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—
Judiciary Committee

Subcommittees

Civil Law and Procedure
Family and Juvenile Law

—
Task Force to Study Crime
Classification and Penalties



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

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Favorable Testimony HB618, Maryland Parental Rights Act

Dear Chair Atterbeary, Vice Chair Washington and committee members:

HB618 Maryland Parental Rights Act reserves and outlines the rights of parents in regard to the upbringing of their minor children, providing clarity for government agents and parents alike.

As parents we have many legal responsibilities concerning our children. Legally, we must feed, clothe and house our children; make sure they receive an education; and make sure they get adequate health care, and of course the love and spiritual nourishment that children need. As good parents we willingly take on these responsibilities and we take seriously the rights we have to determine how our children are raised.

But, over the past two years, parents across America have come to realize that some public institutions do not adequately recognize the rights parents have over the upbringing of their children. In particular, education systems and even state leaders have claimed that we as parents do not have the right to determine the best education for our children. Schools have shown an alarming tendency to make determinations on how children are raised and the healthcare they receive when they are within the walls of a school, often without the knowledge of the parents, and often against the consent of the parents.

This bill sets the relationship straight. Parents hold not only the primary role of responsibility for their children, they hold all of the rights regarding their children.

The Parent-School relationship necessarily has the parent at the top of the hierarchy over their children's upbringing. The school is a temporary educator, but the parent holds the sole responsibility of the care, custody, control, education and influence of their children.

The Supreme Court long ago settled the law in America that parents have a liberty interest – the highest protected right – in the upbringing of their children. The Court held:

“Without doubt, [the protected 14th Amendment liberty interest] denotes not merely freedom from bodily restraint, but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, **to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience**, and generally to

enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness by free men.” *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923)(emphasis added).

“The fundamental theory of liberty upon which all governments in this Union repose **excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only. 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)(emphasis added).

Parents and their children are simply customers of the education system. The child is the primary consumer of a service provided by the school. This business relationship confers no rights on the school system or the state. The *parens patriae* doctrine is temporary custody limited by the permission of the parents.

This is a unique situation where the customer is also literally the boss; we elect the Boards of Education. Where they are appointed, we elect those who appoint the Boards of Education. And, let us not forget, it is our tax dollar that pays every cent of the funding for every person hired in the system.

Maryland parents have a right to know what is going on in the schools where they send their children and where they are footing 100% of the bill.

They have a right to know what their children are learning and to object if they find it necessary.

They have a right, not only to *know* if their children are getting health care but to be asked for their permission first.

They have a right to know what information the state is collecting on their children and to opt out of it before it is collected.

They have a right to know *everything* that their taxpayer dollar is funding, and to object if they don't like what they see.

And the school system has a responsibility to the parents to make sure that all of the parental rights are protected.

I respectfully ask for a favorable report on HB618, Maryland Parental Rights Act.

Respectfully,

A handwritten signature in black ink, appearing to read 'Dan Cox', written in a cursive style.

Delegate Dan Cox, District 4

Frederick and Carroll Counties

