

HCS HJR 26 -- PARENTAL RIGHTS

SPONSOR: Richardson

COMMITTEE ACTION: Voted "Do Pass" by the Committee on General Laws by a vote of 11 to 4.

Upon voter approval, this proposed constitutional amendment specifies that parents have a fundamental right to exercise exclusive control over the care, custody, and upbringing of their minor children, including all decisions involving the discipline, education, religious instruction, health, medical care, place of habitation, and general well-being of the minor children. Parents have the right to choose to educate their children in public schools, private schools, or in-home education to prepare them for future obligations in life.

The resolution prohibits the state and any of its political subdivisions or any agency, entity, or person acting on behalf of the state or any political subdivision from denying or impairing the fundamental right of parents to direct the upbringing, education, and care of their children. However, the right can be modified by a court when a parent has been found guilty of or pleads guilty to a crime of violence against a child, abuse of a child, kidnapping of a child, abandonment of a child, sexual abuse of a child, sexual conduct or any other sexual offense against a child, criminal nonsupport, or endangering the welfare of a child; when a parent has been found by a court by clear and convincing evidence to have committed child abuse, child neglect or medical neglect; or as a result of adoption, child abandonment, mental incompetency or marital dissolution proceedings, or through the voluntary consent of the parent of a child.

These provisions cannot be construed to diminish the authority of law enforcement officers and courts to take necessary actions in emergency situations to protect the life, health, and safety of minor children, the courts to provide for the temporary custody of a child in emergency situations, the juvenile courts to assume jurisdiction over specified minor children; or courts to issue child protection orders for specified children.

The provisions cannot be construed to confer upon a parent the right to compel a minor child to undergo an abortion.

PROPOSERS: Supporters say that the amendment will establish a constitutional right for parents to raise their children how they determine is proper. The ability for parents to have this right and to control the education and upbringing of their children has already been established in case law for a number of years. Making

sure that Missouri is a state that is friendly to parents who want to choose to home educate their children is important.

Testifying for the bill were Representative Richardson; Missouri Family Policy Council; and Missouri Family Network.

OPPONENTS: There was no opposition voiced to the committee.