

By: Senator(s) Fillingane

To: Judiciary, Division A

SENATE BILL NO. 2815

1 AN ACT TO STATE LEGISLATIVE FINDINGS REGARDING THE
 2 FUNDAMENTAL RIGHT OF PARENTS TO DIRECT THE EDUCATION, UPBRINGING,
 3 CARE AND CONTROL OF THEIR CHILDREN; TO RECOGNIZE THAT THE LIBERTY
 4 INTEREST OF A PARENT IN THE NURTURE, EDUCATION, CARE, CUSTODY, AND
 5 CONTROL OF THE PARENT'S CHILD IS A FUNDAMENTAL RIGHT; TO PROHIBIT
 6 AN AGENCY OR OFFICER OF THIS STATE OR ANY AGENCY OR OFFICER OF ANY
 7 SUBDIVISION OF THIS STATE FROM INFRINGING ON FUNDAMENTAL PARENTAL
 8 RIGHTS EXCEPT AS PROVIDED BY LAW NARROWLY TAILORED TO MEET A
 9 COMPELLING GOVERNMENTAL INTEREST BY THE LEAST RESTRICTIVE MEANS;
 10 AND FOR RELATED PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 **SECTION 1.** The Legislature of Mississippi finds the
 13 following:

14 (a) The United States Supreme Court has recognized that
 15 parents have a fundamental right to direct the upbringing of their
 16 children.

17 (b) The liberty protected by the due process clause
 18 includes the fundamental right of parents to direct the education,
 19 upbringing, care and control of their children.

20 **SECTION 2.** (1) The liberty interest of a parent in the
 21 nurture, education, care, custody, and control of the parent's
 22 child is a fundamental right.



23 (2) No agency or officer of this state nor any agency or
24 officer of any subdivision of this state shall infringe on
25 fundamental parental rights except as provided by law narrowly
26 tailored to meet a compelling governmental interest by the least
27 restrictive means.

28 **SECTION 3.** This act shall take effect and be in force from
29 and after its passage.

