

Testimony of Nicole Hunt
HB20-1063 Fundamental Family Rights in Colorado
House State, Veterans, and Military Affairs Committee
February 13, 2020

Thank you, Chairman and Distinguished Members of the House State, Veterans, and Military Affairs Committee. My name is Nicole Hunt. I am an attorney with Telios Law, a Colorado resident, and a parent to four children.

I'm here today in support of House Bill 20-1063, concerning fundamental family rights in Colorado.

This bill makes parental rights a fundamental right in Colorado. More specifically, it defines parental rights as the right of a parent to determine the upbringing, education, and care of one's child.

In order for the government to place a burden on this fundamental right, the bill requires that the state demonstrate that its action is compelling, narrowly tailored, and the least restrictive means available, in other words, apply the judicial test of strict scrutiny.

As a matter of policy, it's shocking that a bill like this, which codifies the importance, value, and duty of parenting is in the kill committee.

At the time of this country's founding, the rights of parents to direct the upbringing, education, and care of their children was an implicit assumption of society. Parents had a God-given duty and right to make decisions regarding their minor children.

Today, the family unit is still the most basic and necessary means to create a thriving, healthy, and vibrant society. And parental rights are absolutely fundamental to this development.

Legally, the United States Supreme Court has consistently protected parental rights. Parental rights are considered to be among the fundamental rights.

As far back as 1923, in *Meyer v. Nebraska*,¹ the United States Supreme Court ruled in favor of parental rights and wrote in that opinion, “liberty...includes...the right of parents to control the upbringing of their child as they see fit.”

As recently as 2000, in *Troxel v. Granville*,² the United States Supreme Court again upheld the fundamental rights of parenting. Justice O’Connor wrote in that decision that “the interest of parents in the care, custody, and control of their children is perhaps the oldest of the fundamental liberty interests recognized by this Court.”

As a fundamental right, parental liberty should be protected by the highest judicial standard of review: the compelling interest test. Without this legislation there is no guarantee that parental rights will be afforded this standard of review if challenged in courts.

Opponents of this legislation are going to tell you that passing a bill like this will prevent the state from protecting abused children. That is absolutely not true. This legislation will protect the rights

¹ 262 U.S. 390 (1923).

² 530 U.S. 57 (2000).

that lawfully belong to parents. No parent would ever have the right to abuse a child. In instances of abuse, the state has an obligation to intervene to protect the child. This law will codify fundamental parental rights without undermining the ability of the state to enforce the law and prosecute child abusers.

I want to close with a quote from the Supreme Court itself in *Wisconsin v. Yoder*, “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.”³

And yet here we sit debating this fundamental truth.

Stronger families create a stronger nation. Parents, not the government, are in the best position to make decisions for their children. The fundamental right of parents to direct the upbringing, education, and care of a child should be codified in state law and protected with the compelling interest test, as it is consistent with American tradition and American jurisprudence.

For these reasons, I am asking that you vote YES on House Bill 20-1063 concerning fundamental family rights in Colorado.

Thank you.

³ 406 U.S. 205, 232 (1972).