Protect Disabled Parents' Rights

H.1601/S.1037: An Act prohibiting discrimination against adults with disabilities in Family and Juvenile Court proceedings

**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

**Supported By:**

- 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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Kate Nemens/Mental Health Legal Advisors Committee (knemens@hmlac.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.