)	U.S. Supreme Court plurality opinion striking down a Washington state statute that allowed any person to petition for visitation rights at any time, and authorized courts to grant such rights whenever they determined it served the child's best interest.	The Court recognized that "the 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." The plurality held that there is a presumption that fit parents act in their children's best interests, and the state should not substitute its judgment for that of fit parents.
Wisconsin v. Yoder, 406 U.S. 205 (1972)	U.S. Supreme Court case holding that Amish parents could not be compelled to send their children to formal high school to age 16 under Wisconsin's mandatory education law.	Established that parents have a fundamental right to direct the religious upbringing and education of their children. The Court noted that the "primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition."
Meyer v. Nebraska, 262 U.S. 390 (1923)	U.S. Supreme Court case that invalidated a Nebraska law prohibiting the teaching of foreign languages to students before they passed the eighth grade.	One of the first cases to recognize parents' rights to control their children's education as protected by the Due Process Clause of the Fourteenth Amendment. The Court held that the Nebraska law interfered with "the power of parents to control the education of their own."
Pierce v. Society of Sisters, 268 U.S. 510 (1925)	U.S. Supreme Court case that struck down an Oregon law requiring all children to attend public schools.	The Court recognized the right of parents to choose private education for their children, stating that "the child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations."
Prince v. Massachusetts, 321 U.S. 158 (1944)	U.S. Supreme Court case upholding child labor laws against a claim that they violated religious freedom and parental authority.	While ultimately limiting parental rights in this specific context, the Court acknowledged that "the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder."
Parham v. J.R., 442 U.S. 584 (1979)	U.S. Supreme Court case involving the voluntary commitment of children to state mental hospitals by their parents.	The Court held that parents retain plenary authority to seek medical care for their children, subject to independent medical judgment, stating: "Our jurisprudence historically has reflected Western civilization concepts of the family as a unit with broad parental authority over minor children."
Tex. Fam. Code § 151.001	Texas statute establishing the rights, powers, and duties of a parent.	Provides that parents have specific rights regarding their children, including the right to direct moral and religious training, make decisions about education, and consent to medical treatment. This codifies the state's recognition of parental autonomy.
Tex. Fam. Code § 153.131(a)	Texas statute creating a rebuttable presumption that appointment of parents as joint managing conservators is in the best interest of the child.	Establishes a presumption favoring parental rights and decision-making authority, reflecting the state's preference for minimal interference with parental choices.
Tex. Fam. Code § 153.002	Texas statute establishing that the best interest of the child shall always be the primary consideration in determining conservatorship and possession of a child.	While focused on the child's best interest, Texas courts interpret this in light of the presumption that fit parents act in their children's best interests, thus supporting limited state interference.

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In re C.J.C., 603 S.W.3d 804 (Tex. 2020)	Texas Supreme Court case addressing non-parent visitation and the constitutional rights of fit parents.	The Court applied Troxel's constitutional protections, holding that "when a nonparent requests conservatorship or possession of a child, the child's best interest is embedded with the presumption that it is the fit parent—not a court—who makes the determination whether to allow that request."
In re Derzapf, 219 S.W.3d 327 (Tex. 2007)	Texas Supreme Court case addressing grandparent access to grandchildren over a fit parent's objections.	The Court held that under Troxel, a trial court cannot interfere with a fit parent's decisions regarding grandparent access without overcoming the presumption that a fit parent acts in the child's best interest.
Holley v. Adams, 544 S.W.2d 367 (Tex. 1976)	Texas Supreme Court case establishing factors courts must consider in determining a child's best interest.	While primarily focused on termination cases, this influential decision recognizes that parental rights are of constitutional dimension, though not absolute. Courts must balance parental rights against the child's interest, but with a presumption favoring fit parents.
In re Scheller, 325 S.W.3d 640 (Tex. 2010)	Texas Supreme Court case addressing grandparent access to grandchildren.	Reinforced the constitutional protections for fit parents by requiring that grandparents seeking court-ordered access must overcome the presumption that a fit parent acts in the child's best interest by proving significant impairment to the child's physical health or emotional well-being.
In re Mays-Hooper, 189 S.W.3d 777 (Tex. 2006)	Texas Supreme Court case addressing grandparent access.	Applied Troxel to Texas law, holding that the state cannot infringe on the fundamental right of parents to raise their children absent a showing of significant harm to the child's physical or emotional well-being.
Wiley v. Spratlan, 543 S.W.2d 349 (Tex. 1976)	Texas Supreme Court case addressing termination of parental rights.	Established that "the natural right which exists between parents and their children is one of constitutional dimensions," requiring clear and convincing evidence before the State can intervene to terminate the parent-child relationship.
Stanley v. Illinois, 405 U.S. 645 (1972)	U.S. Supreme Court case involving the rights of unwed fathers.	Held that parents have a fundamental right to the custody of their children and that the state cannot presume parental unfitness. The Court stated that "the private interest here, that of a man in the children he has sired and raised, undeniably warrants deference and, absent a powerful countervailing interest, protection."
Santosky v. Kramer, 455 U.S. 745 (1982)	U.S. Supreme Court case addressing the evidentiary standard required for termination of parental rights.	Established that due process requires at least clear and convincing evidence before a state may sever the rights of parents in their natural child, reflecting the Court's recognition of the fundamental nature of parental rights.
Tex. Fam. Code § 262.201	Texas statute governing removal of children from their homes.	Requires specific findings of danger to a child's physical health or safety before the state may remove a child from parental custody, demonstrating the high threshold required for state intervention in the parent-child relationship.
Tex. Fam. Code § 153.433	Texas statute governing grandparent access to grandchildren.	Amended after Troxel to require that grandparents seeking court-ordered access prove that denial of access would significantly impair the child's physical health or emotional

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well-being, aligning Texas law with constitutional protections for fit parents.