



March 25, 2024

SUMMARY OF BILL AS AMENDED (017296): Enacts the *Families' Rights and Responsibilities Act*. Establishes that the liberty of a parent to the care, custody, and control of the parent's child, including the right to direct the upbringing, education, health care, and mental health of the child, is a fundamental right.

Prohibits a governmental entity from substantially burdening the fundamental rights of a parent as provided under this section unless the government entity demonstrates that the burden, as applied to the parent and the child, is required by a compelling governmental interest of the highest order and is the least restrictive means of furthering that compelling governmental interest. Establishes that all parental rights are exclusively reserved to a parent of a child without obstruction by or interference from a government entity, except under certain circumstances. Does not prevent the Department of Children's Services (DCS) from conducting an investigation or otherwise carrying out its responsibilities under state law.

Prohibits a public employee, other than law enforcement personnel, from encouraging or coercing a child to withhold information from the child's parent. Prohibits a public employee from withholding from a child's parent information that is relevant to the physical, emotional, or mental health of the child.

Enables a parent who prevails in a proceeding to enforce the legislation against a government entity to receive declaratory relief, injunctive relief, and compensatory damages, including reasonable costs and attorney's fees from a court of competent jurisdiction. Establishes that a person or entity that is not a parent does not have standing to raise the fundamental rights of a parent in any proceeding in the state.

Prohibits a government entity, a healthcare provider, or any other person from knowingly taking certain actions with regard to a minor without first obtaining the consent of a parent of the minor, including providing medical treatment, prescribing or administering drugs or medication, or rendering psychological or counseling services. Establishes certain exemptions, including services provided to a minor enrolled in an institution of higher education by a licensed provider employed by the institution of higher education.

Establishes a violation of such prohibition is an unlawful practice and is grounds for the offending healthcare provider's licensing authority to suspend, revoke, or refuse to renew the healthcare provider's license or take other disciplinary action allowed by law. Authorizes a parent to bring a civil cause of action to recover compensatory damages, reasonable attorney's fees, court costs, expenses, and other appropriate relief against an entity or healthcare provider alleged to have violated the prohibition.

Requires a court to notify the appropriate regulatory authority and the Attorney General and Reporter (AG) by mail, upon a final judgment that a healthcare provider knowingly violated the prohibition. Requires a civil cause of action to be brought within one year from the date of discovery of the violation, or within the statutory period required for actions against healthcare providers.

FISCAL IMPACT OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Any additional AG duties resulting from the proposed legislation will be absorbed using existing resources.
- Based on information provided by DCS, the proposed legislation will not impact the policies or procedures of the department, or result in any additional revenue or expenditures.
- The Department of Health and the health-related boards can comply with the legislation within existing personnel and resources. Any increase in disciplinary hearings as a result of the legislation is estimated to be not significant.
- Any additional workload on the courts as a result of this legislation can be accommodated within existing resources and personnel.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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