



**First Focus Campaign for Children
Statement for the Record**

**U.S. House Judiciary Committee
Subcommittee on the Constitution and Civil Justice
“Proposing an Amendment to the Constitution of the United States Relating to Parental Rights”**

September 9, 2014

Chairman Franks, Vice-Chairman Jordan, and Members of the House Subcommittee on the Constitution and Civil Justice, we thank you for the opportunity to submit this statement for the record in response to the hearing entitled “Proposing an Amendment to the Constitution of the United States Relating to Parental Rights.” The First Focus Campaign for Children (FFCC) is a bipartisan organization advocating for legislative change in Congress to ensure children and families are a priority in federal policy and budget decisions. Our organization works on a wide range of policy issues impacting children, including education, health care, family economics, and human rights.

The First Focus Campaign for Children’s child rights portfolio is dedicated to ensuring that children’s fundamental rights in the Constitution are protected and that policy decisions made at the state and federal level reflect the best interest of the child standard. Thus, we have serious concerns about adopting the Parental Rights Amendment (PRA) as part of the U.S. Constitution as we not only believe it to be unnecessary but also that it may create harmful unintended consequences for children and families and undermine the safety and rights of children.

Section 1 of the PRA gives parents fundamental rights in the decision making of their child’s upbringing, education and care. We agree that parents should have a primary role to play in these critical decisions, and have actively advocated in the past for protecting such rights, such as when parents’ decision-making capabilities are threatened by lack of sufficient cultural competency or when a parent has been detained or deported by immigration authorities. We also strongly believe that the family unit is critical to a child’s healthy development and have advocated for measures that promote family unity in our efforts to reform the state child welfare system and federal immigration system. However, we also firmly believe that the viewpoint of children who are affected by critical decisions must also be taken into consideration (accounting for their age and other capabilities) in certain decisions, such as when that child is a potential victim of trafficking, abuse, neglect, and maltreatment. Creating a fundamental right for parents in these decisions would create an extremely high and potentially dangerous burden to overcome- both for the child and the government even when there are legitimate instances of concern over a parent’s judgment, such as evidence of abuse or neglect. Furthermore, such an amendment is

unnecessary given that the Supreme Court has long upheld parents' fundamental right to raise their children.

Section 2 of the PRA grants parents the right to “choose public, private, religious or home schools, and the right to make reasonable choices with public schools for one’s child.” Public schools must consider policies that have the best educational outcomes for all of its students and may have difficulty achieving that goal if parents are allowed to pick and choose each activity their child will participate in school. The First Focus Campaign for Children recognizes the importance of parental engagement in a child’s education, but we also believe that schools must be given sufficient authority to develop learning plans and practices that are designed to meet a child’s unique academic and developmental needs.

Furthermore, many jurisdictions already give great deference to the rights of parents in making decisions regarding their children rendering the PRA redundant and inflexible. Similarly, Section 4 articulates that the PRA cannot be “construed to apply to parental action or decision that would end life.” Federal and state laws already criminalize parental acts that endanger or cause the death of their child’s life.

Finally, Section 5 seeks to diminish the principles of international law that may affect the application of the PRA. However, treaties do not have the power to supersede the U.S. Constitution and ratification is conducted through legislation. While adoption of the PRA may not directly obstruct potential U.S. ratification of the UN Convention on the Rights of the Child, we are concerned that it may make ratification more difficult. The First Focus Campaign for Children has been an avid supporter of U.S. ratification of the Convention on the Rights of the Child (CRC) as we believe the treaty could help guide the development of U.S. laws and policies, as well as critical budget decisions, to ensure that they reflect the best interests of children and promote their healthy development. In fact, the CRC can help promote the critical role of parents and the family unit in a child’s life, including but not limited to Article 5 (the responsibilities, rights, and duties of parents), Article 9 (non-separation from parents against their will), Article 10 (family reunification) and Article 14 (the right of parents to provide direction on freedom of thought, conscience, and religion). Moreover, numerous positive outcomes in the lives of children worldwide have been cited since the UN adopted the CRC including a drop in the number of under-five deaths, an increase in testing newborns and infants testes and given medication to protect them from diseases and more children having access to education throughout the world. As it stands, only Somalia, South Sudan and the United States are not parties to the Convention.

We thank you again for the opportunity to submit this statement for the record and respectfully urge you not to adopt the Parental Rights Amendment. Unfortunately, children are often left out of policy discussions that directly impact them, and often to their detriment. Thus, we recommend that Congress work across the aisle to develop legislative solutions that will strengthen the rights of *both* parents and children. The First Focus Campaign for Children is actively working on such proposals, and we look forward to working with Congress on advancing such solutions. At a time when child well-being is in dire need of improvement in the United States, and with pressing issues facing vulnerable homeless children as well as children in foster care and children entering the country as refugees, these types of solutions are urgently needed.

Should there be any questions regarding this statement, please contact Wendy Cervantes Vice President, Immigration and Child Rights at wendyc@firstfocus.net or (202) 657-0637 or Richa Mathur, Policy Research Associate & Program Manager at richam@firstfocus.net or (202) 999-4852.