

1 AN ACT relating to the rights of parents.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 405 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in this section:

6 (a) "Child" means any person who has not reached his or her eighteenth
7 birthday and is not emancipated; and

8 (b) "Parent" means:

9 1. The biological or adoptive mother or father of a child; or

10 2. The legal guardian of a child.

11 (2) A parent who has legal custody of any minor child shall have the fundamental
12 right and duty to make decisions concerning the child's:

13 (a) Care, custody, and control; and

14 (b) Use and access to cellular phones.

15 (3) The Commonwealth of Kentucky, or any political subdivision thereof, shall not
16 restrict or interfere with a parent's fundamental and established rights protected
17 by this section unless it can demonstrate that the restriction or interference is:

18 (a) Necessary to further a compelling government interest; and

19 (b) Narrowly tailored and the least restrictive means available to further that
20 compelling government interest.

21 (4) Except as provided in subsection (5) of this section, this section applies to all
22 laws, administrative regulations, ordinances, rules, orders, and policies of the
23 Commonwealth and political subdivisions thereof, whether now existing or
24 hereafter enacted, adopted, or issued.

25 (5) This section shall not:

26 (a) Apply to the provisions of KRS Chapter 402, relating to child marriage; or

27 (b) Permit a parent to abuse or neglect a child in violation of KRS Chapter 508

- 1 or KRS 600.020.
- 2 (6) When a parent's fundamental rights protected by this section are violated, the
3 parent may assert the violation as a claim or defense in a judicial proceeding and
4 may obtain appropriate relief against the Commonwealth or a political
5 subdivision thereof, as applicable.
- 6 (7) A parent who prevails in an action under subsection (6) of this section shall be
7 entitled to reasonable attorney's fees and costs.
- 8 (8) This section shall not be construed to alter the established presumption of
9 constitutionality of laws enacted by the General Assembly.