

ORIGINAL HOUSE
JOINT RESOLUTION
NO. 0003

ENROLLED JOINT RESOLUTION NO. 3, HOUSE OF REPRESENTATIVES
SIXTY-FIRST LEGISLATURE OF THE STATE OF WYOMING
2012 BUDGET SESSION

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

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

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

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

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"; and

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

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

WHEREAS, the United Nations Convention on the Rights of the Child has been proposed and may soon be considered for

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ratification by the United States Senate, which would drastically alter this fundamental right of parents to direct the upbringing of their children; and

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

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

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

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

SECTION THREE. No treaty may be adopted nor shall any source of international law be employed to supersede, modify, interpret, or apply to the rights guaranteed by this article.

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; and

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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; and

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 BY THE MEMBERS OF THE LEGISLATURE OF THE STATE OF WYOMING:

Section 1. That the Legislature of the State of Wyoming urges the members of the United States Congress to propose the Parental Rights Amendment to the states for ratification.

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk