

1 SB135  
2 164521-1  
3 By Senators Sanford, Williams and Bussman  
4 RFD: Health and Human Services  
5 First Read: 03-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.