**South Carolina General Assembly**

119th Session, 2011-2012

**S. 1250**

**STATUS INFORMATION**

Concurrent Resolution

Sponsors: Senators Fair and Thomas

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Introduced in the Senate on February 22, 2012

Currently residing in the Senate Committee on **Judiciary**

Summary: Parental rights amendment

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/22/2012 Senate Introduced ([Senate Journal‑page 7](file:///h:\sj%20archive\2012\02-22-12.docx))

2/22/2012 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 7](file:///h:\sj%20archive\2012\02-22-12.docx))

2/28/2012 Senate Referred to Subcommittee: Sheheen (ch), Knotts, Campsen, Lourie, Campbell

**VERSIONS OF THIS BILL**

[2/22/2012](file:///p:\pprever\2011-12\1250_20120222.docx)

**A** **CONCURRENT RESOLUTION**

MEMORIALIZING THE MEMBERS OF THE UNITED STATES CONGRESS TO PROPOSE THE PARENTAL RIGHTS AMENDMENT TO THE STATES FOR RATIFICATION.

Whereas, the right of parents to direct the upbringing and education of their children is a fundamental right protected by the Constitutions of the United States and the State of South Carolina; and

Whereas, our nation has historically relied first and foremost on parents to meet the real and constant needs of children; and

Whereas, the interests of children are best served when parents are free to make childrearing decisions about education, religion, and other areas of a child’s life without state interference; and

Whereas, the United States Supreme Court in *Wisconsin v. Yoder* (1972) has held that “This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition”; and

Whereas, the United States Supreme Court in *Troxel v. Granville* (2000) produced six different opinions on the nature and enforceability of parental rights under the United States Constitution; and

Whereas, this decision has created confusion and ambiguity about the fundamental nature of parental rights in the laws and society of the several States; and

Whereas, the United Nations Convention on the Rights of the Child has been proposed and may soon be considered for ratification by the United States Senate, which would drastically alter this fundamental right of parents to direct the upbringing of their children; and

Whereas, this Convention has already been acceded to by 192 nations worldwide and has already been cited by United States courts as “customary international law”; and

Whereas, international influence is being exerted on the United States Supreme Court, as demonstrated in *Roper v. Simmons* (2005), where “the Court has referred to the laws of other countries and to the international authorities as instructive for its interpretation” of the United States Constitution; and

Whereas, the following has been introduced in the United States Congress as an Amendment to the United States Constitution to prevent erosion of the enduring American tradition of treating parental rights as fundamental rights:

SECTION ONE: The liberty of parents to direct the upbringing and education of their children is a fundamental right; and

SECTION TWO: Neither the United States nor any State shall infringe upon this right without demonstrating that its governmental interest as applied to the person is of the highest order and not otherwise served; and

SECTION THREE: No treaty may be adopted nor shall any source of international law be employed to supersede, modify, interpret, or apply to the rights guaranteed by this article; and

Whereas, this amendment will add explicit text to the Constitution of the United States to forever protect the rights of parents as they are now enjoyed, without substantive change to current state or federal laws respecting these rights; and

Whereas, such enumeration of these rights in the text of the Constitution will preserve them from being infringed upon by the shifting ideologies and interpretations of the United States Supreme Court; and

Whereas, such enumeration of these rights in the text of the Constitution will preserve them from being infringed upon by treaty or international law; and

Whereas, the South Carolina General Assembly hereby affirms the Parental Rights Amendment to the United States Constitution as presented to the United States Congress and as referenced herein; and

Whereas, the South Carolina General Assembly urges the members of South Carolina’s congressional delegation to support the proposed Amendment by cosponsoring the joint resolution presented in their legislative body as appropriate. Now, therefore,

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

That the members of the General Assembly of the State of South Carolina, by this resolution, memorialize the members of the United States Congress to propose the Parental Rights Amendment to the States for ratification.

Be it further resolved that a copy of this resolution be forwarded to the President and members of the United States Senate, the Speaker and members of the United States House of Representatives, and to the clerk of the legislative bodies of each of South Carolina’s sister states.

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