



June 20, 2025

The Honorable Senator Lydia Edwards, Chair  
Joint Committee on the Judiciary  
State House Room 413-A  
Boston, MA 02133

The Honorable Representative Michael S. Day, Chair  
Joint Committee on the Judiciary  
State House Room 136  
Boston, MA 02133

**Re: Testimony in Support of H.1852/S.1164: An Act prohibiting discrimination against adults with disabilities in family and juvenile court proceedings**

Dear Senator Edwards, Representative Day, and Members of the Joint Committee on the Judiciary:

I am writing to express NAMI Massachusetts' strong support for **H.1852/S.1164**, *An Act prohibiting discrimination against adults with disabilities in family and juvenile court proceedings*. This bill highlights the urgent need to address discrimination faced by individuals with disabilities, especially those with psychiatric or intellectual disabilities, in Family and Juvenile Court proceedings.

NAMI Mass is a grassroots nonprofit whose base includes individuals with mental health conditions, their families, and caregivers. We have seen first-hand the obstacles individuals living with mental health conditions face within our criminal justice system, where they are often more vulnerable to discrimination and inequity. We firmly oppose such injustices and advocate for strong, effective measures to prevent and address discrimination against people with mental health conditions, especially within our judicial systems.

H.1852/S.1164 is a vital and long-overdue bill that promotes fairness in family court proceedings involving parents with disabilities. The legislation would require courts to: (1) determine if a parent's disability causes actual harm to a child based on evidence, not assumptions; (2) explain in writing if a parent's disability is a negative factor in custody and parenting time decisions; and (3) assess if the harm can be avoided with adaptive equipment or supportive services for the parent.

As an organization that supports individuals living with mental health conditions, we witness the direct harm caused by stigma, including in the judicial system. Too often, people are judged not by their actions, but by outdated assumptions about mental health. This legislation is a crucial step toward equity that ensures parental determinations are made based on evidence, not bias or stigma. Many in our community live in fear of interacting with the justice system, worried that their mental health condition will be misunderstood, weaponized against them, or lead to devastating

consequences. These fears are not unfounded. We've seen how decisions are shaped more by perception than fact.

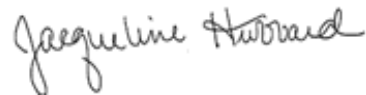
This bill is a critical step toward equity. It affirms that having a disability, including a mental health condition, is not a valid reason in and of itself to lose custody of or parenting time with a child. Like all parents, those with disabilities deserve to be assessed based on facts and actual impact on their child, not on erroneous or stigmatizing assumptions.

An estimated 4.1 million Americans with children under 18 have disabilities of their own, comprising about 6.2% of the parenting population.<sup>1</sup> Despite their significant presence, parents with disabilities face systemic barriers within the child welfare system, which the judicial system plays a crucial role in. According to the Disability Law Center's report *Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and Their Children*, the system is "...ill-equipped to support parents with disabilities and their families, resulting in disproportionately high rates of involvement with child welfare services and devastatingly high rates of parents with disabilities losing their parental rights..."<sup>2</sup> Most strikingly, the report found that child removal rates from parents with psychiatric disabilities are as high as 70 – 80%.<sup>3</sup> These figures underscore deep inequities and suggest an urgent need for reform to ensure that disability is not treated as a proxy for parental unfitness.

Although the *Rocking the Cradle* report is more than a decade old, Massachusetts has yet to address the inadequacies in its courts that contribute to parents with disabilities unjustly losing custody, visitation, or other parental rights. The continued failure to act amounts to systemic discrimination. As such, I urge you to report favorably on H.1852/S.1164. It is beyond time for Massachusetts to confront these inequities and pass H.1852/S.1164.

Thank you for your attention to this matter.

Sincerely,



Jacqueline Hubbard, Esq.

Deputy Director of Policy, Advocacy, and Communications

NAMI Massachusetts

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<sup>1</sup> Stephen H. Kaye, *Population Estimates and Demographics of Parents with Disabilities in the United States*, (Berkeley, CA: Through the Looking Glass, 2011).

<sup>2</sup> National Council on Disability, *Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and Their Children* (2012), accessed June 20, 2025, <https://www.ncd.gov/assets/uploads/reports/2012/ncd-rocking-the-cradle.pdf>

<sup>3</sup> *Id.*