
HOUSE CONCURRENT 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



1 WHEREAS, in subsequent cases, the United States Supreme
2 Court has consistently recognized the fundamental right of
3 parents to make decisions concerning the care, custody, and
4 control of their children, stating in a 2000 opinion that "it
5 cannot now be doubted that the Due Process Clause of the
6 Fourteen Amendment protects the fundamental right of parents to
7 make decisions concerning the care, custody, and control of
8 their children;" and
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10 WHEREAS, similarly, in ancient as well as modern Hawaiian
11 culture, the concept of family, or ohana, is of central
12 importance; the responsibilities and privileges of parenting,
13 guardianship, and advocacy for children are opportunities to
14 enable a child's life to be meaningful; and
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16 WHEREAS, the present culture in Hawaii is built on the
17 foundation of its multi-ethnic and multi-cultural population
18 ohana that depends upon parents making important and appropriate
19 decisions on the safety, education, and well-being for their
20 children; and
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22 WHEREAS, government interference with the rights of parents
23 to raise their children is permissible only to prevent injury or
24 potential injury to a child if there is probable cause, and
25 actions taken against parents are carried out according to our
26 laws; and
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28 WHEREAS, children can and should be protected from abuse or
29 neglect by the continued enforcement of time-honored
30 constitutional principles governing the parent-child
31 relationship; now, therefore,
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33 BE IT RESOLVED by the House of Representatives of the
34 Twenty-fourth Legislature of the State of Hawaii, Regular
35 Session of 2008, the Senate concurring, that the Legislature
36 recognizes and supports the traditional and constitutionally
37 protected right of parents to make decisions relating to the
38 care, custody, and control of their children and further
39 recognizes that governmental interference with parental rights
40 is permissible only to prevent injury or potential injury to a
41 child; and
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1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Governor, Attorney
3 General, Chairperson of the Board of Education, Superintendent
4 of Education, Director of Health, Director of Human Services,
5 and Director of Public Safety.

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