

House Judiciary Engrossed Substitute for HB6



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SYNOPSIS:

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 right to direct the upbringing of their children.

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

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

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29 (c) This section may not be construed as authorizing or
30 allowing a parent to engage in child abuse or neglect, as
31 defined in Chapters 15 and 16 of Title 26, Code of Alabama
32 1975.

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