

SENATE CONCURRENT RESOLUTION No. 114

STATE OF NEW JERSEY

INTRODUCED MARCH 10, 1997

By Senator CARDINALE

1 **A CONCURRENT RESOLUTION** proposing an amendment to Article I of the
2 Constitution of the State of New Jersey by adding a new paragraph 23.

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4 **BE IT RESOLVED** *by the Senate of the State of New Jersey (the General*
5 *Assembly concurring):*

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7 1. The following proposed amendment to the Constitution of the State of
8 New Jersey is agreed to:

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10 **PROPOSED AMENDMENT**

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12 Amend Article I by adding a new paragraph 23, as follows:

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14 23. (a) The right of parents to direct the upbringing and education of their
15 children shall not be infringed.

16 (b) The Legislature shall have the power to define and enforce, by
17 appropriate legislation, the provisions of this paragraph.

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19 2. When this proposed amendment to the Constitution is finally agreed to
20 pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted
21 to the people at the next general election occurring more than three months
22 after the final agreement and shall be published at least once in at least one
23 newspaper of each county designated by the President of the Senate, the
24 Speaker of the General Assembly and the Secretary of State, not less than
25 three months prior to the general election.

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27 3. This proposed amendment to the Constitution shall be submitted to the
28 people at that election in the following manner and form:

29 There shall be printed on each official ballot to be used at the general
30 election, the following:

31 a. In every municipality in which voting machines are not used, a legend
32 which shall immediately precede the question, as follows:

33 If you favor the proposition printed below make a cross (X), plus (+), or
34 check (T) in the square opposite the word "Yes." If you are opposed thereto
35 make a cross (X), plus (+) or check (T) in the square opposite the word

1 "No."

2 b. In every municipality the following question:

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4		<p>TITLE</p> <p>Shall the amendment to the Constitution of New Jersey, providing that the right of parents to direct the upbringing and education of their children shall not be infringed, and that the Legislature shall have the power to define and enforce, by appropriate legislation, the amendment, be approved?</p>
5 6 7 8 9 10 11	<p>YES</p>	
12		<p>INTERPRETIVE STATEMENT</p> <p>This constitutional amendment would provide that the right of parents to direct the upbringing and education of their children shall not be infringed, and that the Legislature shall have the power to define and enforce this right by enacting appropriate legislation.</p>
13 14 15 16 17 18	<p>NO</p>	

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STATEMENT

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23 This proposed "Parental Rights Amendment" to the Constitution of the
 24 State of New Jersey is intended to protect the rights of parents to ensure that
 25 the values taught to their children at school do not conflict with the values
 26 taught them by their parents at home, and to prevent intrusions into the
 27 relationship between parents and their children on the basis of arguments by
 28 legal theorists.

29 The proposed amendment will improve children's welfare by encouraging
 30 more parental responsibility and reasserting the irreplaceable role of parents
 31 which has been weakened by the growing influence of governmental and other
 32 bureaucracies that have increasingly impacted the responsibility for values
 33 transmission traditionally carried out by the family. The amendment is designed
 34 to codify the parental rights doctrine established by previous U.S. Supreme
 35 Court decisions.

36 Specifically, this concurrent resolution proposes an amendment to Article
 37 I of the State Constitution by adding a new paragraph 23, to provide that the
 38 right of parents to direct the upbringing and education of their children shall not
 39 be infringed, and that the Legislature shall have the power to define and
 40 enforce this amendment by enacting appropriate legislation.

41 The "Parental Rights Amendment" does not sanction parental abuse or
 42 neglect of children or give parents an absolute right which overrides the State's

1 interest in protecting children's welfare, but will provide parents with greater
2 legal standing in the areas of education, health and family autonomy. For
3 example, the amendment will make public schools more accountable to
4 parents by giving them greater oversight of academic standards and those
5 moral values which are taught to their children at school. The amendment also
6 recognizes, for example, that parental approval should be obtained before
7 schools distribute condoms to minors. Finally, the amendment will help to
8 define the relationship of child to parent and family to State, and will help to
9 prevent new intrusions into the parent-child relationship based upon legal
10 theories which suggest that children should have legal standing to challenge
11 parental decisions regarding cosmetic surgery or choice of schooling.

12 The "Parental Rights Amendment" has been introduced by legislators in at
13 least 29 states to date, and a 1995 survey of 1,000 registered voters by the
14 Luntz Research Company found that 74% expressed support for such an
15 amendment (including 58% of self-described "liberal Democrats" and 75% of
16 self-described "Independents"). Major pro-family organizations are working
17 for the adoption of this amendment across the nation, including the Family
18 Research Council, Focus on the Family, the Christian Coalition, Concerned
19 Women for America, Of the People, and the Home School Legal Defense
20 Association. The amendment complements federal parental rights legislation
21 which has been introduced by Representative Steve Largent of Oklahoma and
22 Senator Charles Grassley of Iowa.

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27 Proposes amendment to the Constitution to support the right of parents to
28 direct the upbringing and education of their children.