

AGE	EXAMPLE RIGHTS OBTAINED AT EACH MINIMUM AGE*
13	May be left home alone or “baby sit” younger children for a reasonable time
14	May select among otherwise fit and proper custodial parents
15	May obtain a learner’s permit to drive
16	May legally consent to sexual contact (in some states)
17	May join the military with parental consent
18	Reaches the age of legal majority and is no longer a minor
21	May legally purchase and consume alcohol

* These are example minimum ages. Laws vary among states.

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Parental Rights

Parents have both the legal right and responsibility to care for and make decisions on behalf of their minor children. Parental rights are taken very seriously under U.S. law and are protected by both the U.S. and state constitutions. Parents may, however, voluntarily give up parental rights by consenting to adoption or requesting a termination of parental rights. In order to involuntarily terminate parental rights, however, the state must generally show: 1) Clear and convincing evidence that the parent is unfit; and 2) That it is in the best interests of the child to terminate parental rights. Legal grounds for involuntary termination of parental rights may include child abandonment; neglect; abuse; mental incapacity of the parent; and other acts and conditions inconsistent with performing parental responsibilities, including the commission of serious felonies and resulting long-term incarceration.

Child Protective Services

Child Protective Services are the state agencies responsible for protecting the health, safety, and welfare of children when parents fail in these duties. These agencies act under the *parens patriae* doctrine. They have legal authority to investigate claims of child abuse and neglect; seek remedial court orders; and when necessary remove children from the home and seek termination of parental rights. Child Protective Services agents act under the dual goals of: 1) Pursuing the best interests of the child; and 2) Preserving the family. In practice, however, these dual goals may sometimes conflict and prove mutually impossible when preserving the family is clearly not in the best interests of the child. Child Protective Services agents constantly face the danger of doing too little or too much in their efforts to protect children, either failing to adequately protect the child, or over-stepping their legal authority and intruding on family privacy and parental rights.

In *DeShaney v. Winnebago*, 489 U.S. 189 (1989), for example, Child Protective Services officials had received many complaints that Joshua, a minor child, had been subjected to severe beatings by his father. Nonetheless, state social services agents did not remove the child from the custody of his father. His father eventually beat Joshua so severely that the child suffered permanent brain damage and was left profoundly and permanently mentally impaired. Joshua’s