
HOUSE 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
30 control of their children, stating in a 2000 opinion that "it
31 cannot now be doubted that the Due Process Clause of the
32 Fourteen Amendment protects the fundamental right of parents to
33 make decisions concerning the care, custody, and control of
34 their children;" and



1 WHEREAS, similarly, in ancient as well as modern Hawaiian
2 culture, the concept of family, or ohana, is of central
3 importance; the responsibilities and privileges of parenting,
4 guardianship, and advocacy for children are opportunities to
5 enable a child's life to be meaningful; and
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7 WHEREAS, the present culture in Hawaii is built on the
8 foundation of its multi-ethnic and multi-cultural population
9 ohana that depends upon parents making important and appropriate
10 decisions on the safety, education, and well-being for their
11 children; and
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13 WHEREAS, government interference with the rights of parents
14 to raise their children is permissible only to prevent injury or
15 potential injury to a child if there is probable cause and
16 actions taken against parents are carried out according to our
17 laws; and
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19 WHEREAS, children can and should be protected from abuse or
20 neglect by the continued enforcement of time-honored
21 constitutional principles governing the parent-child
22 relationship; now, therefore,
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24 BE IT RESOLVED by the House of Representatives of the
25 Twenty-fourth Legislature of the State of Hawaii, Regular
26 Session of 2008, that this body recognizes and supports the
27 traditional and constitutionally protected right of parents to
28 make decisions relating to the care, custody, and control of
29 their children and further recognizes that governmental
30 interference with parental rights is permissible only to prevent
31 injury or potential injury to a child; and
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33 BE IT FURTHER RESOLVED that certified copies of this
34 Resolution be transmitted to the Governor, Attorney General,
35 Chairperson of the Board of Education, Superintendent of
36 Education, Director of Health, Director of Human Services, and
37 Director of Public Safety.

