

HOUSE JOINT RESOLUTION NO. __

By Representatives _____, _____

A RESOLUTION urging the members of the United States Congress to propose the Parental Rights Amendment to the States for ratification.

WHEREAS the right of parents to direct the upbringing and education of their children is a fundamental right protected by the Constitutions of the United States and the State of _____;

WHEREAS our nation has historically relied first and foremost on parents to meet the real and constant needs of children;

WHEREAS the interests of children are best served when parents are free to make childrearing decisions about education, religion, and other areas of a child's life without state interference;

WHEREAS the United States Supreme Court in *Wisconsin v. Yoder* (1972) has held that "This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition";

WHEREAS, however, the United States Supreme Court in *Troxel v. Granville* (2000) produced six different opinions on the nature and enforceability of parental rights under the United States Constitution;

WHEREAS this decision has created confusion and ambiguity about the fundamental nature of parental rights in the laws and society of the several States;

WHEREAS, Senator Lindsey Graham of the State of South Carolina has introduced in the United States Congress an Amendment to the United States Constitution (S.J. Res. 48) to prevent erosion of the enduring American tradition of treating parental rights as fundamental rights:

"SECTION 1. The liberty of parents to direct the upbringing, education, and care of their children is a fundamental right.

SECTION 2. The parental right to direct education includes the right to choose, as an alternative to public education, private, religious, or home schools, and the right to make reasonable choices within public schools for one's child.

"SECTION 3. Neither the United States nor any State shall infringe these rights without demonstrating that its governmental interest as applied to the person is of the highest order and not otherwise served.

“SECTION 4. The parental rights guaranteed by this article shall not be denied or abridged on account of disability.

“SECTION 5. This article shall not be construed to apply to a parental action or decision that would end life.”;

WHEREAS this amendment will add explicit text to the Constitution of the United States to protect in perpetuity the rights of parents as they are now enjoyed, without substantive change to current State or federal laws respecting these rights;

WHEREAS such enumeration of these rights in the text of the Constitution will preserve them from being infringed upon by the shifting ideologies and interpretations of the United States Supreme Court;

WHEREAS such enumeration of these rights in the text of the Constitution will preserve them from being infringed upon by treaty or international law;

NOW THEREFORE BE IT RESOLVED CONCURRENTLY by the Senate and the House of Representatives of the _____th General Assembly of the State of _____ that we hereby affirm the Parental Rights Amendment to the United States Constitution as presented to the United States Congress by Senator Lindsey Graham of the State of South Carolina and as referenced herein.

BE IT FURTHER RESOLVED that this Assembly urges the members of the United States Congress to propose the Parental Rights Amendment to the States for ratification.

BE IT FINALLY RESOLVED that a certified copy of this resolution be transmitted to the President and Members of the United States Senate, the Speaker and Members of the United States House of Representatives, and to the clerk of the legislative body of each of our sister States.