

Senate Resolution 681

By: Senators Harbin of the 16th, Hill of the 4th, Albers of the 56th, Williams of the 27th, Mullis of the 53rd and others

A RESOLUTION

- 1 Encouraging the United States Congress to propose the Parental Rights Amendment to the
- 2 states for ratification; and for other purposes.
- 3 WHEREAS, the right of parents to direct the upbringing and education of their children is
- 4 a fundamental right protected by the Constitution of the United States and the Constitution
- 5 of Georgia; and
- 6 WHEREAS, our nation has historically relied first and foremost on parents to meet the real
- 7 and constant needs of children; and
- 8 WHEREAS, the interests of children are best served when parents are free to make
- 9 child-rearing decisions about education, religion, and other areas of a child's life without state
- 10 interference; and
- 11 WHEREAS, the Supreme Court of the United States in *Wisconsin v. Yoder* (1972) held that
- 12 "This primary role of the parents in the upbringing of their children is now established
- 13 beyond debate as an enduring American tradition"; and
- 14 WHEREAS, however, the United States Supreme Court in *Troxel v. Granville* (2000)
- 15 produced six different opinions on the nature and enforceability of parental rights under the
- 16 United States Constitution; and
- 17 WHEREAS, this decision has created confusion and ambiguity about the fundamental nature
- 18 of parental rights in the laws and society of the several states; and
- 19 WHEREAS, Representative Randy Hultgren of Illinois has introduced HJRes. 121 in the
- 20 United States Congress proposing an amendment to the United States Constitution to prevent
- 21 the erosion of the enduring American tradition of treating parental rights as fundamental
- 22 rights:

23 SECTION ONE: The liberty of parents to direct the upbringing, education, and care of their
24 children is a fundamental right;

25 SECTION TWO: The parental right to direct education includes the right to choose public,
26 private, religious, or home schools, and the right to make reasonable choices within public
27 schools for one's child;

28 SECTION THREE: Neither the United States nor any State shall infringe these rights
29 without demonstrating that its governmental interest as applied to the person is of the highest
30 order and not otherwise served;

31 SECTION FOUR: The parental rights guaranteed by this article shall not be denied or
32 abridged on account of disability;

33 SECTION FIVE: This article shall not be construed to apply to a parental action or decision
34 that would end life; and

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

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

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

43 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
44 GEORGIA that the members of this body affirm the Parental Rights Amendment to the
45 United States Constitution as presented to the United States Congress and as referenced
46 herein.

47 BE IT FURTHER RESOLVED that the members of this body encourage the United States
48 Congress to propose the Parental Rights Amendment to the states for ratification.

49 BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed
50 to make appropriate copies of this resolution available for distribution to the President of the
51 United States, the United States Congress, and the clerk of each legislative body of the 49
52 other states.