



**Testimony on LB 456
Before the Health and Human Services Committee
Nebraska Legislature
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Good afternoon Senator Riepe and members of the Health and Human Services Committee. For the record, my name is Brad B-R-A-D Meurrens M-E-U-R-R-E-N-S and I am the Public Policy Director for Disability Rights Nebraska, the designated Protection and Advocacy organization for people with disabilities in Nebraska. LB 456 strengthens the protections for parents with disabilities and is a bill we support.

We agree with the legislative findings in the bill that people with disabilities continue to encounter bias and preconceptions about their abilities to be parents, let alone good parents. The National Council on Disability issued a report "Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and Their Children"¹ in 2012 that pointed out the factors used in dependency and family court proceedings are not always objectively applied to parents with disabilities and their children. The National Council on Disability reports that parents with disabilities face high rates of custody removal:

- Rates where parents have a psychiatric disability have been found to be as high as 70 percent to 80 percent; where the parent has an intellectual disability, 40 percent to 80 percent.

¹ Available at: http://www.ncd.gov/sites/default/files/Documents/NCD_Parenting_508_0.pdf

- In families where the parental disability is physical, 13 percent have reported discriminatory treatment in custody cases.
- Parents who are deaf or blind report extremely high rates of child removal and loss of parental rights.

The National Council on Disability continues:

“Even today, 22 years after the passage of the Americans with Disabilities Act, parents with disabilities are the only distinct community of Americans who must struggle to retain custody of their children...Parents with disabilities are more likely to lose custody of their children after divorce... Clearly, the legal system is not protecting the rights of parents with disabilities and their children. Fully two-thirds of dependency statutes allow the court to reach the determination that a parent is unfit (a determination necessary to terminate parental rights) on the basis of the parent’s disability.” (pg. 1)

We have a preference for using the terms “person *with a disability*” or “parent *with a disability*” over “disabled person” or “disabled parent” (and all other instances where “disabled” is used) and changing the proposed definition of disability to mirror the definition of disability in federal law; both of which we have been assured will be addressed in a subsequent proposed amendment.

We recommend that LB 456 be advanced as amended.