

Section 7

Family Rights (Family Association)

The state may not interfere in child rearing decisions when a fit parent is available. *Troxel v. Granville*, 530 U.S. 57 (2000).

A child has a constitutionally protected interest in the companionship and society of his or her parent. *Ward v. San Jose* (9th Cir. 1992)

Children have standing to sue for their removal after they reach the age of majority. Children have a constitutional right to live with their parents without government interference. *Brokaw v. Mercer County* (7th Cir. 2000)

The private, fundamental liberty interest involved in retaining custody of one's child and the integrity of one's family is of the greatest importance. *Weller v. Dept. of Social Services for Baltimore* (4th Cir. 1990)

State employee who withholds a child from her family may infringe on the family's liberty of familial association. Social workers could not deliberately remove children from their parents and place them with foster caregivers when the officials reasonably should have known such an action would cause harm to the child's mental or physical health. *K.H. through Murphy v. Morgan* (7th Cir. 1990)

The forced separation of parent from child, even for a short time (in this case 18 hours); represent a serious infringement upon the rights of both. *J.B. v. Washington County* (10th Cir. 1997)

Absent extraordinary circumstances, a parent has a liberty interest in familial association and privacy that cannot be violated without adequate pre-deprivation procedures. *Malik v. Arapahoe Cty. Dept. of Social Services* (10 Cir. 1999)

Parent interest is of "the highest order," and the court recognizes "the vital importance of curbing overzealous suspicion and intervention on the part of health care professionals and government officials." *Thomason v. Scan Volunteer Services, Inc.* (8th Cir. 1996)