

Fifty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2377

Introduced by

Senators Klein, Andrist, Naaden, Wanzek

Representatives Boehm, Kerzman

1 A BILL for an Act to protect the right of a parent to direct the upbringing of a child.

2 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

3 **SECTION 1. Definitions.** As used in this Act, unless the context otherwise requires:

4 1. "Child" means a minor.

5 2. "Direct the upbringing of a child" includes a parent's:

6 a. Directing or providing for the education of the child;

7 b. Making a health or mental health care decision for the child;

8 c. Disciplining the child, including noncriminal corporal discipline;

9 d. Directing or providing for the religious teaching of the child; and

10 e. Withholding consent to any medical service or treatment except when the
11 care or treatment is necessary:

12 (1) To prevent or remedy serious harm to the child; or

13 (2) To prevent the withholding of medically indicated treatment from a child
14 with a life-threatening condition.

15 3. "Parent" means the mother or father of a child and who may be a natural parent,
16 adoptive parent, or legal guardian.

17 **SECTION 2. Prohibition on interfering with or usurping rights of a parent.** Neither
18 the state nor any political subdivision of the state or any official or employee of the state or any
19 political subdivision may interfere with or usurp the right of a parent to direct the upbringing of a
20 child of the parent.

21 **SECTION 3. Claims.** A parent may assert a claim for a violation of this Act in an action
22 in a district court.

23 **SECTION 4. Exclusions.** This Act does not apply to:

- 1 1. Domestic relations cases concerning the apportionment of parental rights between
- 2 parents in custody disputes or any other litigation between parents.
- 3 2. An action to terminate parental rights with respect to a child who has been
- 4 determined to be abandoned, criminally abused or neglected, or to an adoption
- 5 proceeding with respect to the child.

6 **SECTION 5. Attorney's fees.** When the parent prevails in an action or proceeding
7 under this Act, the state shall pay the parent's reasonable attorney's fees, costs, and expenses.