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SENATE BILL NO. 177
INTRODUCED BY J. WELLS

A BILL FOR AN ACT ENTITLED: "AN ACT DECLARING THAT THE RIGHT OF PARENTS TO DIRECT THE UPBRINGING OF THEIR CHILDREN IS A FUNDAMENTAL RIGHT; PROHIBITING STATE OR LOCAL GOVERNMENTS FROM INTERFERING WITH A PARENT'S RIGHT TO RAISE THE PARENT'S CHILD; AND PROVIDING AN EFFECTIVE DATE."

WHEREAS, the United States Supreme Court has regarded the right of parents to direct the upbringing of their children as a fundamental right implicit in the concept of ordered liberty within the 14th amendment to the U.S. Constitution, as specified in Meyer v. Nebraska, 262 U.S. 390 (1923), and Pierce v. Society of Sisters, 268 U.S. 510 (1925).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Short title.** [Sections 1 through 3] may be cited as the "Montana Family Rights Act".

NEW SECTION. **Section 2. Purpose.** (1) The purpose of [sections 1 through 3] is to protect the right of parents to direct the upbringing of their children as a fundamental right. This right includes but is not limited to:

- (a) directing or providing for the education of their children;
 - (b) making health care decisions for their children;
 - (c) disciplining their children, including reasonable corporal discipline; and
 - (d) directing or providing for the religious teaching of their children.
- (2) The right does not include:
- (a) making health care decisions that will endanger the lives of their children or result in serious physical injury; and
 - (b) acting in a manner that constitutes abuse or neglect of their children.

1 NEW SECTION. **Section 3. Prohibition.** A state or local government or an officer of a state or local
2 government may not interfere with or usurp the right of a parent to direct the upbringing of the child of
3 the parent.

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5 NEW SECTION. **Section 4. Codification instruction.** [Sections 1 through 3] are intended to be
6 codified as an integral part of Title 40, chapter 6, part 2, and the provisions of Title 40, chapter 6, part
7 2, apply to [sections 1 through 3].

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9 NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 2001.

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