

Highlights of the Parental Bill of Rights

It is well-settled that the interest of parents in the care, custody, and control of their children is perhaps the oldest of the recognized fundamental liberty interests protected by the Due Process Clause of the Fourteenth Amendment to the United States Constitution. This fundamental liberty interest is rooted in the fundamental right of privacy from interference in making important decisions relating to marriage, family relationships, and child rearing and education. These rights may not be intruded upon absent a compelling state interest.

The "Parents' Bill of Rights," enumerates rights of parents with respect to their minor child for education, health care and criminal justice procedures.

Support the Parental Bill of Rights because of how different state entities and institutions interact with our children and families and the sporadic nature of laws throughout our statutes. It doesn't give a clear picture of the obligation they have to interact with that family.

Therefore, by putting it all into one statute, by codifying the standard set forth in case law - most people do not consult case law - so by doing that all in one place, we give a guide to the state entities or institutions who interact with our children, a guide for what their obligation is.

A Parental Bill of Rights Chapter will provide parents with one place to go where they can understand what their rights are. Stronger families mean a stronger nation.

Families must feel secure in their liberty to raise their children according to the dictates of their conscience. Parents should be applauded, not penalized, for investing time in the discipline and nurturing of their children.

Parents, not social workers or teachers, are best positioned to make decisions for their children. Other than in cases of genuine child abuse, which should be treated as a crime, the fundamental right of parents to direct the education and upbringing of their children should, in every case, trump the policy objectives of bureaucrats and social workers.

Parental Bill of Rights legislation will help re-establish the sanctity of the home as a fundamental principle of liberty for our free society.

To amend the code of laws of south carolina, 1976, to enact the "parental bill of rights" by adding chapter 23 to title 63 so as to provide necessary findings and definitions, to prohibit certain government infringement on the fundamental rights of parents to direct the upbringing, education, health care, and mental health care of their children except in limited circumstances, to reserve all parental rights to the parents of children in this state and to provide a nonexhaustive list of such rights, to provide related requirements concerning public education institutions and health care providers, to provide penalties for violations, and to make these provisions applicable notwithstanding contrary provisions in declared states of emergency; and to amend section 63-5-340, relating to the age of consent for minors to certain health care services, so as to increase the age of consent to eighteen.

- Parents have a fundamental right to direct the upbringing, education, and care of their children.
- To establish a consistent mechanism for parents to be notified of information relating to the health and well-being of their children.
- The State, political subdivisions of the State, public school districts, other governmental entities, and other institutions may not infringe on the fundamental rights of a parent to direct the upbringing, education, health care, and mental health care of his child without demonstrating that the action is: reasonable and necessary to achieve a compelling state interest; and narrowly tailored; and not otherwise served by a less restrictive means.
- All parental rights are reserved to the parent of a child in this State without obstruction or interference from the State, political subdivisions of the State, public school districts, other governmental entities, or other institutions, including:
 - the right to direct the education and care of his child;
 - the right to direct the upbringing and the moral or religious training of his child;
 - the right to access and review all school records relating to his child;
 - the right to make health care decisions for his child, unless otherwise prohibited by court order or State law;
 - the right to consent in writing before any record of his child's blood or deoxyribonucleic acid (DNA) is created, stored, or shared, except as required by general law or authorized pursuant to a court order.

- An employee of the State, a political subdivision of the State, a public school district, or another governmental entity who encourages or coerces, or attempts to encourage or coerce, a child to withhold information from his parent may be subject to disciplinary action.
- A parent of a child in this State has inalienable rights that are more comprehensive than those listed in this chapter unless the rights have been legally waived or terminated.
- Each district school board shall, in consultation with parents, teachers, and administrators, develop and adopt a policy to promote parental involvement in the public school system.
- The right to opt his child out of any portion of the school district's comprehensive health education required that relates to sex education instruction in acquired immune deficiency syndrome education or any instruction regarding sexuality.
- Health care providers may not provide or solicit or arrange to provide health care services or prescribe medicinal drugs or biologics to a child without first obtaining written parental consent.
- Increase the age of consent from sixteen to eighteen.

We need your help advancing this bill and passing it into law. Please scan the QR code below to access the Parental Bill Petition. Please sign and share the petition and help pass a Parental Bill of Rights in South Carolina.

