

1 AN ACT relating to the rights of parents.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 405 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in this section, "parent" has the same meaning as in KRS 600.020.

6 (2) All parental rights are exclusively reserved for a parent of a minor child without
7 obstruction or interference from the Commonwealth or any political subdivision
8 of the Commonwealth, any other governmental entity, or any other institution. A
9 parent shall have the following rights, including but not limited to:

10 (a) Direct the education of the minor child;

11 (b) Access and review all school records relating to the minor child;

12 (c) Direct the upbringing of the minor child;

13 (d) Direct the moral or religious training of the minor child;

14 (e) Make and consent in writing to all physical and mental healthcare decisions
15 for the minor child;

16 (f) Access and review all medical records of the minor child, unless the parent
17 is the subject of an investigation of a crime committed against the minor
18 child and a law enforcement official requests that the information not be
19 released;

20 (g) Consent in writing before a biometric scan of the minor child is made,
21 shared, or stored;

22 (h) Consent in writing before any record of the minor child's blood or
23 deoxyribonucleic acid is created, stored, or shared, unless authorized
24 pursuant to a court order;

25 (i) Consent in writing before any governmental entity makes a video or voice
26 recording of the minor child, unless the video or voice recording is made
27 during or as a part of a court proceeding, by law enforcement officers

1 during or as part of a law enforcement investigation, during or as part of a
2 forensic interview in a criminal or Cabinet for Health and Family Services
3 investigation, or to be used solely for any of the following:

4 1. Safety demonstrations, including the maintenance of order and
5 discipline in the common areas of a school or on student
6 transportation vehicles;

7 2. A purpose related to a legitimate academic or extracurricular activity;

8 3. A purpose related to regular classroom instruction;

9 4. Security or surveillance of buildings or grounds; and

10 5. A photo identification card.

11 (j) Be notified promptly if an employee of the Commonwealth or any political
12 subdivision of the Commonwealth, any other governmental entity, or any
13 other institution suspects that a criminal offense has been committed
14 against the minor child by someone other than a parent, unless the incident
15 has first been reported to law enforcement and notification of the parent
16 would impede a law enforcement or Cabinet for Health and Family Services
17 investigation.

18 (3) The Commonwealth or any political subdivision of the Commonwealth, any other
19 governmental entity, or any other institution shall not infringe on the
20 fundamental right of parents to direct the upbringing, education, health care,
21 and mental health of their minor children without demonstrating that the
22 infringement is required by a compelling governmental interest of the highest
23 order as applied to the minor child, is narrowly tailored, and is not otherwise
24 served by a less restrictive means.

25 (4) This section does not authorize or allow a parent to engage in conduct that is
26 unlawful or to abuse or neglect a child as described in KRS 600.020(1). This
27 section does not prohibit a court from issuing an order that is otherwise permitted

1 by law.

2 (5) Employees of the Commonwealth or any political subdivision of the
3 Commonwealth, any other governmental entity, or any other institution, except
4 for law enforcement personnel, shall not:

5 (a) Encourage or coerce a minor child to withhold information from the minor
6 child's parent; or

7 (b) Withhold from a minor child's parents information that is relevant to the
8 physical or mental health of their minor child and of a sort that parents
9 interested in and responsible for the well-being of a minor child reasonably
10 would demand and should be apprised of.

11 (6) A parent may bring action against the Commonwealth or any political
12 subdivision of the Commonwealth, any other governmental entity, or any other
13 institution for violations of this section. In any such action, the Commonwealth
14 or any political subdivision of the Commonwealth, any other governmental entity,
15 or any other institution has the burden of proof to demonstrate that:

16 (a) Interference or usurpation is essential to accomplish a compelling interest
17 of the highest order, as long recognized in the history and traditions of the
18 Commonwealth in the operation of its regulatory powers; and

19 (b) The method of intervention or usurpation used is narrowly tailored and is
20 not otherwise served by a less restrictive means.

21 (7) The intervention or usurpation shall only be allowed to stand if the
22 Commonwealth or any political subdivision of the Commonwealth, any other
23 governmental entity, or any other institution is successful in demonstrating both
24 elements set forth in subsection (6)(a) and (b) of this section. Otherwise, a court
25 shall grant appropriate relief, such as declaratory or injunctive relief,
26 compensatory damages, and attorney's fees based on the facts of the cases and
27 law as applied to the facts.

1 ➔Section 2. This Act shall be known and may be cited as the Parents Rights Act.