



TESTIMONY OF ALICIA REA, ESQ.  
LD 492 – Ought Not to Pass

**RESOLUTION, Proposing an Amendment to the  
Constitution of Maine to Provide for Parental Rights**

Joint Standing Committee on Judiciary  
March 4, 2025

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Senator Carney, Representative Kuhn and distinguished members of the Joint Standing Committee on Judiciary, greetings. My name is Alicia Rea and I am a policy fellow at the ACLU of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I urge you to oppose LD 492.

This bill proposes an amendment to the Maine Constitution that would give parents absolute authority to direct their children's upbringing, education and care. A constitutional amendment proposing this kind of parental control in every aspect of a child's development is both unnecessary and dangerous. This bill rests on the premise that all homes in Maine are safe and that is, unfortunately, not the reality.

Our constitution already recognizes the fundamental right to raise one's children. There are "parental rights under the Due Process" clause, as recently affirmed in a First Circuit case.<sup>1</sup> These rights include the parental right "to seek and follow medical advice" concerning one's children.<sup>2</sup> No constitutional amendment is necessary to preserve these basic rights.

But parental rights to direct their child's care cannot be absolute: in some cases, those rights must give way to protect a child's safety and well-being.<sup>3</sup> For example, the Supreme Court of the United States has long held that parental rights are not absolute and should be limited in medical decision-making to prevent injury to a child's well-being.<sup>4</sup> This bill attempts to override that careful balancing of interests. By adding an absolute right for parents to direct all aspects of their children's lives, including healthcare access and decisions, this bill would threaten children's safety in favor of parental control. Research shows that where parental consent to medical

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<sup>1</sup> *Foot v. Ludlow School Committee*, No. 23-1069 (1st Cir. 2025), n.15.

<sup>2</sup> *Id.* (quoting *Parham v. J.R.*, 442 U.S. 584, 602 (1979)).

<sup>3</sup> See, e.g., *In re Child of Ryan F.*, 2020 ME 21, ¶ 20, 224 A.3d 1051, 1058.

<sup>4</sup> See *Prince v. Massachusetts*, 321 U.S. 158, 166-67 (1994).



procedures is required, delays in medical care occur and can lead to adverse patient health outcomes.<sup>5</sup>

This bill, if sent to referendum, would jeopardize the safety and well-being of children who do not feel safe sharing details of their lives with unsupportive parents. Its implementation will harm LGBTQ+ children, youth who seek mental health services or sexual health services, and children who are not safe in their homes.

We urge you to reject LD 492.

Thank you for your time and attention.

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<sup>5</sup> See Patricia Cavazos-Rehg et al., *Parental Consent: A potential barrier for underage teens' participation in an mHealth mental health intervention*, 21 *Internet Interventions* 4 (2020) (finding that two-thirds of teenage participants were unwilling or unsure of their willingness to obtain parental consent for a mental health app regarding their eating disorders); Jessica Lee Schleider et al., *State Parental Consent Law and Treatment Use Among Adolescents With Depression*, 179 *JAMA Pediatrics* (2025); Elizabeth Janiak et al., *Massachusetts' Parental Consent Law and Procedural Timing Among Adolescents Undergoing Abortion*, 113 *Obstetric Gynecology* 983 (2019).