

Regular Session, 2010

HOUSE CONCURRENT RESOLUTION NO. 132

BY REPRESENTATIVE PERRY

CHILDREN/PARENTAL RIGHTS: Requests congress to adopt and propose to voters for ratification a constitutional amendment relative to parental rights

1 A CONCURRENT RESOLUTION

2 To memorialize the United States Congress to take such actions as are necessary to adopt
3 and submit to the states for ratification the Parental Rights Amendment to the
4 Constitution of the United States.

5 WHEREAS, the right of parents to direct the upbringing and education of their
6 children is a fundamental right protected by the Constitution of the United States and the
7 Constitution of Louisiana; and

8 WHEREAS, our nation has historically relied first and foremost upon parents to meet
9 the real and constant needs of children; and

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

13 WHEREAS, the United States Supreme Court, in *Wisconsin v. Yoder*, 406 U.S. 205
14 (1972), held that "This primary role of the parents in the upbringing of their children is now
15 established beyond debate as an enduring American tradition"; and

16 WHEREAS, however, in *Troxel v. Granville*, 530 U.S. 57 (2000), six justices of the
17 United States Supreme Court filed opinions on the nature and enforceability of parental
18 rights under the Constitution of the United States; and

19 WHEREAS, the number of written opinions in *Troxel v. Granville* has created
20 confusion and ambiguity about the fundamental nature of parental rights in the laws and
21 society of the several states; and

22 WHEREAS, H. J. Res. 42 and S.J. Res. 16 were introduced during the First Session
23 of the 111th Congress to provide for an amendment to the United States Constitution to

1 prevent erosion of the enduring American tradition of treating parental rights as fundamental
2 rights, and the legislation states:

3 SECTION ONE: The liberty of parents to direct the upbringing and education of
4 their children is a fundamental right.

5 SECTION TWO: Neither the United States nor any State shall infringe upon this
6 right without demonstrating that its governmental interest as applied to the person is of the
7 highest order and not otherwise served.

8 SECTION THREE: No treaty may be adopted nor shall any source of international
9 law be employed to supersede, modify, interpret, or apply to the rights guaranteed by this
10 Article; and

11 WHEREAS, this amendment would add explicit text to the Constitution of the United
12 States to forever protect the rights of parents as they are now enjoyed, without substantive
13 change to current state or federal laws respecting these rights; and

14 WHEREAS, the enumeration of these rights in the text of the Constitution of the
15 United States would preserve these rights from being infringed upon by shifting ideologies
16 and interpretations of the United States Supreme Court.

17 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
18 memorialize the United States Congress to take such actions as are necessary to adopt and
19 submit to the states for ratification the Parental Rights Amendment to the Constitution of the
20 United States.

21 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
22 presiding officers of the Senate and the House of Representatives of the Congress of the
23 United States of America and to each member of the Louisiana congressional delegation.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Perry

HCR No. 132

Memorializes congress to adopt and submit to the states for ratification the Parental Rights Amendment to the Constitution of the U.S.