

HOUSE BILL NO. 1403

Introduced by

Representatives Heilman, K. Anderson, Christensen, Frelich, Murphy, M. Ruby

Senators Barta, Beard, Boehm, Clemens, Weston

1 A BILL for an Act to create and enact a new section to chapter 14-09 of the North Dakota
2 Century Code, relating to prohibiting governmental entities from interfering with parental rights.

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

4 **SECTION 1.** A new section to chapter 14-09 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Interference with parental rights prohibition - Cause of action.**

7 1. Notwithstanding any other provision of law, a governmental entity may not interfere
8 with the fundamental right of a parent to direct the upbringing, education, health care,
9 and mental health of the parent's child, unless the governmental entity demonstrates
10 the interference:

11 a. Furthers a compelling governmental interest; and

12 b. Is narrowly tailored and is the least restrictive means available to further the
13 compelling governmental interest.

14 2. If a parent's fundamental rights protected by this section are violated, a parent may
15 assert that violation as a claim or defense in a judicial proceeding and may obtain
16 appropriate relief against the governmental entity. The prevailing party in an action
17 filed pursuant to this section is entitled to reasonable attorney fees and costs.