A CONCURRENT RESOLUTION urging the United States Congress to adopt the Parental Rights Amendment, a joint resolution proposing an amendment to the Constitution of the United States relative to parental rights.

WHEREAS, The right of parents to direct the upbringing and education of their children is a fundamental right protected by the Constitutions of the United States and the State of Kansas; 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 state interference; and

WHEREAS, The United States Supreme Court in Wisconsin v. Yoder, 406 U.S. 205 (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, The United States Supreme Court in Troxel v. Granville, 530 U.S. 57 (2000), however, produced six different opinions on the nature and enforceability of parental rights under the Constitution of the United States; 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, Senator James DeMint of the State of South Carolina and Representative Peter Hoekstra of the State of Michigan have introduced Senate Joint Resolution 16 and House Joint Resolution 42 in the United States Congress, proposing an amendment to the Constitution of the United States to prevent erosion of the enduring American tradition of treating parental rights as fundamental rights, which reads as follows:

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

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

Section 3. 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.”; and

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

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

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the Congress of the United States is urged to adopt and submit to the states for ratification the Parental Rights Amendment to the Constitution of the United States proposed by Senator James DeMint and Representative Peter Hoekstra in Senate Joint Resolution 16 and House Joint Resolution 42; and

Be it further resolved: That a copy of this resolution be distributed to the Majority Leader and Minority Leader of the United States Senate, the Speaker, Majority Leader and Minority Leader of the United States House of Representatives, and the Speaker of the House and the President of the Senate of each state’s legislature of the United States of America.