

# Disability Rights Nebraska

Protection and Advocacy for People with Disabilities

**Testimony on LB 17  
Before the Judiciary Committee  
Nebraska Legislature  
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Good afternoon Senator Lathrop and members of the Judiciary 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. I am here in strong support of LB 17.

We support LB 17 as it is a clear declaration that Nebraska will not discriminate against parents with disabilities who wish to parent their children who touch the juvenile justice system. These are parents who at the outset, due to pejorative and arbitrary social presumptions about disability, “is a population that must prove its ability to parent in American society”.<sup>1</sup> Such discrimination should not be allowed to persist, and Nebraska should be proactive and take every necessary step to prevent bias against parents in the juvenile justice system. LB 17 assures that decisions about the suitability of a parent with a disability to parent their child are made based upon substantive, evidenced analysis and are not based solely on the parent’s disability.

The Americans with Disabilities Act prohibits discrimination on the basis of disability in a wide variety of areas-- employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications for example. Given that parenting has been described as a “fundamental right”<sup>2</sup>, why

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<sup>1</sup> National Council on Disability (2012). “Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and Their Children”, p. 72, accessible at [https://www.ncd.gov/sites/default/files/Documents/NCD\\_Parenting\\_508\\_0.pdf](https://www.ncd.gov/sites/default/files/Documents/NCD_Parenting_508_0.pdf)

<sup>2</sup> Ibid, page 15, “The fundamental right to parent without interference is protected by the U.S. Constitution and balanced by the judicially recognized power of the state to interfere to protect the well-being of its children.”

would Nebraska not extend the prohibition against discrimination, solely on the basis of one's disability, to the parenting context? There is nothing inherent about disability that in and of itself automatically means that an individual with a disability would not be a good parent, just as there is nothing inherent about persons without disabilities that would automatically deem them as the most fitting parent. Nebraska should treat both parents with and parents without disabilities the same and let the decision about parenting placement be made on substance and merit rather than on individual assumptions about people with disabilities. Just as it would be wrong to deny a parent their right to be a parent based on skin color or religion, it should be equally wrong to deny this right based solely on the immutable characteristic of one's disability.

As the National Council on Disability reports, when families with parents with disabilities receive the proper supports, "most will undoubtedly thrive"<sup>3</sup>, just as those parents without disabilities need formal and informal supports to raise children successfully<sup>4</sup>. We fear that without the clear language in LB 17, the question of proper supports for parents with disabilities could be ignored or dismissed out of hand. When parents without disabilities are struggling or when their parenting skills need support, there are systems in place to provide them the supports and services needed to be more successful parents. Why should this be any different for parents with disabilities?

Since LB 17 affects the rights of children and parents with disabilities, Nebraska must put in place safeguards to ensure that violations of those rights are avoided rather than wait for remedial action (further involving the justice system) to somehow "erase" discriminatory decisions that could occur under the current statutory language.

Disability Rights Nebraska strongly encourages this committee to advance LB 17.

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<sup>3</sup> Ibid, pg. 94

<sup>4</sup> Ibid, pg. 193, "Indeed, parents without disabilities rely on a variety of formal and informal supports to help them with their child-rearing responsibilities. Lightfoot and LaLiberte say, 'Formal supports that are typically used among North American parents include paid daycare, housecleaning, paid tutoring, or even take-out restaurants. Typical informal supports include grandparents providing a night out for parents (respite care), neighbors shoveling snow off the driveway of a new parent (chore services), or parents joining together for carpooling to soccer practice (transportation services).'" In this quotation, the Council cites Elizabeth Lightfoot and Traci LaLiberte "Parental Supports for Parents with Intellectual and Developmental Disabilities," *Intellectual and Developmental Disabilities* 49 (2011): 389.

