

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 246, As Amended in the Senate

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO DOMESTIC RELATIONS; AMENDING SECTION 32-1010, IDAHO CODE, TO
2 PROVIDE A SHORT TITLE, TO PROVIDE A CORRECT CODE REFERENCE, TO PROVIDE
3 SEVERABILITY, AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 10,
4 TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-1014, IDAHO
5 CODE, TO PROVIDE THAT CERTAIN ORDERS, PROCLAMATIONS, OR DECLARATIONS
6 SHALL NOT BE CONSIDERED JUSTIFICATION FOR FORCED MEDICAL ACTION ON A
7 CHILD, FORCED REMOVAL OF A CHILD FROM THE HOME, OR THE VIOLATION OF OR
8 INTERFERENCE WITH PARENTAL RIGHTS; AND DECLARING AN EMERGENCY.
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10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Section 32-1010, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 32-1010. ~~INTENT OF THE LEGISLATURE~~ IDAHO PARENTAL RIGHTS ACT. (1)
14 This section through section 32-1014, Idaho Code, shall be known and may be
15 cited as the "Idaho Parental Rights Act."

16 (2) The interests and role of parents in the care, custody and control
17 of their children are both implicit in the concept of ordered liberty and
18 deeply rooted in our nation's history and tradition. They are also among the
19 unalienable rights retained by the people under the ninth amendment to the
20 constitution of the United States.

21 (23) The interests of the parents includes the high duty and right to
22 nurture and direct their children's destiny, including their upbringing and
23 education.

24 (34) The state of Idaho has independent authority to protect its par-
25 ents' fundamental right to nurture and direct their children's destiny, up-
26 bringing and education.

27 (45) The protections and rights recognized in sections 32-1011 through
28 32-10134, Idaho Code, are rooted in the due process of law guaranteed pur-
29 suant to section 13, article I, of the constitution of the state of Idaho.

30 (56) Governmental efforts that restrict or interfere with these funda-
31 mental rights are only permitted if that restriction or interference satis-
32 fies the strict scrutiny standard provided in section 32-1013, Idaho Code.

33 (67) Nothing in this act shall be construed as altering the established
34 presumption in favor of the constitutionality of statutes and regulations.

35 (8) The provisions of the Idaho parental rights act are hereby declared
36 to be severable, and if any provision of the act or the application of such
37 provision to any person or circumstance is declared invalid for any reason,
38 such declaration shall not affect the validity of the remaining portions of
39 the act.

1 SECTION 2. That Chapter 10, Title 32, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 32-1014, Idaho Code, and to read as follows:

4 32-1014. EMERGENCY ORDER NOT JUSTIFICATION TO INTERFERE WITH PARENTAL
5 RIGHTS. At no time shall the existence of any order, proclamation, or decla-
6 ration issued pursuant to chapter 6 or 10, title 46, Idaho Code, be consid-
7 ered essential to further a compelling governmental interest to justify:

- 8 (1) Forced medical action on a child;
9 (2) Forced removal of a child from the home; or
10 (3) The violation of or interference with a parent's fundamental and
11 established rights protected by the Idaho parental rights act.

12 SECTION 3. An emergency existing therefor, which emergency is hereby
13 declared to exist, this act shall be in full force and effect on and after its
14 passage and approval.