

ParentsUSA Hails Idaho Supreme Court Decision To Strike Down Statute Infringing On Parents' Rights

The Idaho Supreme Court struck down as “facially unconstitutional” the statute allowing the award of grandparent visitation over the objections of fit parents.

ATLANTA, GEORGIA, USA, September 26, 2022 /EINPresswire.com/ -- ParentsUSA, the nation’s leading advocate for parents’ rights that relies solely on U.S. Supreme Court holdings, takes great pride in announcing that the Idaho Supreme Court [struck down](#) as “facially unconstitutional” the Idaho statute that allowed Idaho courts to award grandparent visitation over the objections of fit parents.



ParentsUSA: the collective voice of parents

In *Nelson vs. Evans*, ParentsUSA supported the appeal by the parents, Stephanie and Brian Evans. ParentsUSA was the sole Amicus Curiae. An Idaho trial court had ordered Stephanie and Brian to permit the grandparents to have visitation against their wishes. The parents believed any contact with these grandparents would be detrimental to their children, and that they as parents have the right to make such a decision without being overruled by the state through a judge.

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David DeLugas, Founder and Executive Director of ParentsUSA, noted: “Parents, and no one else, have the

constitutional right to decide with whom their children spend time and under what circumstances. Grandparents should not be allowed to circumvent such parental authority. ParentsUSA pushes back against government replacing decisions of fit parents, including about who and under what circumstances any person interacts with their children. We admire Stephanie and Brian for their commitment to their family and we are thrilled to have played a

critical role in the outcome.”

In ParentsUSA’s Amicus Curiae brief, DeLugas argued to the Idaho Supreme Court that, when grandparents don’t get their way and bring a lawsuit, “Fit parents are subjected to emotional, financial, and time-consuming burdens and devastating upheaval to their families, unless they are willing to capitulate to the litigious grandparents, surrendering their parental rights in order to avoid the enormous toll litigation brings.” Parents have the right to decide who can be around their children. The Evanses endured a legal fight lasting more than five years and costing them nearly \$100,000, all in an effort to protect the wellbeing of their children and to protect their family from unnecessary intrusion by the state. The Idaho Supreme Court’s decision justified their determination and sacrifices.

Stephanie Evans shared, “The amount of stress, anxiety, sleepless nights, and holding it all in to try to give our children a ‘normal’ life, while defending ourselves, is not anything I would wish on anyone. I am beyond happy that other fit parents in Idaho won’t have to go through what my family has been dragged through for so long. I am a fit parent who knows my children better than any court could ever.” Brian Evans added, “The first time I held each one of our children when they were born, I told them that ‘Daddy will always protect you.’ I never imagined that fighting to overturn a state statute was in my future of protecting them. To have the Justices of the Idaho Supreme Court unanimously rule in favor of fit parents affirms for me that our nearly five-and-a-half-year court battle defending our children and our fundamental constitutional rights to decide who is in our children’s lives was not done in vain.”

Professor David Pimentel, who has published [scholarship](#) on parents’ rights to raise their children as they see fit and whose work was cited prominently in ParentsUSA’s Amicus Curiae Brief, said, “This is an important precedent. It did not merely limit the ruling of the lower court, it found the Idaho statute – a law that allowed a court to second-guess parents’ judgment on what is best for their children in terms of grandparent visitation – unconstitutional on its face. It is a big win for parents, and for fundamental constitutional rights.”

Roshown McLeod, Executive Vice President of ParentsUSA, explained: “On September 16, 2022, the Idaho Supreme Court unanimously affirmed that, without finding harm would befall a child, the state has no compelling interest to replace a fit parent’s decisions about the care, custody, and control of a child. This is the legal position ParentsUSA takes on all issues across the country, which protects children while also honoring the rights of parents in accordance with U.S. Supreme Court precedent. This decision affects every family in Idaho and, because state legislatures and state supreme courts are influenced by what other states are doing, also has positive implications for parents and their children throughout the United States.”

ParentsUSA, a 501(c)3 nonprofit organization, fights for the rights and freedoms of America’s parents to decide what is best for their children. ParentsUSA continues to fight for the [Georgia mother arrested](#) for having her 14-year-old daughter care for younger siblings. ParentsUSA has filed amicus curiae briefs in the U.S. Supreme Court, Georgia Supreme Court, Idaho Supreme

Court, Wisconsin Court of Appeals (transferred to the Supreme Court), and counseled and advised thousands of parents and has been consulted by hundreds of attorneys representing parents. Please consider naming "National Association of Parents, Inc." d/b/a ParentsUSA via AmazonSmile which causes Amazon to donate to ParentsUSA, following ParentsUSA across social media, and making a donation on ParentsUSA's website.

Nelson v. Evans, Idaho Supreme Court, Docket No. 49233, September 16, 2022.

<https://isc.idaho.gov/opinions/49233.pdf>

A copy of the Amicus Curiae Brief of ParentUSA is available upon request.

David DeLugas

National Association of Parents, Inc. dba ParentsUSA

david.delugas@parentsusa.org

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