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Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1403

Introduced by

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

Senators Barta, Beard, Boehm, Clemens, Weston

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Interference with parental rights prohibition - Cause of action.

1. Notwithstanding any other provision of law, a governmental entity may not interfere with the fundamental right of a parent to direct the upbringing, education, health care, and mental health of the parent's child, unless the governmental entity demonstrates the interference:
   a. Furthers a compelling governmental interest; and
   b. Is narrowly tailored and is the least restrictive means available to further the compelling governmental interest.
2. If a parent's fundamental rights protected by this section are violated, a parent may assert that violation as a claim or defense in a judicial proceeding and may obtain appropriate relief against the governmental entity. The prevailing party in an action filed pursuant to this section is entitled to reasonable attorney fees and costs.