

HOUSE JOINT RESOLUTION NO. 56

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RICHARDSON.

4458L.011

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to parental rights.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2014, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article I of the Constitution of the state of Missouri:

Section A. Article I, Constitution of Missouri, is amended by adding one new section, to be known as section 35, to read as follows:

Section 35. 1. That parents have a fundamental right to exercise exclusive control over the care, custody, and upbringing of their minor children, including all decisions involving the discipline, education, religious instruction, health, medical care, place of habitation, and general well-being of such minor children.

2. Parents have a responsibility to ensure that their minor children receive a program of academic instruction which they regularly attend while the child is of an age prescribed by law for school attendance. Parents have the right to choose to educate their children in public schools, private schools, parochial schools, parish schools, or in-home education to prepare them for future obligations in life.

3. Neither the state nor any political subdivision, nor any agency, entity, or person acting on behalf of the state or any political subdivision, shall dictate through rule or regulation or other device the content of curriculum to be used by private, parochial, or

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 parish schools, or for in-home education. Neither the state nor any political subdivision,
14 nor any agency, entity, or person acting on behalf of the state shall require any private,
15 parochial, or parish school to include in its curriculum any concept, topic, or practice in
16 conflict with the school's religious doctrines or beliefs; nor shall the state or any political
17 subdivision, or any agency, entity, or person acting on behalf of the state require a parent
18 providing in-home education to include in a student's curriculum any concept, topic, or
19 practice in conflict with the parent's religious belief.

20 4. Neither the state nor any political subdivision, nor any agency, entity, or person
21 acting on behalf of the state or any political subdivision, shall act to deny or impair the
22 fundamental right of parents to direct the upbringing, education, and care of their
23 children. However, the fundamental right of a parent to control and direct the care,
24 custody, and upbringing of a minor child may be modified by a court of law when a parent
25 has been found guilty of or pleads guilty to a crime of violence against a child, abuse of a
26 child, kidnapping of a child, abandonment of a child, endangering the welfare of a child,
27 sexual abuse of a child, sexual conduct or any other sexual offense against a child or
28 involving a child, production, distribution, or possession of child pornography, human
29 trafficking, domestic violence, or criminal nonsupport; or when a parent has demonstrated
30 a consistent pattern of unlawful conduct which renders that parent unfit to care
31 appropriately for the needs of a child; or when a parent has been found by a court of law
32 by clear and convincing evidence to have committed child abuse, child neglect or medical
33 neglect, or been found responsible for jeopardizing the life, health and safety of a child; or
34 as a result of adoption, paternity, child abandonment, mental incompetency, or marital
35 dissolution proceedings; or when a child has been conceived and born as a result of an act
36 of rape; or through the voluntary consent of the parent of a child.

37 5. Nothing in this section shall be construed to diminish the authority of peace
38 officers and law enforcement officials to take necessary actions to safeguard the welfare
39 of a child whose life, health, or safety is in jeopardy; or of courts of law to provide for
40 temporary custody of a child in emergency situations to protect the life, health, and safety
41 of such child; or of juvenile courts to assume jurisdiction over a minor child who has been
42 charged with or found guilty of or pleads guilty to offenses against the law, is engaged in
43 actions injurious to the welfare of the child or others, or is beyond the control of the
44 parents; or of courts of law to issue child protection orders for a child whose life, health,
45 or safety is in jeopardy; or of state authorities to investigate allegations of child abuse, child
46 neglect, or medical neglect in accordance with this section.

47 6. Nothing contained in this section shall be construed to confer upon a parent the
48 right to compel a minor child to undergo an abortion.

49 7. Nothing contained in this section shall be construed to empower a parent to
50 enroll his or her minor child in a public school outside of the area of that child's residence,
51 except as otherwise provided by law.

52 8. Nothing contained in this section shall be construed to confer authority on a
53 parent of a public school student to dictate to school administrators the curriculum or
54 program choices, or levels of service, to be provided to the parent's minor child; provided
55 that students shall be afforded the religious freedoms recognized in Section 5 of this
56 Article.

57 9. As used in this section, the following terms shall mean:

58 (1) "Child abuse", any physical injury, sexual abuse, or emotional abuse inflicted
59 on a child other than by accidental means by those responsible for the child's care, custody,
60 and control; except that discipline, including spanking, administered in a reasonable
61 manner, shall not be construed to be abuse;

62 (2) "Child neglect", failure to provide by those responsible for the care, custody,
63 and control of the child the necessary shelter, nutrition, clothing, or medical care, or
64 education in a public, private, or in-home education setting, to the degree that the child is
65 harmed by such neglect or at imminent risk of such harm;

66 (3) "Jeopardizing the life, health, and safety of a child", any action or failure to act
67 wherein a parent knowingly creates a substantial risk to the life, body, or health of such
68 parent's child; or any deliberate acts of the parent or acts of another of which the parent
69 knew or should have known which subject the parent's child to a substantial risk of
70 physical or emotional harm; or any action wherein a parent encourages, aids, or causes a
71 child to engage in conduct which violates the law;

72 (4) "Medical neglect", the denial or deprivation of medical or surgical treatment
73 or intervention which is necessary to remedy or ameliorate a medical condition which is
74 life-threatening or would result in serious injury;

75 (5) "Mental incompetency", a consistent or recurring lack of mental capacity or
76 mental capability which prevents a parent from providing necessary care, nutrition,
77 clothing, habitation, health care, or education to the child of such parent;

78 (6) "Parent", a biological parent of a child, including the husband of a natural
79 mother at the time the child was conceived, or the parent of a child by adoption, or as
80 otherwise provided by law.

 Section B. Pursuant to chapter 116, RSMo, and other applicable constitutional provisions
2 and laws of this state allowing the general assembly to adopt ballot language for the submission
3 of a joint resolution to the voters of this state, the official ballot title of the amendment proposed
4 in section A shall be as follows:

5 "Shall the Missouri Constitution be amended to ensure:
6 That parents have a fundamental right to control and direct the care, education, and upbringing
7 of their minor children; and that courts of law and law enforcement officers may act to protect
8 the health, safety, and welfare of minor children?"

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