

1 House BILL NO. 528
 2 INTRODUCED BY Wells Loose Brainard Curtiss Jore ORR
 3 Kenna Spencer Langhin Adams Rehbein Walters Bookout

4 A BILL FOR AN ACT ENTITLED: "AN ACT DECLARING THAT THE RIGHT OF PARENTS TO DIRECT THE
 5 UPBRINGING OF THEIR CHILDREN IS A FUNDAMENTAL RIGHT; PROHIBITING STATE OR LOCAL
 6 GOVERNMENTS FROM INTERFERING WITH A PARENT'S RIGHT TO RAISE THE PARENT'S CHILD; AND
 7 PROVIDING AN EFFECTIVE DATE."

9 WHEREAS, the United States Supreme Court has regarded the right of parents to direct the
 10 upbringing of their children as a fundamental right implicit in the concept of ordered liberty within the 14th
 11 Amendment to the U.S. Constitution, as specified in Meyer v. Nebraska, 262 U.S. 390 (1923), and Pierce
 12 v. Society of Sisters, 268 U.S. 510 (1925).

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 NEW SECTION. Section 1. Short title. [Sections 1 through 3] may be cited as the "Montana
 17 Family Rights Act".

19 NEW SECTION. Section 2. Purpose. (1) The purpose of [sections 1 through 3] is to protect the
 20 right of parents to direct the upbringing of their children as a fundamental right. This right includes but is
 21 not limited to:

- 22 (a) directing or providing for the education of their children;
- 23 (b) making health care decisions for their children;
- 24 (c) disciplining their children, including reasonable corporal discipline; and
- 25 (d) directing or providing for the religious teaching of their children.
- 26 (2) The right does not include:
- 27 (a) making health care decisions that will endanger the lives of their children or result in serious
- 28 physical injury; and
- 29 (b) acting in a manner that constitutes abuse or neglect of their children.

