

## House Concurrent Resolution No. 5030

By Representatives O'Brien, Arpke, Calloway, Garber, Goodman, Gregory, Grosserode, M. Holmes, Huebert, Kelley, Knox, Mast, Meigs, O'Hara and Scapa

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1 A CONCURRENT RESOLUTION urging the United States Congress to  
2 adopt the parental rights amendment, a joint resolution proposing an  
3 amendment to the Constitution of the United States relative to parental  
4 rights.

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

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

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

13 WHEREAS, The United States Supreme Court in *Wisconsin v. Yoder*,  
14 406 U.S. 205 (1972), held that “This primary role of the parents in the  
15 upbringing of their children is now established beyond debate as an  
16 enduring American tradition”; and

17 WHEREAS, The United States Supreme Court in *Troxel v. Granville*,  
18 530 U.S. 57 (2000), however, produced six different opinions on the nature  
19 and enforceability of parental rights under the Constitution of the United  
20 States; and

21 WHEREAS, This decision created confusion and ambiguity about the  
22 fundamental nature of parental rights in the laws and society of the several  
23 states; and

24 WHEREAS, Representative John Fleming of the state of Louisiana  
25 introduced House Joint Resolution 3 in the United States House of  
26 Representatives, proposing an amendment to the Constitution of the  
27 United States to prevent erosion of the enduring American tradition of  
28 treating parental rights as fundamental rights, which reads as follows:

29 “Section 1. The liberty of parents to direct the upbringing and  
30 education of their children is a fundamental right.

31 Section 2. Neither the United States nor any State shall infringe upon  
32 this right without demonstrating that its governmental interest as applied  
33 to the person is of the highest order and not otherwise served.

34 Section 3. No treaty may be adopted nor shall any source of  
35 international law be employed to supersede, modify, interpret, or apply to

1 the rights guaranteed by this article.”; and

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

6 WHEREAS, Such enumeration of these rights in the text of the  
7 Constitution of the United States will preserve them from being infringed  
8 upon by the shifting ideologies and interpretations of the United States  
9 Supreme Court: Now, therefore,

10 *Be it resolved by the House of Representatives of the State of Kansas,*  
11 *the Senate concurring therein:* That the Congress of the United States is  
12 urged to adopt and submit to the states for ratification the Parental Rights  
13 Amendment to the Constitution of the United States proposed by  
14 Representative John Fleming in House Joint Resolution 3; and

15 *Be it further resolved:* That the Chief Clerk of the House of  
16 Representatives shall send an enrolled copy of this resolution to the  
17 President of the Senate, each member of the United States Senate, the  
18 speaker of the United States house of Representatives and each member of  
19 the United States House of Representatives.  
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