***DeShaney v. Winnebago County Social Services* (1989)**

**Issue:** Constitutional Rights at Home

**Bottom Line:** The Constitution Doesn't Protect Kids from Their Parents

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| **Background** | | **Key Points / Facts** |
| Four-year-old Joshua DeShaney lived with his father, who physically abused him, in Neenah, Wisconsin. At one point, the State Department of Social Services took custody of Joshua but returned him after three days. Later, Joshua was hospitalized with bruises all over his body and severe brain damage. He survived, but was permanently paralyzed and mentally disabled. His father was convicted of child abuse and sent to prison. Joshua's mother sued the Department of Social Services for returning him to his father. She argued that the department had a duty to protect her son under the Fourteenth Amendment, which forbids the state from depriving "any person of life, liberty, or property, without due process of law." | |  |
| **Ruling** | | **Key Points / Facts** |
| The Court ruled against Joshua and his mother. It said essentially that the Constitution does not protect children from their parents and that therefore the government was not at fault in Joshua's abuse. | |  |
| **Impact** | | **Key Points / Facts** |
| The Supreme Court has consistently respected parents' rights to discipline their children. But even though the government isn't required under the Constitution to protect children, all states assume this responsibility through child protection laws. The Supreme Court has generally deferred to state and local governments to enforce these laws and to intervene in cases of mistreatment. | |  |
| **Amendments** | **Other Research / Examples** | |