

HCS HB 1488 -- PROTECTION OF PARENTAL RIGHTS

SPONSOR: Bahr

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Judiciary by a vote of 6 to 2.

This bill specifies that the liberty of a parent to direct the upbringing, education, and care of his or her child is a fundamental right. The State of Missouri and any political subdivision of the state is prohibited from infringing on this right without demonstrating a compelling governmental interest. Any law or policy must be narrowly tailored and by the least restrictive means to achieve the interest. These provisions apply to all laws of the state, whether adopted before or after the enactment of these provisions. Any law adopted after the enactment of these provisions is exempt only if the law explicitly excludes the application by reference to these provisions.

PROPONENTS: Supporters say that the bill will put into statute what the United States Supreme Court has put into jurisprudence. The Supreme Court has said parents have a right to raise their children. In 2000, in the Troxel case, only four judges recognized this higher standard, so there is a fear that the courts will not protect parental rights the way they used to. This would essentially codify in Missouri law what the Supreme Court has previously held. No parent wants to release the right to make medical decisions regarding their children to others. This will establish and maintain the rights of parents.

Testifying for the bill were Representative Bahr; Jill Johnson; Phillis Jo Duda; Mathew S. Markl; Charissa Markl; Jill Noble; and Tonya Long.

OPPONENTS: Those who oppose the bill say that no person has a problem with fundamental rights, the problem is how this statute will impact other statutes. For example, the judicial by-pass law, regarding a minor having an abortion, could be impacted by this bill.

Testifying against the bill was NARAL Pro-Choice Missouri.