

HM 557

2011

## 1 House Memorial

2 A memorial to the Congress of the United States, urging  
3 Congress to propose to the states for ratification an  
4 amendment to the United States Constitution relating to  
5 parental rights.

6  
7 WHEREAS, the right of parents to direct the upbringing and  
8 education of their children is a fundamental right protected by  
9 the Constitutions of the United States and the State of Florida,  
10 and

11 WHEREAS, our nation has historically relied first and  
12 foremost on parents to meet the real and constant needs of  
13 children, and

14 WHEREAS, the interests of children are best served when  
15 parents are free to make childrearing decisions about education,  
16 religion, and other areas of a child's life without state  
17 interference, and

18 WHEREAS, the United States Supreme Court in *Wisconsin v.*  
19 *Yoder* held that "This primary role of the parents in the  
20 upbringing of their children is now established beyond debate as  
21 an enduring American tradition," and

22 WHEREAS, the United States Supreme Court in *Troxel v.*  
23 *Granville* produced six different opinions on the nature and  
24 enforceability of parental rights under the United States  
25 Constitution, creating confusion and ambiguity about the  
26 fundamental nature of parental rights in the laws and society of  
27 the several states, and

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28 WHEREAS, a number of members of Congress have introduced  
 29 joint resolutions that propose an amendment to the United States  
 30 Constitution to prevent erosion of the enduring American  
 31 tradition of treating parental rights as fundamental rights,  
 32 commonly referred to as the Parental Rights Amendment, and

33 WHEREAS, the Parental Rights Amendment will add explicit  
 34 text to the Constitution of the United States to forever protect  
 35 the rights of parents as they are now enjoyed, without  
 36 substantive change to current state or federal laws respecting  
 37 these rights, and

38 WHEREAS, such enumeration of these rights in the text of  
 39 the United States Constitution will preserve them from being  
 40 infringed upon by the shifting ideologies and interpretations of  
 41 the United States Supreme Court, NOW, THEREFORE,

42

43 Be It Resolved by the Legislature of the State of Florida:

44

45 That the Florida Legislature respectfully petitions the  
 46 Congress of the United States to propose to the states an  
 47 amendment to the Constitution of the United States to read as  
 48 follows:

49

ARTICLE \_\_\_\_

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

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

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56 Section 3. No treaty may be adopted nor shall any source  
57 of international law be employed to supersede, modify,  
58 interpret, or apply to the rights guaranteed by this article.

59 BE IT FURTHER RESOLVED that copies of this memorial be  
60 dispatched to the President of the United States, to the  
61 President of the United States Senate, to the Speaker of the  
62 United States House of Representatives, and to each member of  
63 the Florida delegation to the United States Congress.