

SENATE RESOLUTION No. 63

DIGEST OF INTRODUCED RESOLUTION

A SENATE RESOLUTION urging Congress to propose the Parental Rights Constitutional Amendment to the States for ratification.

Kruse, Brown L

April 1, 2019, read first time and referred to Committee on Judiciary.



SENATE RESOLUTION No. 63

MADAM PRESIDENT:

I offer the following resolution and move its adoption:

1 A SENATE RESOLUTION urging Congress to propose the
2 Parental Rights Constitutional Amendment to the States for
3 ratification.

4 *Whereas, The right of parents to direct the upbringing,*
5 *education, and care of their children is a fundamental right*
6 *protected by the Constitution of the United States;*

7 *Whereas, The United States has historically relied first and*
8 *foremost on parents to meet the real and constant needs of*
9 *children;*

10 *Whereas, The interests of children are best served when*
11 *parents are free to make childrearing decisions about*
12 *education, religion, and other areas of a child's life without*
13 *state interference;*

14 *Whereas, The United States Supreme Court in Wisconsin v.*
15 *Yoder, 406 U.S. 205 (1972), has held that "[t]his primary role*
16 *of the parents in the upbringing of their children is now*
17 *established beyond debate as an enduring American tradition";*

18 *Whereas, However, the United States Supreme Court in*



1 *Troxel v. Granville, 530 U.S. 57 (2000), produced six different*
2 *opinions on the nature and enforceability of parental rights*
3 *under the United States Constitution;*

4 *Whereas, The Troxel decision has created confusion and*
5 *ambiguity about the fundamental nature of parental rights in*
6 *the laws and society of the several States;*

7 *Whereas, Representative Jim Banks of the State of Indiana*
8 *has introduced House Joint Resolution 36 in the 116th*
9 *Congress, proposing an amendment to the United States*
10 *Constitution to prevent erosion of the enduring American*
11 *tradition of treating parental rights as fundamental rights;*

12 *Whereas, The amendment proposed by H.J. Res. 36 will*
13 *add explicit text to the Constitution of the United States to*
14 *protect in perpetuity the rights of parents as they are now*
15 *enjoyed, without substantive change to current state or federal*
16 *laws respecting these rights; and*

17 *Whereas, Such enumeration of these rights in the text of the*
18 *Constitution will preserve them from being infringed upon by*
19 *the shifting ideologies and interpretations of the United States*
20 *Supreme Court: Therefore,*

21 *Be it resolved by the Senate of the*
22 *General Assembly of the State of Indiana:*

23 SECTION 1. That the Indiana Senate urges Congress to propose
24 the Parental Rights Constitutional Amendment to the States for
25 ratification.

26 SECTION 2. The Secretary of the Senate is hereby directed to
27 transmit copies of this Resolution to the President of the United States
28 Senate, the Speaker of the United States House of Representatives, and
29 each member of the Indiana congressional delegation.

