

## Senate Concurrent Resolution No. 1629

By Senator Huelskamp

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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

1 to the child involved is of the highest order and not otherwise served.  
2 Section 3. No treaty may be adopted nor shall any source of interna-  
3 tional law be employed to supersede, modify, interpret, or apply to the  
4 rights guaranteed by this article.”; and  
5 WHEREAS, This amendment will add explicit text to the Constitution  
6 of the United States to protect in perpetuity the rights of parents as they  
7 are now enjoyed, without substantive change to current state or federal  
8 laws respecting these rights; and  
9 WHEREAS, Such enumeration of these rights in the text of the Con-  
10 stitution of the United States will preserve them from being infringed  
11 upon by the shifting ideologies and interpretations of the United States  
12 Supreme Court: Now, therefore,  
13 *Be it resolved by the Senate of the State of Kansas, the House of Rep-*  
14 *resentatives concurring therein:* That the Congress of the United States  
15 is urged to adopt and submit to the states for ratification the Parental  
16 Rights Amendment to the Constitution of the United States proposed by  
17 Senator James DeMint and Representative Peter Hoekstra in Senate  
18 Joint Resolution 16 and House Joint Resolution 42; and  
19 *Be it further resolved:* That a copy of this resolution be distributed to  
20 the Majority Leader and Minority Leader of the United States Senate,  
21 the Speaker, Majority Leader and Minority Leader of the United States  
22 House of Representatives, and the Speaker of the House and the Presi-  
23 dent of the Senate of each state’s legislature of the United States of  
24 America.