

# Stanley v. illinois



**ASSIGN  
BUSTER**

## Stanley v. Illinois

92 S. Ct. 1208 (1972)

Nature of Case: The plaintiff is Peter Stanley. He said that his rights to equal protection of the law under the 14th Amendment have been violated. He believes that the Illinois law that makes children of unwed fathers wards of the state upon death of the mother violated his rights.

Facts: Joan and Peter Stanley lived intermittently together for 18 years, in which they had 3 children. When Joan Stanley died, Stanley's children were declared wards of the state and placed with court-appointed guardians after a dependency hearing by the State of Illinois. Stanley claimed that he had never been shown to be an unfit parent. He believed that since married fathers and unwed mothers could not be deprived of their children without proving this, neither should he. The Illinois Supreme Court accepted the fact that Peter Stanley's unfitness had not been proven but rejected that he was deprived of his rights under the 14th amendment.

Issue: Did the State of Illinois violate the Equal Protection Clause when it denied Peter Stanley a hearing on his fitness to keep his children?

Holding: Yes, a hearing is guaranteed by equal protection under the law, for both married fathers and unwed mothers & unwed fathers.

Rule: 1. Justice White, speaking for the majority, believes that the decision in this case is similar to *Bell v. Burson*, in which he held that the state could not

deprive a person of their driver's license pertaining to a speeding violation without a hearing. He stated: "The state's interest in caring for Stanley's children is de minimis if Stanley is shown to be a fit father. It insists on presuming rather than proving Stanley's unfitness solely because it is more convenient to presume than to prove. 2. They concluded that all Illinois parents are constitutionally entitled to a hearing on their fitness before their children are removed from their custody. Denying such a hearing to Stanley and those like him while granting it to other Illinois parents is inescapably contrary to the Equal Protection Clause. 3. The rule of law that justifies the holding of the case is: "It is cardinal with us 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 may neither supply nor hinder" (Prince v. Mass.). 4. "The integrity of the family unit has found protection in the due process clause of the Fourteenth Amendment, and the Ninth Amendment." We observed that the State registers no gain towards its declared goals when it separates children from the custody of fit parents. 5. Indeed, if Stanley is a fit father, the state spites its own articulated goals when it needlessly separates him from his family". One might fairly say of the Bill of Rights in general, and the Due Process Clause in particular, that they were designed to protect the fragile values of a vulnerable citizenry from the overbearing concern for efficiency and efficacy that may characterize praiseworthy government officials no less, and perhaps more, the mediocre ones."

Words

/ Pages : 536 / 24