



ARIZONA STATE SENATE
Fifty-Sixth Legislature, First Regular Session

FACT SHEET FOR S.C.R. 1025

parents' bill of rights

Purpose

Subject to voter approval, incorporates the statutory parents' bill of rights into the Arizona Constitution.

Background

The parents' bill of rights states that all parental rights are reserved to a parent of a minor child, without obstruction or interference from the state, a political subdivision thereof or any other governmental entity or institution, including the right to: 1) direct the education, upbringing, moral or religious training of the minor child; 2) have access and review all records relating to the minor child; 3) make the minor child's health care decisions; 4) access and review the minor child's medical records, unless the parent is the subject of an investigation of a crime committed against the minor child; 5) consent in writing before a minor child's biometric scan, before any genetic testing is conducted on the minor child and before the state or any of its political subdivisions makes a video or voice recording of the minor child; 6) be notified promptly if an entity employee suspects that a criminal offense has been committed against the minor child by someone other than a parent; and 7) obtain information about a minor child safety services investigation involving the parent. The parents' bill of rights is not comprehensive of all fundamental rights of a parent.

The parents' bill of rights does not authorize a parent to engage in unlawful conduct or abuse or neglect a child. Any attempt to encourage or coerce a minor to withhold information from the child's parent is grounds for discipline. Additionally, the parents' bill of rights allows a parent to bring a suit against a governmental entity or official based on any violation of the parent's rights. If a lawsuit is filed related to interference in a parent's rights by a governmental entity, the entity or official has the burden of proof to demonstrate that the interference or usurpation of the parent's rights to direct the upbringing, education, healthcare and mental health of the child is essential to accomplish a compelling government interest and that the method of interference or usurpation is narrowly tailored. In the case of an unsuccessful interference or usurpation by the governmental entity or official, the court must grant appropriate relief such as declaratory or injunctive relief, compensatory damages and attorney fees ([A.R.S. § 1-602](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Adds the parents bill of rights to the Constitution of Arizona if approved by the voters and on the proclamation of the Governor.

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2. Declares that the liberty of parents to direct the upbringing, education, health care and mental health of their children is a fundamental right.
3. Prohibits the state, any political subdivision thereof or any governmental entity from infringing on parental rights without demonstrating that compelling governmental interest as applied to the child is of the highest order, is narrowly tailored and is not otherwise served by a less restrictive means.
4. Requires the Secretary of State to submit the proposition to the voters at the next general election.
5. Becomes effective if approved by the voters and on proclamation of the Governor.

Prepared by Senate Research

February 10, 2023

MM/JM/slp