

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 444 Session of
2023

INTRODUCED BY MASTRIANO, MARCH 28, 2023

REFERRED TO STATE GOVERNMENT, MARCH 28, 2023

AN ACT

1 Providing for parental rights protection.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Parental
6 Rights Protection Act.

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall
9 have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Commonwealth agency." Any of the following:

12 (1) The Commonwealth, including the Executive Department
13 and its boards and commissions.

14 (2) An independent administrative department, board or
15 commission.

16 (3) A public official of an entity listed under
17 paragraph (1) or (2), acting under color of State law.

18 "Non-Commonwealth agency." A political subdivision,

1 municipal authority or other local government instrumentality
2 authorized by law, or a public official of a political
3 subdivision, municipal authority or other local government
4 instrumentality acting under color of State law.

5 Section 3. Parental rights protected.

6 (a) General rule.--The liberty of a parent to direct the
7 upbringing, education, care and welfare of the parent's child is
8 a fundamental right.

9 (b) Infringement.--Neither a Commonwealth agency nor a non-
10 Commonwealth agency may infringe upon the right under subsection
11 (a) without demonstrating that the State law or local ordinance
12 is narrowly tailored to meet a compelling governmental interest
13 by the least restrictive means.

14 Section 4. Civil relief.

15 A parent whose fundamental right under section 3(a) has been
16 infringed by a Commonwealth agency or non-Commonwealth agency
17 may bring an action in a court of competent jurisdiction seeking
18 appropriate relief against the Commonwealth agency or non-
19 Commonwealth agency. The court may award reasonable attorney
20 fees to the prevailing party under this section.

21 Section 5. Construction.

22 Nothing in this act shall be construed to authorize a parent
23 to engage in conduct that is unlawful or defined as child abuse
24 in 23 Pa.C.S. § 6303(b.1) (relating to definitions).

25 Section 6. Applicability.

26 (a) State laws and local ordinances.--Except as provided
27 under subsection (b), this act shall apply to a State law or
28 local ordinance that takes effect before, on or after the
29 effective date of this section.

30 (b) Exemption.--For a State law that takes effect after the

1 effective date of this section, this act shall not apply if the
2 State law expressly states that the provisions of this act are
3 not applicable to the State law by a specific reference to this
4 act.

5 Section 7. Effective date.

6 This act shall take effect in 60 days.