

HB6 INTRODUCED



1 G3BU6C-1
2 By Representatives Paschal, Wood D., Carns, Stringer
3 RFD: Judiciary
4 First Read: 07-Mar-23
5 PFD: 20-Jan-23



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SYNOPSIS:

Existing precedent of the Alabama Supreme Court and United States Supreme Court provides that fit parents have a fundamental right to direct the upbringing of their children.

This bill would establish legislative findings relating to the fundamental rights of parents.

This bill would also provide that the government may not burden certain fundamental rights of parents unless the burden is narrowly tailored to a compelling state interest.

A BILL
TO BE ENTITLED
AN ACT

Relating to parental rights; to establish legislative findings relating to the fundamental rights of parents; and to provide that the government may not burden certain fundamental rights of parents.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The Legislature finds and declares both of the following:

(1) The Alabama Supreme Court and United States Supreme Court have recognized that fit parents have a fundamental



29 right to direct the upbringing of their children.

30 (2) The liberty protected by the due process clause
31 includes the fundamental right of fit parents to direct the
32 education, upbringing, care, custody, and control of their
33 children.

34 (b) The government may not burden the fundamental right
35 of a parent to direct the upbringing, education, care, and
36 custody of his or her child unless the government demonstrates
37 that the application of the burden is narrowly tailored to a
38 compelling state interest and the government uses the least
39 restrictive means possible to further that interest.

40 Section 2. This act shall become effective on the first
41 day of the third month following its passage and approval by
42 the Governor, or its otherwise becoming law.