

## FAMILY RIGHTS AMENDMENT

- A. Family association is a fundamental human right, therefore: The family shall be secure from unwarranted and unreasonable government intervention, and shall be secure from inappropriate intrusions into family life due to unforeseen crises or emergencies, or due to non-injurious family customs, decisions, and prerogatives; and shall be secure from having the privacy, autonomy, sanctity or functioning of the family disrupted unnecessarily; and shall be secure from the tampering with, interfering with or the undermining of the inherent, enduring and vital bonds which bind the family members together; and the state or its agencies shall not prescribe particular methods of parenting nor prohibit the use of reasonable and customary methods of parental discipline nor unreasonably undermine parental authority. The state shall do no harm to families or children when acting to protect children.
- B. The fundamental human right to family association shall be secure from forced or punitive government intervention or separation that is based on poverty, disability, culture, race, religion, medical or educational choices, sex, marital status or any family member's assertion of rights.
- C. No non-offending parent who was reasonably unaware of any offenses being perpetrated against his or her child shall be held accountable for the harm caused to the child by the action or inaction of any offender.
- D. No family shall be subject to government intervention based solely on speculation, hearsay or unsupported allegations; and all petitions to intervene into the family shall be supported by oath or affirmation reduced to writing.
- E. Each family member shall have the right to access, collect, preserve and document all evidence and records relevant to any state intervention into their family without obstruction, interference or hindrance by any executive, legislative, administrative or judicial power. Confidentiality waivers shall remain the prerogative of the family. The state shall exercise stringent diligence to insure the accuracy of all records associated with interventions into the family.
- F. The right to a trial by jury of 12 shall be preserved for adjudication and for termination of parental rights.
- G. A child shall be adjudicated dependent and neglected only by clear and convincing evidence.
- H. Termination of Parental Rights is a death sentence for the family; therefore, finding a parent unfit beyond a reasonable doubt shall be required to terminate parental rights. The assembly shall pass no law authorizing the involuntary termination of any familial relationship without credible proof of identifiable, measurable, substantial and malicious or wilfully negligent injury to the subject child caused by the parent. Parents shall retain the right to make educational, religious, and non-emergency medical decisions on behalf of their children until parental rights are terminated and all appeals are exhausted.
- I. It shall be the first, best interests of the child to be child to be under the care, custody and control of his parents and to be possessed of the unencumbered affection, companionship and protection of his family.
- J. Government accountability provision: Statutory and customary immunity protections shall not apply for any violations of this amendment.