

## House Concurrent Resolution No. 5035

By Committee on Federal and State Affairs

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9 A CONCURRENT RESOLUTION urging the United States Congress  
10 to adopt the Parental Rights Amendment, a joint resolution proposing  
11 an amendment to the Constitution of the United States relative to  
12 parental rights.  
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14 WHEREAS, The right of parents to direct the upbringing and edu-  
15 cation of their children is a fundamental right protected by the Consti-  
16 tutions of the United States and the State of Kansas; and

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

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

22 WHEREAS, The United States Supreme Court in *Wisconsin v. Yoder*,  
23 406 U.S. 205 (1972), has held that "This primary role of the parents in  
24 the upbringing of their children is now established beyond debate as an  
25 enduring American tradition"; and

26 WHEREAS, The United States Supreme Court in *Troxel v. Granville*,  
27 530 U.S. 57 (2000), however, produced six different opinions on the na-  
28 ture and enforceability of parental rights under the Constitution of the  
29 United States; and

30 WHEREAS, This decision has created confusion and ambiguity about  
31 the fundamental nature of parental rights in the laws and society of the  
32 several States; and

33 WHEREAS, Senator James DeMint of the State of South Carolina and  
34 Representative Peter Hoekstra of the State of Michigan have introduced  
35 Senate Joint Resolution 16 and House Joint Resolution 42 in the United  
36 States Congress, proposing an amendment to the Constitution of the  
37 United States to prevent erosion of the enduring American tradition of  
38 treating parental rights as fundamental rights, which reads as follows:

39 "Section 1. The liberty of parents to direct the upbringing and edu-  
40 cation of their children is a fundamental right.

41 Section 2. Neither the United States nor any State shall infringe upon  
42 this right without demonstrating that its governmental interest as applied  
43 to the child involved is of the highest order and not otherwise served.

1 Section 3. No treaty may be adopted nor shall any source of interna-  
2 tional law be employed to supersede, modify, interpret, or apply to the  
3 rights guaranteed by this article.”; and  
4 WHEREAS, This amendment will add explicit text to the Constitution  
5 of the United States to protect in perpetuity the rights of parents as they  
6 are now enjoyed, without substantive change to current state or federal  
7 laws respecting these rights; and  
8 WHEREAS, Such enumeration of these rights in the text of the Con-  
9 stitution of the United States will preserve them from being infringed  
10 upon by the shifting ideologies and interpretations of the United States  
11 Supreme Court: Now, therefore,  
12 *Be it resolved by the House of Representatives of the State of Kansas,*  
13 *the Senate concurring therein:* That the Congress of the United States is  
14 urged to adopt and submit to the states for ratification the Parental Rights  
15 Amendment to the Constitution of the United States proposed by Senator  
16 James DeMint and Representative Peter Hoekstra in Senate Joint Res-  
17 olution 16 and House Joint Resolution 42; and  
18 *Be it further resolved:* That a copy of this resolution be distributed to  
19 the President and members of the United States Senate, the Speaker and  
20 members of the United States House of Representatives, and the Speaker  
21 of the House and the President of the Senate of each state’s legislature  
22 of the United States of America.