

1 HB213
2 164732-1
3 By Representatives Butler, Nordgren, Ball, Sanderford, Tuggle,
4 Williams (JD), Whorton (R), Henry, Garrett, Johnson (R),
5 Moore (B), Faust, South, Martin, Clouse, Fridy, Drake and
6 McMillan
7 RFD: Judiciary
8 First Read: 10-MAR-15

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8 SYNOPSIS: This bill would provide that the liberty of
9 a parent to direct the upbringing, education, and
10 care of a child is a fundamental right.

11 This bill would also prohibit the state or
12 any agency or locality from infringing on this
13 fundamental right without demonstrating that its
14 governmental interest is of the highest order.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 Relating to parental rights; to provide that the
21 liberty of a parent to direct the upbringing, education, and
22 care of a child is a fundamental right; and to prohibit the
23 state or any agency or locality from infringing on this
24 fundamental right without demonstrating that its governmental
25 interest is of the highest order.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. It is the intent of the Legislature that
2 this act codify the opinion of the Supreme Court of Alabama in
3 Ex parte E.R.G., 73 So. 3d at 644 (Ala. 2011) and citations to
4 US Supreme Court case law on fit parents' fundamental rights,
5 as it relates to parental rights.

6 Section 2. The liberty of a parent to direct the
7 upbringing, education, and care of the parent's child is a
8 fundamental right.

9 Section 3. Neither the state nor any agency or
10 locality thereof shall infringe this right without
11 demonstrating that its governmental interest as applied to the
12 person is of the highest order and not otherwise served.

13 Section 4. This act shall become effective on the
14 first day of the third month following its passage and
15 approval by the Governor, or its otherwise becoming law.