

Initiative 2023-23 #114
Concerning Parental Rights

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Be it Enacted by the People of the State of Colorado:

Section 1. Legislative declaration. We, the voters of the State of Colorado, hereby find and declare:

- (a) Colorado citizens acknowledge that children are the most precious asset of our state, and the law has long presumed that parents act in the best interests of their children.
- (b) Parents have a fundamental right and responsibility to make decisions concerning the care, custody, and control of their children. These fundamental rights and responsibilities include, but are not limited to, directing the education, upbringing, instruction, religious and moral instruction, health, medical care, welfare, place of habitation, counseling, and psychological and emotional well-being of their children.
- (c) The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations. - *Pierce v. Society of Sisters*, 268 U.S. 510 (1925).
- (d) The history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children. This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition. - *Wisconsin v. Yoder*, 406 U.S. 205 (1972).
- (e) The law's concept of the family rests on a presumption that parents possess what a child lacks in maturity, experience, and capacity for judgment required for making life's difficult decisions. More important, historically it has been recognized that natural bonds of affection lead parents to act in the best interests of their children. - *Parham v. J. R.*, 442 U.S. 584 (1979). Therefore, it is timely and appropriate for the voters to enact this Amendment now.

Section 2. In the constitution of the state of Colorado, amend section 3 of article II as follows:

THE RIGHT OF A PARENT TO NURTURE AND TO MAKE DECISIONS TO DIRECT THE UPBRINGING AND EDUCATION OF THEIR CHILDREN IS HEREBY RECOGNIZED. THE GOVERNMENT SHALL NOT DENY, IMPEDE OR DISCRIMINATE AGAINST THE EXERCISE OF THAT RIGHT.