
HOUSE CONCURRENT RESOLUTION

RECOGNIZING AND SUPPORTING THE FUNDAMENTAL RIGHT OF PARENTS AND
GUARDIANS TO DIRECT THE EDUCATION AND UPBRINGING OF THEIR
CHILDREN.

1 WHEREAS, in *Wisconsin v. Yoder*, 406 U.S. 205 (1972), the
2 United States Supreme Court acknowledged that the "history and
3 culture of Western civilization reflect a strong tradition of
4 parental concern for the nurture and upbringing of their
5 children. This primary role of the parents in the upbringing of
6 their children is now established beyond debate as an enduring
7 American tradition"; and

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9 WHEREAS, the Fourteenth Amendment of the United States
10 Constitution provides that no state shall deprive any person of
11 life, liberty, or property without due process of law; and

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13 WHEREAS, in *Meyer v. State of Nebraska*, 262 U.S. 390
14 (1921), the United States Supreme Court concluded that the
15 constitutionally protected liberty includes the right of an
16 individual to establish a home and bring up children, further
17 adding that "it is the natural duty of the parent to give his
18 children education suitable to their station in life"; and

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20 WHEREAS, in *Pierce v. Society of the Sisters of the Holy*
21 *Names of Jesus and Mary*, 268 U.S. 510 (1925), the Supreme Court
22 acknowledged that a child is "not the mere creature of the
23 state; those who nurture him and direct his destiny have the
24 right, coupled with the high duty, to recognize and prepare him
25 for additional obligations"; and

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27 WHEREAS, in subsequent cases, the United States Supreme
28 Court has consistently recognized the fundamental right of
29 parents to make decisions concerning the care, custody, and



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1 control of their children, stating in a 2000 opinion that "it
 2 cannot now be doubted that the Due Process Clause of the
 3 Fourteen Amendment protects the fundamental right of parents to
 4 make decisions concerning the care, custody, and control of
 5 their children"; and

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 7 WHEREAS, similarly, in ancient as well as modern Hawaiian
 8 culture, the concept of family, or ohana, is of central
 9 importance; the responsibilities and privileges of parenting,
 10 guardianship, and advocacy for children are opportunities to
 11 enable a child's life to be meaningful; and

12
 13 WHEREAS, the present culture in Hawaii is built on the
 14 foundations of its multi-ethnic and multi-cultural population
 15 ohana that depends upon parents making important and appropriate
 16 decisions on the safety, education, and well-being for their
 17 children; and

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 19 WHEREAS, government interference with the rights of parents
 20 to raise their children is permissible only to prevent harm or
 21 potential harm to a child; now, therefore,

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 23 BE IT RESOLVED by the House of Representatives of the
 24 Twenty-fourth Legislature of the State of Hawaii, Regular
 25 Session of 2008, the Senate concurring, that the Legislature
 26 recognizes and supports the traditional and constitutionally
 27 protected right of parents to make decisions relating to the
 28 care, custody, and control of their children and further
 29 recognizes that governmental interference with parental rights
 30 is permissible only to prevent injury or potential injury to a
 31 child; and

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 33 BE IT FURTHER RESOLVED that certified copies of this
 34 Concurrent Resolution be transmitted to the Governor, Attorney
 35 General, Chairperson of the Board of Education, Superintendent
 36 of Education, Director of Health, Director of Human Services,
 37 and Director of Public Safety.

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OFFERED BY:

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