

FEB 20 1996

JUDICIARY

HOUSE FILE 2253

BY SCHULTE, BODDICKER, VEENSTRA,
KREMER, KLEMME, DAGGETT, and
LORD

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the enactment, interpretation, and
2 implementation of laws relating to parental rights and
3 responsibilities.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2253

1 Section 1. NEW SECTION. 3.21 ENACTMENT, INTERPRETATION,
2 AND IMPLEMENTATION OF LAWS -- PARENTAL RIGHTS AND
3 RESPONSIBILITIES.

4 1. The general assembly finds that:

5 a. The inherent rights of individuals existed long before
6 the formation of governments as acknowledged in the
7 Declaration of Independence, in which it is stated, in part,
8 "We hold these truths to be self-evident, that all men are
9 created equal, that they are endowed by their Creator with
10 certain unalienable Rights . . ."

11 b. The ninth amendment to the Constitution for the United
12 States of America provides, "The enumeration in the
13 Constitution, of certain rights, shall not be construed to
14 deny or disparage others retained by the people."

15 c. Article VI of the Constitution for the United States of
16 America provides that "This Constitution, and the Laws of the
17 United States which shall be made in Pursuance thereof; . . .
18 shall be the supreme Law of the Land; and the Judges in every
19 State shall be bound thereby, any Thing in the Constitution or
20 Laws of any State to the Contrary notwithstanding."

21 d. The people of Iowa have established their firm belief
22 that their rights are endowed upon them by the Supreme Being
23 as stated in the preamble to the Constitution of the State of
24 Iowa, ". . . grateful to the Supreme Being for the blessings
25 hitherto enjoyed, and feeling our dependence on Him for a
26 continuation of those blessings . . ."

27 e. The supreme court of the United States has affirmed the
28 primacy of the family in Wisconsin v. Yoder, 406 U.S. 205
29 (1972), in which the supreme court stated that, "This primary
30 role of the parents in the upbringing of their children is now
31 established beyond debate as an enduring American tradition .
32 . . ."

33 f. Parental rights require the careful exercise of
34 parental responsibilities.

35 2. The general assembly acknowledges and reaffirms that

1 parents, being endowed by their creator with certain
2 unalienable rights established long antecedent to the
3 formation of governments, have inherent, fundamental, and
4 preeminent rights and responsibilities means including, but
5 not limited to, to direct and control the upbringing of their
6 unemancipated children, through means including, but not
7 limited to, the establishing of standards upon which those
8 children are reared, supervised, disciplined, attended to
9 medically, grounded religiously, and educated.

10 3. The legislative, executive, and judicial branches of
11 state government and any of the agencies or employees of state
12 government including, but not limited to, public educational
13 institutions, shall not take any action under color of law
14 which would interfere with, infringe upon, deny, or disparage
15 the rights and responsibilities of parents, if lawfully
16 exercised.

17 EXPLANATION

18 This bill establishes the findings and intent of the
19 general assembly relating to the rights and responsibilities
20 of parents in relating to their children. The bill reaffirms
21 and acknowledges these rights and responsibilities and
22 prohibits the state branches of government and any agency or
23 employee of state government, including public educational
24 institutions, from taking any action under color of law to
25 interfere with, infringe upon, deny, or disparage the rights
26 and responsibilities of parents, if the rights and
27 responsibilities are lawfully exercised.

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