

State of Arkansas  
95th General Assembly  
Regular Session, 2025

# A Bill

SENATE BILL 642

By: Senator J. Petty  
By: Representative Furman

## For An Act To Be Entitled

AN ACT TO CREATE THE FAMILIES' RIGHTS AND  
RESPONSIBILITIES ACT; AND FOR OTHER PURPOSES.

## Subtitle

TO CREATE THE FAMILIES' RIGHTS AND  
RESPONSIBILITIES ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 16, Chapter 123, is amended to add an  
additional subchapter to read as follows:

### Subchapter 7 – Families' Rights and Responsibilities Act

#### 16-123-701. Title.

This subchapter shall be known and may be cited as the "Families'  
Rights and Responsibilities Act".

#### 16-123-702. Legislative intent.

It is the intent of the General Assembly to:

(1) Codify the strict scrutiny standard set forth in Linder v.  
Linder, 348 Ark. 322, 348, 72 S.W.3d 841, 855 (2002) and to guarantee the  
application of the strict scrutiny standard in all cases in which the  
fundamental right of a parent is substantially burdened; and

(2) Provide a claim or defense to a parent whose fundamental  
right is substantially burdened.

#### 16-123-703. Definitions.



1       As used in this subchapter:

2           (1) "Biometric data":

3               (A) Means data generated by automatic measurements of an  
4 individual's biological characteristics, including without limitation a  
5 fingerprint, a voiceprint, eye retina or iris detection or tracking, data  
6 relative to analysis of facial expressions, electroencephalogram brain wave  
7 patterns, skin conductance, galvanic skin response, heart-rate variability,  
8 pulse, blood volume, posture, or other unique biological pattern or  
9 characteristic that is used to identify a specific individual; and

10           (B) Does not include:

11               (i) A physical or digital photograph;

12               (ii) A video recording or an audio recording, or  
13 data generated from a video recording or an audio recording;

14               (iii) Information collected, used, or stored for  
15 healthcare treatment, payment, or operations under the Health Insurance  
16 Portability and Accountability Act of 1996, 42 U.S.C. § 1320d et seq., as it  
17 existed on January 1, 2025; or

18               (iv) Data or information collected, used, or stored  
19 for law enforcement purposes;

20           (2) "Child" means an unemancipated person who has not attained  
21 eighteen (18) years of age;

22           (3) "Compelling governmental interest" means a government  
23 interest of the highest order as long-recognized in the history and  
24 traditions of this state that is necessary to advance a vital interest and  
25 cannot otherwise be achieved without burdening the exercise of the  
26 fundamental rights of a parent;

27           (4) "Decision-making authority" means the power granted by the  
28 state to a person who is not the parent of a child to make important  
29 decisions regarding the child, including without limitation decisions  
30 regarding the child's education, religious training, health care,  
31 extracurricular activities, and travel;

32           (5) "Government" means a branch, department, agency,  
33 instrumentality, political subdivision, official, or other person acting  
34 under color of state law or using any instrumentality of the state to enforce  
35 a law, regulation, rule, or policy of the state or any political subdivision  
36 of the state;

1           (6) "Non-emergency first aid" includes without limitation  
2   dressing minor wounds, applying topical agents, providing fluids or ice, and  
3   performing checks to identify minor illnesses; and

4           (7) "Parent" means a legal parent or an individual who has been  
5   granted decision-making authority over a child under state law.

6  
7           16-123-704. Parental rights protected.

8           (a) The liberty of a parent to the care, custody, and control of the  
9   parent's child, including without limitation the right to direct the  
10   upbringing, education, health care, and mental health of the child, is a  
11   fundamental right.

12           (b) The government shall not substantially burden the fundamental  
13   right of a parent provided under this section unless it is demonstrated that  
14   the burden, as applied to the parent and the child, is:

15               (1) Essential to further a compelling governmental interest; and

16               (2) The least restrictive means of furthering that compelling  
17   governmental interest.

18           (c) All parental rights are exclusively reserved to a parent of a  
19   child without obstruction by or interference from the government, including  
20   without limitation the right and responsibility to:

21               (1) Direct the:

22                   (A) Upbringing of the child;

23                   (B) Moral or religious training of the child; and

24                   (C) Education of the child, including without limitation  
25   the right to choose a public, private, religious, or home school, or  
26   combination thereof, and the right to make reasonable choices within a public  
27   school for the education of the child, including without limitation those  
28   choices protected by § 6-15-1702;

29               (2) Make all physical and mental healthcare decisions for the  
30   child and consent to all physical and mental health care on the child's  
31   behalf;

32               (3) Access and review all:

33                   (A) Health and medical records of the child; and

34                   (B) Educational records of the child maintained by a  
35   school;

36               (4) Have the child excused from school attendance for religious

1 purposes;

2 (5) Participate in parent-teacher associations or organizations  
3 and other school-sanctioned groups that foster parental and community  
4 involvement within the child's school;

5 (6) Be notified promptly if an employee of the government  
6 reasonably believes that child maltreatment of or any criminal offense has  
7 been committed against the child by someone other than the parent, unless:

8 (A) Notification under this subdivision (c)(6) would  
9 interfere with:

10 (i) An investigation by the Department of Human  
11 Services under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.;

12 (ii) An investigation by the Division of Arkansas  
13 State Police under the Child Maltreatment Act, § 12-18-101 et seq.; or

14 (iii) A criminal investigation; or

15 (B) The employee of the government is required by law to  
16 withhold the information concerning the alleged child maltreatment or  
17 criminal offense committed against the child by someone other than the  
18 parent;

19 (7) Consent to the:

20 (A) Collection, storing, or sharing of any biometric data  
21 of the child before the collection, storing, or sharing of any individual  
22 biometric data of the child takes place; and

23 (B) Creation, storage, or sharing of any record of the  
24 child's blood or DNA before the record is created, stored, or shared, unless  
25 authorized by law or a court order; and

26 (8) Making of a video recording or voice recording of the child  
27 before the government makes a video or voice recording of the child, unless  
28 the video recording or voice recording is made during or as a part of:

29 (A) A court proceeding;

30 (B) A law enforcement interaction;

31 (C) A forensic interview in:

32 (i) An investigation by the Department of Human  
33 Services under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq.;

34 (ii) An investigation by the Division of Arkansas  
35 State Police under the Child Maltreatment Act, § 12-18-101 et seq.; or

36 (iii) A criminal investigation;

1                   (D) The security or surveillance of buildings or grounds;  
2                   (E) A photo identification card; or  
3                   (F) A public event where the child has no reasonable  
4 expectation of privacy.

5           (d) This section does not authorize or allow any individual to:

6                   (1) Subject a child to abuse or neglect as defined in § 9-27-303  
7 or § 12-18-103; or

8                   (2) Otherwise cause a child to be a dependent-neglected juvenile  
9 as defined in § 9-27-303 or subject a child to child maltreatment as defined  
10 in § 12-18-103.

11           (e) A parent's rights under subdivision (c)(3) of this section are not  
12 violated when:

13                   (1) A parent of a child has given consent authorizing a  
14 healthcare institution or a healthcare provider to administer health care to  
15 that parent's child;

16                   (2) An agent of the government or any other person reasonably  
17 relies in good faith on an individual's representations that the individual  
18 is the parent of a minor or has otherwise been granted authority to make  
19 healthcare decisions regarding a minor's care under state law;

20                   (3) A person assists a child under § 17-95-101, otherwise known  
21 as the "Good Samaritan" law; or

22                   (4) A person acts reasonably to render appropriate, non-  
23 emergency first aid to a minor appearing or represented to be sick or  
24 injured.

25  
26           16-123-705. Remedies for violations.

27           (a) A parent whose rights have been substantially burdened or will be  
28 substantially burdened in violation of this subchapter may:

29                   (1) Assert a violation or an impending violation of this  
30 subchapter as a claim or defense in a judicial or administrative proceeding,  
31 regardless of whether the government is a party to the proceeding; and

32                   (2) Obtain appropriate relief against the government, including  
33 without limitation:

34                   (A) Declaratory relief;

35                   (B) Injunctive relief;

36                   (C) Compensatory damages; and

1                   (D) Reasonable attorney's fees and costs.

2           (b) An action under this subchapter may be commenced and relief may be  
3 granted regardless of whether the person commencing the action has sought or  
4 exhausted all available administrative remedies.

6           16-123-706. Construction and applicability.

7           (a) This subchapter applies to all state law and the implementation of  
8 state law, whether statutory or otherwise, and whether the state law is  
9 adopted before or after the effective date of this act.

10          (b) State statutes adopted after the effective date of this act are  
11 subject to this subchapter unless the state statute explicitly excludes  
12 application by reference to this subchapter.

13          (c) This subchapter does not authorize the government to burden the  
14 fundamental rights of a parent.

16          16-123-707. Interpretation.

17          (a) The protections of the fundamental rights of a parent afforded by  
18 this subchapter are in addition to the protections provided by the Arkansas  
19 Constitution, the United States Constitution, and other state and federal  
20 law.

21          (b) This subchapter favors a broad protection of the fundamental  
22 rights of a parent to the custody, care, and control of his or her child,  
23 including without limitation the right to direct the upbringing, education,  
24 health care, and mental health of his or her child, to the maximum extent  
25 permitted by the Arkansas Constitution and the United States Constitution.

26          (c) This subchapter does not grant any person a right to access any  
27 surgical or medical treatment or procedure that has been prohibited by state  
28 law.

29          (d) The enumeration of parental rights in this subchapter do not  
30 abridge any additional parental rights codified or recognized under  
31 applicable law or to prohibit the recognition of additional parental rights.