

HOUSE JOINT RESOLUTION NO. HJ0003

Resolution-parents' rights.

Sponsored by: Representative(s) Botten, Davison, Illoway,
Kroeker, Lubnau, Semlek and Vranish and
Senator(s) Dockstader and Landen

A BILL

for

1 A JOINT RESOLUTION requesting Congress submit to the states
2 a proposed amendment to the United States Constitution
3 prohibiting the infringement of parents' rights.

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

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

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14 WHEREAS, the interests of children are best served when
15 parents are free to make child rearing decisions about

1 education, religion and other areas of a child's life
2 without government interference; and

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

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10 WHEREAS, subsequently, the United States Supreme Court in
11 *Troxel v. Granville* (2000), produced six (6) different
12 opinions on the nature and enforceability of parental
13 rights under the United States Constitution; and

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15 WHEREAS, this decision has created confusion and ambiguity
16 about the fundamental nature of parental rights in the laws
17 and society of the several states; and

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19 WHEREAS, the United Nations Convention on the Rights of the
20 Child has been proposed and may soon be considered for
21 ratification by the United States Senate, which would
22 drastically alter this fundamental right of parents to
23 direct the upbringing of their children; and

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1 WHEREAS, this convention has already been acceded to by one
2 hundred ninety-four (194) nations worldwide; and

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4 WHEREAS, Senator James DeMint of the state of South
5 Carolina and Representative Peter Hoekstra of the state of
6 Michigan introduced in the first session of the 111th
7 United States Congress, later reintroduced in the second
8 session of the 111th United States Congress, an amendment
9 to the United States Constitution to prevent erosion of the
10 enduring American tradition of treating parental rights as
11 fundamental rights:

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13 SECTION ONE. The liberty of parents to direct the
14 upbringing and education of their children is a
15 fundamental right.

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17 SECTION TWO. Neither the United States nor any state
18 shall infringe upon this right without demonstrating
19 that its governmental interest as applied to the
20 person is of the highest order and not otherwise
21 served.

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23 SECTION THREE. No treaty may be adopted nor shall any
24 source of international law be employed to supersede,

1 modify, interpret, or apply to the rights guaranteed
2 by this article.

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

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

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15 WHEREAS, such enumeration of these rights in the text of
16 the Constitution will preserve them from being infringed
17 upon by treaty or international law.

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19 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
20 LEGISLATURE OF THE STATE OF WYOMING:

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22 **Section 1.** That the Legislature of the State of
23 Wyoming urges the members of the United States Congress to

1 propose the Parental Rights Amendment to the states for
2 ratification.

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4 **Section 2.** That the Secretary of State of Wyoming
5 transmit copies of this resolution to the President of the
6 Senate and the Speaker of the House of Representatives of
7 Congress and members of the Wyoming Congressional
8 Delegation.

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(END)