
HOUSE BILL 2174

State of Washington

63rd Legislature

2014 Regular Session

By Representatives Freeman, Shea, Kirby, Klippert, Harris, Scott, Overstreet, Taylor, Buys, Short, and Condotta

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1 AN ACT Relating to recognizing that the right of a parent to make
2 decisions regarding the care, custody, supervision, and administration
3 of his or her child is a fundamental right; and adding a new chapter to
4 Title 26 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that the
7 liberty interest of a parent to make decisions concerning the
8 upbringing, education, management, and care of his or her child is a
9 fundamental right.

10 (2) Neither the state nor any political subdivision of the state,
11 nor any agency, officer, or employee thereof, may infringe this
12 fundamental right without demonstrating that its governmental interest
13 as applied to the parent is a compelling interest of the highest order
14 and may not otherwise be served.

15 (3) The legislature further recognizes that this fundamental right
16 does not: (a) Authorize a parent to abuse or neglect his or her child
17 or engage in any other unlawful conduct against his or her child; or
18 (b) prohibit courts, law enforcement agencies, or agencies which

1 provide child protective services, or the employees of such agencies,
2 from acting within their official capacity pursuant to law.

3 (4) Except as otherwise provided by express statutory language, the
4 provisions of this section apply to any state statute or rule, or any
5 local ordinance, rule, or regulation, and the implementation of any
6 such statute, ordinance, rule, or regulation, regardless of whether
7 such statute, ordinance, rule, or regulation was adopted or effective
8 before, on, or after the effective date of this section. Any statutory
9 law adopted after the effective date of this section is subject to this
10 chapter unless such law explicitly excludes such application by express
11 reference to this chapter.

12 (5) As used in this section, "child protective services" has the
13 same meaning as defined in RCW 26.44.020.

14 NEW SECTION. **Sec. 2.** The provisions of this chapter must be
15 broadly construed to effectuate the purposes of this chapter.

16 NEW SECTION. **Sec. 3.** Sections 1 and 2 of this act constitute a
17 new chapter in Title 26 RCW.

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