

Initiative Draft # 5

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. Including, but 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:

(3) Inalienable rights. All persons have certain natural, essential, and inalienable rights, among which may be reckoned the right to enjoying and defending their lives and liberties; of acquiring, possessing, and protecting property; and of seeking and obtaining their safety and happiness.

A PARENT'S RIGHT TO EXERCISE SOLE DISCRETION WITH RESPECT TO THE CARE, UPBRINGING, MENTAL AND PHYSIOLOGICAL HEALTHCARE, AND EDUCATION OF THEIR CHILDREN SHALL NOT BE INFRINGED, DENIED, IMPEDED OR DISCRIMINATED AGAINST BY ANY PUBLIC OR PRIVATE INSTITUTION. A PARENT WHO EXERCISES THESE RIGHTS SHALL NOT BE DEEMED AS UNSUPPORTIVE BY ANY PUBLIC OR GOVERNMENTAL AUTHORITY.

SECTION 2. Effective date - applicability. This measure shall be effective on and after the date it is declared by proclamation of the governor to have been adopted by the registered electors of the state and shall apply to instances occurring on or after the effective date.