

## PARENTING

## Court upholds parents' rights on visitation

WASHINGTON (CNS) — A June 5 Supreme Court ruling has been called a "grandparents' rights" defeat, but it actually was about parental rights to make child-rearing decisions without government interference, according to several commentators.

In *Troxel vs. Granville*, the Supreme Court's 6-3 ruling said Washington state's law permitting anyone to demand visitation rights with children went too far. In particular, the opinion written by Justice

Sandra Day O'Connor rejected a state judge's decision to overrule Tommie Granville in setting up mandatory visitation for her children's paternal grandparents, Gary and Jenifer Troxel.

But while the ruling has been described as crippling grandparents' rights, University of Notre Dame law professor Richard Garnett said that spin overstates the decision's impact. In most states, he said, "Things will go on as before."

Garnett helped write friend-of-the-

court briefs for the Society of Catholic Social Scientists and the Christian Legal Society encouraging the court to find Washington's law unconstitutional. The Catholic Social Scientists brief noted that in Catholic teaching, the family is the essential element of society and that government should intrude on that structure only when there is grave danger of harm.

All 50 states have some kind of law permitting grandparents to apply for court-ordered visitation with their grandchil-

dren. A handful of states extend the right to non-relatives, as well.

But Garnett said Washington's law went further than most, allowing any person at any time to demand visitation rights and force parents into court to defend their opposition.

Deacon Anthony Sciolino of Pittsford's Church of the Transfiguration, who is also a New York State Family Court judge, agreed that the State of Washington's law did not give enough latitude to parents.

"I think parents ought to be accorded a great deal of weight if they're fit parents," Deacon Sciolino commented. "The presumption should be that the parent is making good decisions."

In the case of *Troxel vs. Granville*, he said, "Instead of giving the parent the presumption, the grandparent was given presumption. It's as if the parent was put on the defensive. (And) there was no indication that this was not a fit parent."

Granville had allowed her two daughters to regularly visit the Troxels after the children's father committed suicide. But then Granville married and was faced with blending a family including her daughters, her husband's children from a previous marriage and their new baby. She began to limit the amount of time her daughters spent with the Troxels.

Under Washington's visitation law, the Troxels asked the court to order two weekend visits a month and two full weeks in the summer. A state court ordered a compromise of monthly overnight visits and a summer week. A state appeals court and the state Supreme Court overruled, saying the government could only interfere with a parent's decisions about child-rearing in order to protect the children from actual harm.

The U.S. Supreme Court agreed with the latter decisions. Spokesmen for several religious rights organizations echoed Garnett's conclusions about the effect of the court's ruling, including Carl H. Esbeck, director of the Christian Legal Society. He said in a statement that it is "unthinkable" that a court might breach the bond between parent and child in the way the Washington state court did.

Deacon Sciolino, who occasionally presides over grandparent-visitations cases, said he'd much prefer for families, not courts, to determine visitation schedules.

"Courts are loath to get involved. The state should only intervene in situations that require intervention," Deacon Sciolino said.

Includes reporting by Mike Latona.

## Family Events

© JUNE 15-July 1 — Musical

"Forever Plaid", Bristol Valley Theater, 151 S. Main St., Naples, Wed., Thurs., Sun. 2 p.m.; Thurs., Fri., Sat. 8 p.m.; \$20 adults, \$18 seniors, \$10 students, \$7 children; 716/374-6318

© SAT, JUNE 17 — Presentation

"A Circle of Friends" relive Rochester's involvement in the Underground Railroad before the Civil War; North Gate House, Mt. Hope Cemetery, 791 Mt. Hope Ave. opposite Robinson Dr., Rochester; 10-11:30 a.m.; also July 1, Aug. 26, Sept. 30, Oct. 21; \$10 adults, \$5 children 3-18; for reservations call 716/271-4552, ext. 342

© JUNE 17, 18 — Treat-free ice cream novelty for dads on Father's Day weekend; kids can make a necktie or plant a miniature herb garden; Strong Museum, One Manhattan Sq., Rochester; included with museum admission; 716/263-2700

© JUNE 17, 18, 23 — Concerts: June 17: "Suzuki Strings Group Concert", 11 a.m.; June 18: "Hochstein Philharmonia & Junior Orchestra Concert", 3 p.m.; June 23: "Faculty Recital Series — The Mambo Kings", 8 p.m.; Hochstein Performance Hall, 50 N. Plymouth Ave., Rochester; free; 716/454-4596

© JUNE 22, 29 — Concerts: June 22: "The Coupe de Villes", June 29: "The Boss Tones", Sagawa Park, corner Erie and Main Sts., Brockport; 7-9 p.m.; free; 716/637-3984

© JUNE 23, 30 — Cool Kids in the Park: June 23: "19th Century Festival", concert by the Flinthill Folk, stunts, hoops, games provided by Genesee County Museum; June 30: "Fantasmo Juggling Party", comedy, magic, fun; Sagawa Park, corner Erie and Main Sts., Brockport; 7-8 p.m.; free; 716/637-3984

## A cool field trip



Andrea Dixon/Staff photographer

Marla Diaz and her son, Marcos Cruz, watch the Colonial Belle at Lock 32 from Canal Park in Pittsford on a cold, rainy June 9. She accompanied Marcos' fourth-grade class on a field trip from St. Andrew's in Rochester, which studied the Erie Canal. The students took a boat ride on the Colonial Belle. Earlier, they constructed their own wooden boats with the help of a technologies class at Martha Brown Middle School, Fairport.

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