

## A RIGHT NOT TO PARENT ONE'S CHILDREN

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The right to privacy includes a right to surrender one's children to the state. In Section Two, this essay discusses 1) fundamental rights and the right to privacy; 2) the right to parent; and 3) the established and implied right not to parent. The decision to parent supersedes alternate courses in many cases. It is a fundamental right and lifestyle that must be respected. Section Three discusses 1) the best interest of a child and the right of a child to receive care from a natural parent; and 2) balancing a parent's prior choice to parent against a right not to parent and the best interest of the child. Section Four discusses the state's interest in family life, morality, children's rights, and avoiding dependency. Section Five concludes that the established right not to parent (e.g., birth control) exists after a parent exercises the right to parent. To exert this right, a parent's prior decision must be placed on one side of the scale with the best interest factors and the state's interest in avoiding dependency. On the other side of the scale is the right not to parent and the best interest factors.

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The right not to parent is not an unlimited right, yet it is a fundamental right that must be considered in light of a child's natural and fundamental right to receive appropriate care from a birth parent.