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The DeShaney Case: Child Abuse, Family Rights, and the Dilemma of State Intervention

By Lynne Curry

University Press of Kansas. Paperback. Condition: New. 176 pages. Dimensions: 8.4in. x 5.5in. x 0.5in. Poor Joshua! lamented Justice Harry Blackmun in his famous dissent. Victim of repeated attacks by an irresponsible, bullying, obviously cowardly, and intemperate father, and abandoned by respondents who placed him in a dangerous predicament and who knew or learned what was going on, and yet did essentially nothing. . . . Even so, the Supreme Court, by a 6-to-3 margin, absolved Wisconsin officials of any negligence in a case that had left a young child profoundly damaged for the rest of his life. Does the Constitution protect children from violent parents As Lynne Curry shows, that was the central question at issue when Melody DeShaney initially sued Wisconsin for failing to protect her battered son Joshua from her estranged husband, thus violating her sons constitutional right to due process. The resulting case, DeShaney v. Winnebago County (1989), was a highly emotional one pitting the family against the state and challenging our views on domestic relations, child abuse, and the responsibilities and limits of state action regarding the private lives of citizens. The Supreme Courts controversial decision ruled that the Constitution was intended to limit state action rather than...



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