

COMMITTEE OF ORIGIN: Committee on General Laws

Upon voter approval, this proposed constitutional amendment specifies 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 the minor children. Parents have the right to choose to educate their children in public schools, private schools, or in-home education to prepare them for future obligations in life.

The amendment prohibits the state and any of its political subdivisions or any agency, entity, or person acting on behalf of the state or any political subdivision from denying or impairing the fundamental right of parents to direct the upbringing, education, and care of their children. However, the right can be modified by a court when a parent has been found guilty of or pleads guilty to a crime of violence against a child, abuse of a child, kidnapping of a child, abandonment of a child, endangering the welfare of a child, sexual abuse of a child, sexual conduct or any other sexual offense against a child or involving a child, production, distribution, or possession of child pornography, human trafficking, domestic violence or criminal nonsupport; or when a parent has demonstrated a consistent pattern of unlawful conduct which renders that parent unfit to care appropriately for the needs of a child; or when a parent has been found by a court by a preponderance of the evidence to have committed child abuse, child neglect or medical neglect, or been found responsible for jeopardizing the life, health and safety of a child; or as a result of adoption, guardianship, paternity, child abandonment, mental incompetency or marital dissolution proceedings; or when a child has been conceived and born as a result of an act of rape; or through the voluntary consent of the parent of a child.

These provisions cannot be construed to diminish the authority of law enforcement officers and courts to take necessary actions in emergency situations to protect the life, health, and safety of minor children, the courts to provide for the temporary custody of a child in emergency situations, the juvenile courts to assume jurisdiction over specified minor children; or courts to issue child protection orders for specified children.

These provisions cannot be construed to confer upon a parent the right to compel a minor child to undergo an abortion or to empower a parent to enroll his or her minor child in a public school outside of the area of the child's residence.

These provisions cannot be construed to confer upon a parent of a public school student the authority to dictate to public school administrators the curriculum, program choices, or levels of service to be provided to the child.

These provisions cannot be construed to create any new or expanded right under Article IX of the Missouri Constitution or create any cause of action to force the state or any political subdivision of the state to provide funding pursuant to Article IX.