

Protect Disabled Parents' Rights

H.1601/S.1037:

An Act prohibiting discrimination against adults with disabilities in Family and Juvenile Court proceedings

PARENTS WITH DISABILITIES SHOULD NOT BE DENIED THE RIGHT TO PARENT THEIR CHILDREN.

Parents with disabilities, especially psychiatric or intellectual disabilities, inappropriately lose custody or parenting time at alarming rates due to disability discrimination.

H.1601/S.1037 will require courts to...

- Determine if a parent's disability causes actual harm to a child based on evidence, not assumptions.
- Explain in writing if a parent's disability is a negative factor in custody and parenting time decisions.
- Assess if the harm can be avoided with adaptive equipment or supportive services for the parent

H.1601/S.1037 will not cost the state money and may even save taxpayer dollars by preventing unnecessary foster care placements.

FEDERAL LAW IS NOT ENOUGH.

The US Departments of Justice and Health and Human Services entered into a settlement agreement with Massachusetts Department of Children and Families (DCF) to address disability discrimination.

► Parents with disabilities are **significantly more likely to stay in abusive relationships** out of fear of losing their children.

► **Nearly one in 10 children** in the U.S. are at risk of being removed from their home by a child welfare agency simply because their parent has a disability.

► While 6.7% of parents in the U.S. have a disability, families with a parent with a disability are **disproportionately involved** in the child welfare system.

► Stereotypes and biases about military service and mental health disabilities can **deter veterans** from seeking treatment and lead to errors in custody cases.

H.1601/S.1037 is sponsored by Rep. Khan, Rep. Livingstone & Senator Lovely; and co-sponsored by:

Senators DiDomenico, Eldridge, Keenan, and Moore
Representatives Cutler, Domb, Hawkins, Howard, Gentile and Lewis

The Arc of Massachusetts
The Asperger/Autism Network
Boston Center for Independent Living
Boston Resource Center
Center for Living and Working
Citizens for Juvenile Justice
DEAF, Inc.
Disability Law Center
Disability Policy Consortium

Disability Resource Center, Inc.
Easterseals Massachusetts
Health Law Advocates
Justice Resource Institute
Kiva Center
Lurie Institute for Disability Policy (Brandeis)
Massachusetts Association for Mental Health
Massachusetts Law Reform Institute
Massachusetts State Association for the Deaf

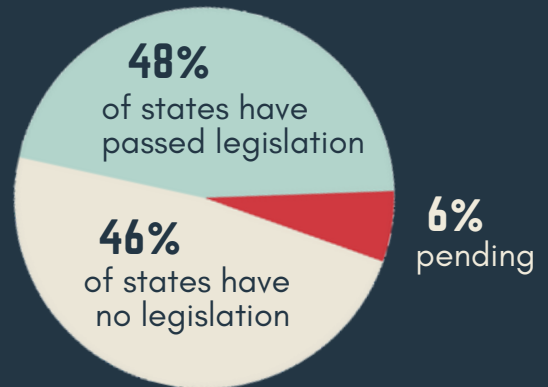
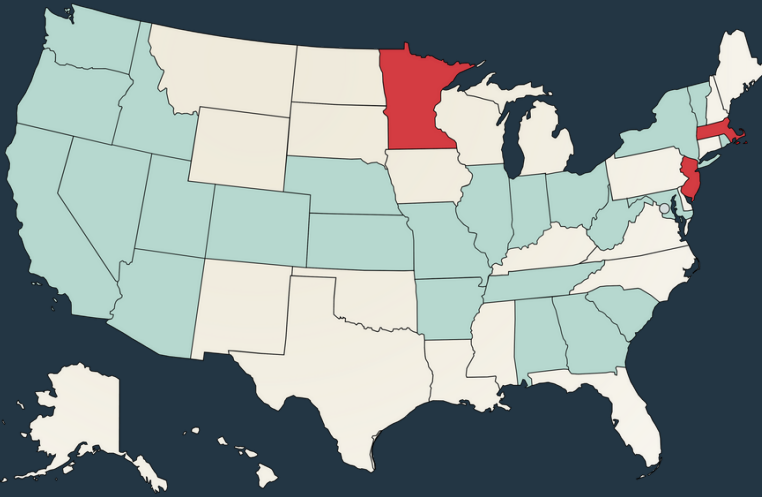
Mental Health Legal Advisors Committee
MetroWest Center for Independent Living
NAMI Massachusetts
Southeast Recovery Learning Community
Stavros
United Arc, Inc.
Veterans Legal Services
Wildflower Alliance

For more information or to co-sponsor, please contact:

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Cassidy Trabilcy/Rep. Livingstone's office (Cassidy.Trabilcy@mahouse.gov)
Kate Nemens/Mental Health Legal Advisors Committee (knemensemhlaac.org); 857-301-7949



ALMOST HALF THE COUNTRY HAS LEGISLATION TO PROTECT DISABLED PARENTS' RIGHTS.



THERE ARE 4.4 MILLION PARENTS WITH DISABILITIES IN THE U.S.

1 IN 10 KIDS
HAVE A PARENT WITH
A DISABILITY



19% OF CHILDREN
IN FOSTER CARE HAVE
PARENTAL DISABILITY
IDENTIFIED AS A
REASON FOR
REMOVAL FROM
THEIR FAMILY



31 STATES INCLUDE DISABILITY AS GROUNDS FOR TERMINATION OF PARENTAL RIGHTS

