

## Parental rights bill sparks lengthy testimony

By KIMBERLEE KRUESI, Associated Press

BOISE, Idaho (AP) — A bill seeking to expand parental rights in Idaho sparked concerns Thursday by attorneys who say its implementation could set off a new slew of lawsuits.

However, family advocates who support the measure say it's needed because state law fails to outline parental freedoms.

The House State Affairs Committee listened to nearly two hours of testimony on the legislation that would expand Idaho law to say parents and legal guardians have the fundamental right to make decisions regarding the care, custody, education and control of their children.

Republican Rep. Janet Trujillo of Idaho Falls, who sponsored the bill, said the legislation follows current court rulings.

"Judges are having to legislate from the bench because the law is not there," Trujillo said. "The Legislature needs to be giving the courts guidance."

Michael Henderson, legal counsel for the Idaho Supreme Court, disagreed, saying that the inclusion of education and legal guardians is in conflict with prior state and federal court judgments.

Idaho's attorney general office also reviewed the legislation, warning of the consequences it could create.

"No current decisions of the Supreme Court of the United States or of the Idaho Appellate Courts recognize a fundamental right for parents to make decisions regarding their children's education that are contrary to state requirements for their education," wrote Brian Kane, deputy attorney general.

Kane added that Idaho law does not recognize parental rights to direct a child's education contrary to state statute.

Idaho's Republican-controlled Legislature has long championed protecting the rights of families and parents in the name of fighting government intrusion.

Testimony turned emotional at times on Thursday as individuals expressed fears that the bill will further solidify the ability of parents to refuse medical treatment for their children.

Boise resident Emily Walton said she opposed the bill because she is currently taking care of her ailing younger sister after her parents refused to treat a hole in her sister's heart.

The long-term damage means her 19-year-old sister will need heart and a double lung transplant, Walton said, tearing up during her testimony. The cost will be picked up largely by the taxpayers of Idaho, she said.

"We have to draw a line somewhere," Walton said. "Medical neglect isn't something children can reverse."

Julie Lynde, executive director of the Cornerstone Family Council, said the bill is common sense legislation and provides the best sense of protection for families.

Trujillo declined to give specific examples of parental right infringement she's seen in Idaho. However, she told the committee it had been reported on in the media.

When asked by The Associated Press, Trujillo said she couldn't immediately think of an example where the courts had restricted parental freedom but that it was happening across the country.

"This is not a response to any particular case," she said.

The committee is expected to vote Friday on sending the bill to the House floor.

Copyright 2015 The Associated Press