

By: Senator(s) McCaughn

To: Education

SENATE BILL NO. 2897

1 AN ACT TO CODIFY THE FUNDAMENTAL RIGHTS OF PARENTS; TO STATE
 2 LEGISLATIVE FINDINGS; TO PROVIDE THAT THE LIBERTY INTEREST OF A
 3 PARENT IN THE NURTURE, EDUCATION, CARE, CUSTODY, AND CONTROL OF
 4 THE PARENT'S CHILD IS A FUNDAMENTAL RIGHT; TO PROVIDE THAT NO
 5 AGENCY OR OFFICER OF THIS STATE NOR ANY AGENCY OR OFFICER OF ANY
 6 SUBDIVISION OF THIS STATE SHALL INFRINGE UPON FUNDAMENTAL PARENTAL
 7 RIGHTS EXCEPT AS PROVIDED BY LAW NARROWLY TAILORED TO MEET A
 8 COMPELLING GOVERNMENTAL INTEREST BY THE LEAST RESTRICTIVE MEANS;
 9 TO PROVIDE A CLAIM OR DEFENSE IN A JUDICIAL PROCEEDING FOR A
 10 PERSON WHOSE FUNDAMENTAL PARENTAL RIGHTS HAVE BEEN INFRINGED UPON
 11 IN VIOLATION OF THIS SECTION; TO CLARIFY THIS SECTION'S EFFECT ON
 12 OTHER LAWS OF THIS STATE; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** The Legislature of Mississippi finds and declares
 15 the following:

16 (a) The Mississippi Supreme Court and the United States
 17 Supreme Court have recognized that parents have a fundamental
 18 right to direct the upbringing of their children.

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



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

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

30 **SECTION 3.** (1) A person whose fundamental parental rights
31 have been infringed upon in violation of this section may assert
32 that violation as a claim or defense in a judicial proceeding and
33 obtain appropriate relief against the government.

34 (2) A person who prevails in an action brought pursuant to
35 this section shall be entitled to declaratory relief or injunctive
36 relief.

37 **SECTION 4.** (1) Nothing in this section shall be construed to
38 allow an individual to commit child abuse or otherwise violate
39 Section 97-5-39. Further, nothing in this section shall be
40 construed to infringe upon the processes and procedures related to
41 the state foster care system and children in the custody of the
42 Mississippi Department of Child Protection Services.

43 (2) If a child has no affirmative right of access to a
44 particular surgical, medical, or mental health procedure or
45 service, then nothing in this section shall be construed to grant



46 that child's parent an affirmative right of access to that
47 procedure or service on that child's behalf.

48 (3) (a) This section applies to all state laws, rules,
49 regulations and any municipal or county ordinances, rules or
50 regulations and the implementation of those laws, whether
51 statutory or otherwise, and whether adopted before or after July
52 1, 2025.

53 (b) Any such law, rule, regulation or ordinances adopted
54 after July 1, 2025, shall be subject to this section unless such
55 law explicitly excludes such application by reference to this
56 section.

57 **SECTION 5.** This act shall take effect and be in force from
58 and after July 1, 2025.

