

Regular Session, 2014

SENATE BILL NO. 308

BY SENATOR CROWE

CHILDREN. Provides relative to the fundamental rights of parents. (2/3 - CA13sl(A))

1 A JOINT RESOLUTION

2 Proposing to add Article I, Section 28 of the Constitution of Louisiana, relative to the
3 recognition of the fundamental rights of parents; to recognize the right of parents to
4 direct the upbringing of their children; to provide for parental responsibilities; to
5 provide for construction of provisions; and to specify an election for submission of
6 the proposition to electors and provide a ballot proposition.

7 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
8 elected to each house concurring, that there shall be submitted to the electors of the state, for
9 their approval or rejection in the manner provided by law, a proposal to add Article I,
10 Section 28 of the Constitution of Louisiana, to read as follows:

11 **§28. Fundamental rights of parents**

12 **A. The people of Louisiana recognize the fundamental right of parents**
13 **to direct the upbringing of their children.**

14 **B. The people of Louisiana recognize the family as the most fundamental**
15 **unit of human society; that preserving families is essential to a free society; that**
16 **the relationship between parent and child is preeminent in establishing and**
17 **maintaining the well-being of the child; that parents have the responsibility for**

1 providing the basic necessities of life as well as love and affection to their
2 children; that parents have the paramount right to raise their children in
3 accordance with their own values and traditions; that parents should make the
4 decisions regarding where and with whom the child shall reside, the
5 educational, moral, ethical, and religious training of the child, the medical,
6 psychiatric, surgical, and preventive health care of the child, and the discipline
7 of the child; that children owe to their parents respect, obedience, and affection;
8 that the role of the state in the family is limited and should only be asserted
9 when there is a serious threat to the family, the parents, or the child; and that
10 extraordinary procedures established by law are meant to be used only when
11 required by necessity and then with due respect for the rights of the parents, the
12 children, and the institution of the family.

13 C. Nothing herein shall be construed to require a court to return a child
14 to parents if the child has been removed by a court of competent jurisdiction for
15 reasons of abuse or neglect committed by the parent.

16 Section 2. Be it further resolved that this proposed amendment shall be submitted
17 to the electors of the state of Louisiana at the statewide election to be held on November 4,
18 2014.

19 Section 3. Be it further resolved that on the official ballot to be used at said election
20 there shall be printed a proposition, upon which the electors of the state shall be permitted
21 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
22 follows:

23 Do you support an amendment to recognize the fundamental right of parents
24 to direct the upbringing of their children and that parents have the right to
25 direct and to make decisions regarding where and with whom the child shall
26 reside, the educational, moral, ethical, and religious training of the child, the
27 medical, psychiatric, surgical, and preventive health care of the child, and the
28 discipline of the child? The proposed amendment is not to be interpreted to
29 require a child to be returned to a parent if the child has been removed by a

1 court of competent jurisdiction from the parent for reasons of abuse or
2 neglect committed by the parent.

3 (Adds Article I, Section 28)

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

Crowe (SB 308)

Proposed constitutional amendment provides that the people of Louisiana recognize the fundamental rights of parents to direct the upbringing of their children and that parents have the right to direct and to make decisions regarding where and with whom the child shall reside, the educational, moral, ethical, and religious training of the child, the medical, psychiatric, surgical, and preventive health care of the child, and the discipline of the child.

Proposed constitutional amendment provides that the proposed constitutional amendment shall not be interpreted to require a child to be returned to a parent if the child has been removed by a court of competent jurisdiction for reasons of abuse or neglect committed by the parent.

Specifies submission of the amendment to the voters at the statewide election to be held on November 4, 2014.

(Adds Art. I, Sec. 28)