

Parental Rights Legislation - 1996

The Parental Rights and Responsibilities Act, currently in the Senate, provides that government, federal, state or local, shall not “interfere with or usurp the right of a parent to direct the upbringing of” their child. This legislation would, in effect, endanger children’s rights, health and well being. As defined by the legislation, the phrase “direct the upbringing of the child’ includes but is not limited to” education, health care decisions, discipline (including “reasonable corporal discipline”) and religious teaching. Women of Reform Judaism strongly emphasizes its commitment to strong family ties and family integrity. This legislation is not necessary to advance these goals. Legal remedies and procedures to protect parents’ rights are already established in federal and state statutes and in case law. This legislation adds new layers of litigation in a society which does not need additional legal confrontation.

This legislation would preempt state and local legal protections and educational programs that meet local needs and move the authority for decisions to the federal court system. Thus, in giving parents the right to sue when they believe their parental rights have been violated:

1. Communities could become paralyzed by threatened lawsuits regarding school curricula, educational policies and health care. Other forms of health care services—such as reproductive health care—would also be paralyzed. Although abuse and neglect are specifically exempted, child protective services would be impeded in investigating reports of child abuse and neglect because the act is broadly drafted (and thus ambiguous), corporal discipline is within the parental right and the evidentiary requirements would be more stringent requiring “clear and convincing evidence that the interference... is essential to accomplish a compelling government interest.”
2. This legislation will be costly. The parental rights legislation allows parents to sue concurrently in state and federal courts and would place an enormous fiscal burden of costly litigation on schools, community health centers and other agencies providing children’s services which will decimate their budgets

Parental rights legislation is also being considered in many states.

The Board of Directors of Women of Reform Judaism, The Federation of Temple Sisterhoods, opposes the Parental Rights and Responsibilities Act. We therefore:

1. Urge that the Senate reject this legislation;
2. Call upon our United States affiliates to communicate to their Senators their opposition of this bill; and
3. Urge Sisterhoods to monitor national, state, provincial and local legislatures for any upcoming forms of such legislation.