

What is Compelling State Interest?

Compelling state interest is a legal principle derived from constitutional law, which is often used to justify or limit government action that interferes with certain rights, such as the right to privacy or parental rights. It is grounded in the idea that the state has a valid and essential reason for regulating conduct or enforcing certain laws, even when it may conflict with individual rights.

In the context of **family law**, the state's interest is typically framed around the **best interests of the child** and the **welfare of children**. The government, via family courts, often uses a compelling state interest to justify actions that might infringe on parental rights, such as restrictions on parental access or custody of a child.

A compelling state interest is a concept in constitutional law that refers to a highly important and necessary governmental objective. It is a standard used to determine whether the government's actions or laws are justified when they infringe on constitutional rights, such as those protected by the First or Fourteenth Amendments.

To meet the “compelling interest” test, the state must demonstrate:

1. **Significant Objective:** The law or action addresses a critical public concern, such as protecting public safety, health, or fundamental rights (e.g., preventing discrimination, safeguarding children, or ensuring justice).

2. **Narrow Tailoring:** The law or action must be specifically and narrowly tailored to achieve its objective without unnecessarily restricting constitutional rights. Less restrictive means must be unavailable or ineffective.

- The courts are not narrowly tailoring - they are pencil whipping court orders

CASES THAT SET PRECEDENT - Troxel didn't have a compelling states interest because there was no child welfare issues. It was grandparents rights vs parental right to make best interest decision for the child when not shown to be unfit.

The **Troxel v. Granville** case (530 U.S. 57, 2000) is a landmark decision by the United States Supreme Court that addressed parental rights in the context of grandparent visitation rights. This case set a significant precedent for the

protection of parental rights, particularly the fundamental right of parents to make decisions regarding the care, custody, and control of their children without unnecessary government interference.

Myers v. Nebraska, 262 U.S. 390 (1923)

Myers v. Nebraska, a landmark case from 1923 that addressed parental rights and the authority of the state over the upbringing of children. This case helped to establish important precedent regarding parental rights under the Constitution, particularly the **Due Process Clause** of the **Fourteenth Amendment**.

Pierce v. Society of Sisters, 268 U.S. 510 (1925)

Pierce v. Society of Sisters case from 1925, which is another landmark decision related to parental rights and the authority of the state over the upbringing of children.

Wisconsin v. Yoder, 406 U.S. 205 (1972), is a landmark case decided by the U.S. Supreme Court that centered around the conflict between state laws requiring school attendance and the religious freedoms of parents, specifically within the Amish community. This case is significant because it recognized the fundamental right of parents to direct the upbringing of their children in accordance with their religious beliefs.

- This is why lawyers make false allegations all the time to trigger the compelling states interest standard.

!!!! FOOD FOR THOUGHT - What happens when a parent makes false allegations to trigger compelling states interest?

- The judge has a compelling states interest to hold that litigant accountable!!!

Examples of Compelling State Interest in Family Law:

1. **Child Protection:** The state may intervene in family matters if it believes that a child is in danger of harm or neglect, arguing that its interest in the child's safety and wellbeing justifies any temporary or permanent restriction on parental rights.
2. **Parental Rights vs. Child Welfare:** Courts often use the "compelling state interest" test when balancing parental rights and the child's welfare. For instance, in cases involving parental custody or visitation rights, a judge may

limit those rights if the state deems that it is in the best interest of the child to do so (e.g., in situations of abuse, neglect, or parental unfitness).

3. **Preserving Family Relationships:** The government may also argue a compelling state interest in promoting family cohesion, by establishing visitation schedules or other access arrangements to ensure children maintain relationships with both parents, provided it is not harmful to the child.

Examples of Compelling State Interests in General:

- Protecting the welfare of children (e.g., child custody cases or mandatory education laws).
- Preventing violence or harm (e.g., criminal laws or firearm regulations).
- Preserving the integrity of the judicial process (e.g., ensuring fair trials).
- Combating discrimination and promoting equality (e.g., affirmative action).

In cases involving **strict scrutiny** (*the highest level of judicial review*), courts often analyze whether the state has a compelling interest and whether the method chosen is the least restrictive means to achieve that interest.

Strict Scrutiny is what?

Strict scrutiny is the highest level of judicial review used by courts to evaluate the constitutionality of laws or government actions that infringe on fundamental rights or discriminate based on certain “**suspect classifications**.” Under strict scrutiny, the government must meet two key criteria for the law or action to be upheld:

1. Compelling Government Interest

- The government must show that the law or action serves a compelling interest, such as protecting public safety, preventing discrimination, or safeguarding national security.

2. Narrowly Tailored

- The law or action must be narrowly tailored to achieve that compelling interest, meaning it must not be overly broad or restrict more rights than necessary.

3. Least Restrictive Means

- The government must demonstrate that no less restrictive or less invasive means are available to achieve the same goal.

When Is Strict Scrutiny Applied?

Courts apply **strict scrutiny** in two main contexts:

1. *Fundamental Rights:*

- Laws or government actions that infringe on fundamental constitutional rights, such as free speech, freedom of religion, the right to vote, or privacy.

2. *Suspect Classifications:*

- Laws that treat people differently based on suspect classifications, such as race, national origin, or religion.

Examples of Strict Scrutiny in Action:

1. Race-Based Discrimination:

- In *Brown v. Board of Education* (1954), racial segregation in schools was struck down because it violated equal protection under the Fourteenth Amendment.

2. Freedom of Speech:

- In *Citizens United v. FEC* (2010), the Supreme Court applied strict scrutiny to laws restricting political speech and struck down parts of campaign finance laws.

3. Religious Freedom:

- In *Sherbert v. Verner* (1963), strict scrutiny was applied when a state denied unemployment benefits to a woman for refusing to work on her Sabbath.

Outcomes Under Strict Scrutiny

- Most laws fail the strict scrutiny test because the standard is so demanding. The courts require overwhelming evidence that the government's goal is critically important and that the means used are absolutely necessary.
- For a layman, "narrowly tailored" means that a law or action is designed to do exactly what is needed—nothing more, nothing less—to achieve an important goal.
- *If the government creates a rule, it should focus only on solving the specific problem at hand without unnecessarily affecting other people's rights or freedoms. It's like using a scalpel instead of a sledgehammer to fix a small issue.*

Example for Clarity:

Imagine the government wants to reduce speeding in school zones (a compelling interest). A narrowly tailored law would:

- Lower the speed limit only in school zones and only during school hours.

An overly broad law would:

- Lower speed limits everywhere, all the time, even outside of school zones, which unnecessarily affects everyone.

In short, "**narrowly tailored**" means being precise and not causing more harm or restrictions than absolutely necessary.

How to Challenge or Remove a Compelling State Interest from Family Court Cases:

Define compelling states interest then attack their decision making

In family court cases, challenging the **compelling state interest** typically requires showing that the state's intervention is unnecessary or that the specific circumstances of the case do not warrant such intervention. While it is difficult to remove the "compelling state interest" from family court cases entirely, there are several legal strategies you can use to challenge its application in your case:

1. Challenge the Basis of the State's Interest:

If you believe that the **state's interest** in the matter does not outweigh the parental rights at issue, you can challenge the court's use of a compelling state interest. In this case, you would argue that the state's intervention is **not necessary** or that it is **not in the child's best interest**.

- **Parental Fitness:** If the state is intervening due to alleged abuse, neglect, or other parental unfitness, you may present evidence that supports your **parental fitness**, demonstrating that you are a capable and loving parent.
- **Child's Best Interest:** You may argue that the child is thriving under your care and that limiting your access or changing custody arrangements would harm the child's emotional, psychological, or physical wellbeing.

2. Assert the Parent's Constitutional Rights:

The **parental rights** of a fit parent are constitutionally protected. You may argue that the state has violated your constitutional rights by placing undue restrictions on your ability to raise your child, especially if you are a **fit and responsible parent**. The U.S. Supreme Court has held that parents have a **fundamental right** to direct the upbringing of their children, and you can assert that the state's actions infringe upon this right.

- **Due Process:** Assert that the court's action violates your **due process** rights by limiting or removing your parental rights without sufficient evidence that it is in the child's best interest.
- **Equal Protection:** If the state is intervening disproportionately or unfairly, you can argue that it violates the **Equal Protection Clause** of the Constitution.

3. Provide Evidence Against the Need for State Intervention:

If the state claims a **compelling interest** in limiting your access to your child, you can provide evidence to show that:

- **The child is not at risk** of harm, abuse, or neglect.
- **You are actively involved** and capable of caring for your child, and that there is no need for the court to impose any restrictions.
- **Co-parenting is possible:** If you are involved in a custody battle, you can argue that despite potential conflicts, you are still capable of co-parenting in the best interests of the child.

4. Challenge the State's Evidence:

In family court cases, the **burden of proof** lies on the party seeking to limit your rights (in most cases, the state or the opposing party). If the state claims a compelling interest in limiting your access to your child, challenge the quality and sufficiency of its evidence.

- For example, if the state is intervening due to accusations of **abuse or neglect**, but the evidence is circumstantial or unsupported, you can argue that there is no **clear and convincing evidence** that justifies the state's action.

5. Request to Modify Existing Orders:

If the state has already intervened in your case, you may request the court to **modify existing orders**. You could seek to **reduce restrictions** or restore full custody or visitation rights if you can show that the circumstances have changed and that the original reasons for the court's action no longer apply.

- If the state's interest was based on a **temporary risk**, you can argue that the risk has diminished or been resolved.
- **Parenting plans** can be modified to reduce state intervention in the child's care if it is shown that you are capable of providing for the child's needs.

6. Use of Mediation:

Often in family law, courts prefer mediation as a way to resolve disputes without further state intervention. If the state has imposed a **compelling state interest** for limiting possession or custody, you may be able to request mediation to establish a workable plan that is in the child's best interest and reduces the court's involvement.

7. Appeal the Court's Decision:

If the court has ruled in favor of the state's intervention based on a compelling state interest, and you believe the decision is in error, you can **appeal** the decision to a higher court. You would argue that the **state's compelling interest does not justify the court's action** and that it is inconsistent with the constitutional protections afforded to you as a parent.

Conclusion

While you cannot entirely remove the concept of **compelling state interest** from family law, you can challenge its application in your specific case by presenting evidence, asserting your **parental rights**, and demonstrating that the state's intervention is unwarranted. It is essential to understand the **best interest of the child** standard in Texas family law, as the state's interest is often framed around the protection and welfare of children. However, you are always entitled to assert your rights and present evidence to ensure that the decisions made are truly in the best interest of your child. If you feel that your rights are being violated, you may also consider seeking **legal counsel** or pursuing **appeal** if appropriate.

*** State representative Josh Williams testifies on behalf of Ohios Parents Rights as the Highest Level of Rights. *****

“For over 100 years in this country we have recognized a parent's constitutional right to control their children's education and upbringing.

In 1923 the United States Supreme Court recognized in Myers v Nebraska that parent NOT THE GOVERNMENT have the right to determine how their children are educated and raised.

In 1925 the court again in Pierce v the society of sisters “the child is not the mere creature of the state”

Later in Wisconsin v Yoder the court confirmed that the primary role of parents in the upbringing of their children is now established Beyond debate.

The Supreme Court cases clearly established that parents, not the state, have a constitutionally protected right in guiding their children and the way they are educated, the way they are raised.

*The court has emphasized that these rights are not absolute but they are a fundamental right that will face **strict scrutiny**, the highest level of judicial review in the country where the law is presumed unconstitutional if it infringes on that right.*

The fact that we have to introduce bills on this floor - three within the last two sessions - to protect the constitutional rights of parents is absurd! The fact we even had to introduce the underlying bill or this amendment to protect the constitutional rights of parents to raise their children as they see fit is absurd!

What Is Compelling State Interest and How to Rebutt and Remove it from your Family Law Case.
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*I heard one of my colleagues say try us. I won't use bad language on the floor, but I'll put it in letters. FAFO (f*ck around and find out). If we need to step up again we will. But we are not going to stand here and try to infringe on our parents rights to raise their children inside the home and inside the classroom. I encourage a concurrence vote."*

<https://www.facebook.com/share/p/12BBAgR53fq/>

This document is a powerful tool for WRIT OF HABEAS CORPUS petitions. Here's how to incorporate its strongest points directly into both your **Return of Children** and **Restraint on Liberty** writs:

(here is the google link for that :

https://docs.google.com/document/d/1R9lh4MXu4sjP1dumhZ_dTbYvUrnIo55aTIV9Avq0wEE/edit?usp=sharing)

And

https://docs.google.com/document/d/11Lk8_AQYOZkQbicxoxofpNNBXDCnLa-rWOJB2-RXCA/edit?usp=sharing

Heres a recap of our live zoom chatGPT actions during and my AI I created for Writs of Habeas step by step guide:

<https://chatgpt.com/share/68537563-acf0-8011-9c40-3027f1d6cfd2>

Key Legal Framework and Argument Integration for Habeas Corpus Filings

Use this GPT: [Freedom Ignite Ashes to Action Writ of Habeas Corpus Steps](#)

Key Argument Integration

1. Challenge Compelling State Interest

"The state must prove that any intrusion into parental rights meets strict scrutiny — i.e., it is supported by a compelling state interest, is narrowly tailored, and is the least restrictive means available. No such evidence exists in this case."

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Use this language to challenge any order based on vague "best interest"
claims that lack findings of harm or parental unfitness.

2. Precedent Cases to Cite

- **Troxel v. Granville**, 530 U.S. 57 (2000): Parental decisions must not be overridden without compelling justification.
- **Pierce v. Society of Sisters**, 268 U.S. 510 (1925): "The child is not the mere creature of the State."
- **Meyer v. Nebraska**, 262 U.S. 390 (1923): Education and parental choice are fundamental liberties.
- **Wisconsin v. Yoder**, 406 U.S. 205 (1972): Parents' rights to raise children are beyond debate.

3. Strict Scrutiny Demand

"Where no compelling interest has been articulated and narrowly tailored to the facts at hand, the State's ongoing interference fails strict scrutiny and is constitutionally impermissible."

Usage in Each Writ

In Your Children Return Habeas:

Argue there is no evidence of unfitness or harm, therefore no justification under strict scrutiny to separate the child.

In Your Liberty Restraint Habeas:

Argue any condition, supervision, or restricted access based on vague standards lacks due process and strict scrutiny compliance.

Void Ab Initio Logic

Key Principle: If you successfully void the original unconstitutional order via habeas corpus, then all subsequent orders that depend on or flow from that order are typically considered **void ab initio** as well.

Legal Reasoning

- "A void judgment is a nullity from the outset — it has no legal force or effect."

If:

- The initial custody or liberty-restraining order was issued without jurisdiction, due process, or compelling interest,
- And you establish that via habeas corpus...

Then:

All later orders based on it (modifications, denials, sanctions) are infected and legally collapse as if they never existed.



Key Case Law

- **Norton v. Shelby County**, 118 U.S. 425 (1886):
"An unconstitutional act is not law; it confers no rights; it imposes no duties... it is, in legal contemplation, as inoperative as though it had never been passed."
- **Ex parte Siebold**, 100 U.S. 371 (1879):
"A void act cannot be enforced; all acts under it are void."



Application in Relief Sought

"Petitioner respectfully demands that all subsequent orders issued in reliance on the unconstitutional [DATE] order be declared void ab initio, and that any enforcement thereof be immediately ceased."

Black's Law Dictionary (6th Ed.) on "Act" & Law

Law: "A body of rules of action or conduct prescribed by controlling authority, and having binding legal force. That which must be obeyed and followed by citizens subject to sanctions or legal consequence is a law."

Act (in legal context): A legislative enactment or statute with binding force. If enacted in violation of the Constitution, it holds no legal authority.

Supremacy Clause — U.S. Constitution, Article VI, Clause 2

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof... shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

Application

- U.S. Constitution and valid federal law override any conflicting state statute or court order.
- If an **Act** is void ab initio for violating the Constitution, then a **court order** issued under similar unlawful grounds is even **more clearly void**.

An unconstitutional order that lacks jurisdiction, violates due process, or infringes unalienable rights is **void ab initio — as if it never existed**.

Thus, any actions based on such an order (enforcement, contempt, financial penalties) are **legally null and unenforceable**.

This document can be appended to any habeas petition as a **memorandum of law** or used to draft constitutional arguments in your main writ.

FREEDOM IGNITE GPT STEPS LAYOUT:

Step 1: Understand the Mission and Strategy

- **Read:** Revised Rise of Liberty: Mass Habeas Action Layout
 - Learn the full purpose and legal path, from state filing to federal escalation.
 - Core strategy: Challenge any unconstitutional restraint of liberty or denial of parental rights using habeas corpus.
-

Step 2: Learn the Legal Foundation

- **Read:** 5th vs. 14th Amendments Guide
 - Understand how natural rights (5th Amendment) differ from administrative rights (14th Amendment).
 - Learn how to frame arguments using both, especially in state vs. federal courts.
-

Step 3: Decide – File in State or Federal Court First

- **File in State Court if:**
 - The custody order came from a state/family court.
 - You haven't yet used habeas corpus at the state level.
 - You're building a record for later federal action.
- **File in Federal Court if:**
 - You've already been denied in state court.
 - The violation involves federal actors.

- Urgent constitutional violations require immediate relief.

Step 4: Choose the Right Template

- **State Habeas Templates:**
 - Template 1 – Return of Children
 - Template 2 – Restraint on Liberty
- **Federal Habeas Templates:**
 - Template 2 – Return of Children under 28 U.S.C. § 2241
 - Template 1 – Restraint on Liberty under § 2241 or § 2254

Step 5: Gather and Attach All Required Exhibits

- **Exhibit A** – Affidavit of Unlawful Restraint
- **Exhibit B** – Writ of Quo Warranto
- **Exhibit C** – Constitutional Exhibits Zip File

Attach all exhibits to each petition—state or federal—for consistency and legal completeness.

Step 6: Escalate to Federal Court If Denied in State

- Use the federal templates.

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- Show exhaustion of state remedies or futility due to bias, lack of due process, or extraordinary harm.
 - Reuse all exhibits.
-

Step 7: Know the Endgame – Exit Strategy

- If your writ is granted:
 - Prior unconstitutional orders are voided.
 - A new hearing (if any) must meet constitutional standards.
 - You may seek **injunctive relief** and judicial accountability.

MESSAGE FROM KAI:

Are you in a family court crisis with your rights being violated through their extortion and racketeering?

Here's a document I created for you that will help you all write your Notices to the judges who have violated your rights.

If you'd like a copy template, reach out.

File Notice, then file affidavit for recusal, then file motion to recuse, and file a motion **ON THE JUDGE** to **ENFORCE** your **CONSTITUTIONAL** rights.

File Motions to **VACATE** orders that are unlawful, and/or motions for Modification using **THIS DOCUMENT**.

PUT EVERYTHING ON THE RECORD. EVERYTHING.

If your liberties continue to be restrained unlawfully, or your children, Consider Filing a Habeas or joining or group **FREEDOM IGNITE - ASHES TO ACTION - Mass Habeas Filing Training**.

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If you need help, I am now doing consulting work and advocacy work. I can help you properly write and file documents and motions. Feel free to reach out.

Message Me on Facebook:

(Phoenix Kai Rising on Facebook)

Email

For.The.Children.We.Rise@gmail.com or

Info@CHildrensCourt.org

And make sure to check out www.ChildrensCourt.org!

Check out my other custom GPTs:

[Sovereign Justice: Guardian against the Gavel GPT](#)

[Sacred Mirror I am Phoenix Rising GPT](#)

[Yeshua's Alchemy](#)

[Emotional Armour GPT](#)