

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

### **ENGROSSED**

#### **Committee Substitute**

**for**

#### **House Bill 2129**

By Delegates Butler, Kump, Pinson, Kimble,  
Funkhouser, Ridenour, Horst, Heckert, and Dillon

[Originating in the Committee on the Judiciary;

Reported on February 26, 2025]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,  
2 designated §49-12-1, §49-12-2, §49-12-3, §49-12-4, and §49-12-5 all relating to the  
3 Parents' Bill of Rights; creating a short title; providing legislative findings; creating  
4 definitions; creating a standard of review; clarifying parental rights; creating a defense;  
5 providing applicability; and providing certain limitations.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 12. PARENTS' BILL OF RIGHTS.**

**§49-12-1. Short title.**

1 This article shall be known and may be cited as the "Parents' Bill of Rights".

**§49-12-2. Legislative findings and definition.**

1 (a) The Legislature finds that it is a fundamental right of parents to direct the upbringing,  
2 education, care, and medical care of their minor children. The Legislature further finds that  
3 important information relating to a minor child should not be withheld, either inadvertently or  
4 purposefully, from his or her parent, including information relating to the minor child's health, well-  
5 being, and education, while the minor child is in the custody of the school district.

6 (b) For purposes of this article, the term "parent" means a person who has legal custody of  
7 a minor child as a natural or adoptive parent or a legal guardian.

**§49-12-3. Infringement of parental rights.**

1 The state, any of its political subdivisions, any other governmental entity, or any other  
2 institution may not infringe on the fundamental rights of a parent to direct the upbringing,  
3 education, health care, and mental health of his or her minor child without demonstrating that such  
4 action is reasonable and necessary to achieve a compelling state interest and that such action is  
5 narrowly tailored and is not otherwise served by a less restrictive means.

**§49-12-4. Parental rights.**

1        (a) All parental rights are reserved to the parent of a minor child in this state without  
2 obstruction or interference from the state, any of its political subdivisions, any other governmental  
3 entity, or any other institution, including, but not limited to, all of the following rights of a parent of a  
4 minor                                  child                                  in                                  this                                  state:

5        (1) The right to direct the education and care of his or her minor child.

6        (2) The right to direct the upbringing and the moral or religious training of his or her minor  
7 child.

8        (3) The right to apply to enroll his or her minor child in a public school or, as an alternative to  
9 public education, a private school, including a religious school, a home education program, or  
10 other available options, as authorized by law.

11       (4) The right to access and review all school records relating to his or her minor child.

12       (5) The right to make health care decisions for his or her minor child, unless otherwise  
13 prohibited by law.

14       (b) The right to parental rights guaranteed by this article shall not be denied or abridged on  
15 account of disability.

16       (c) A parent may raise this article as a defense before any court or administrative tribunal.  
17 In addition, any person aggrieved by the provisions of this article may bring an action for injunctive  
18 relief against a person who engages in conduct that constitutes a violation of this article in the  
19 circuit court of any county in which any part of the conduct occurs. The circuit court may grant any  
20 appropriate injunctive relief to prevent or abate the conduct, including a temporary restraining  
21 order, preliminary injunction, or permanent injunction.

**§49-12-5. Applicability; limitations.**

1        (a) This article applies to state and local laws, rules, or ordinances, and the implementation  
2 of that law, rule, or ordinance, whether statutory or otherwise. Statutory law adopted after the date  
3 of the enactment of this article is subject to this article unless such law explicitly excludes such  
4 application by reference to this article.

5           **(b) This article does not:**

6           **(1) Authorize a parent of a minor child in this state to engage in conduct that is unlawful or**  
7 **to abuse or neglect his or her minor child in violation of general law;**

8           **(2) Condone, authorize, approve, or apply to a parental action or decision that would end**  
9 **life;**

10           **(3) Prohibit a court of competent jurisdiction, law enforcement officer, or employees of a**  
11 **government agency that is responsible for child welfare from acting in his or her official capacity**  
12 **within the reasonable and prudent scope of his or her authority; or**

13           **(4) Prohibit a court of competent jurisdiction from issuing an order that is otherwise**  
14 **permitted by law.**