Joint Committee on the Judiciary

Tuesday, November 14, 2023, 1:00 PM

Location: A-2 and Virtual

TESTIMONY IN SUPPORT OF H.1601/S.1037, **REQUESTING AMENDMENT**

FROM A BLIND RESIDENT OF MASSACHUSETTS

To Chair Eldridge, Chair Day, and Members of the Joint Committee on the Judiciary:

I am a blind resident of Massachusetts, and I testify in support of, but request a simple amendment to, H.1601/S.1037, An Act prohibiting discrimination against adults with disabilities in family and juvenile court proceedings. I thank all who have been involved in developing and updating this legislation in the recent decades of this effort.

The amendment that I request is that all places in this bill that set the evidentiary standard for using a parent’s disability to make an adverse decision on their right to parent be set consistently at clear and convincing evidence, so that no lower evidentiary standard shall be considered acceptable. **On Line 20 and Line 48, please change "a preponderance of the" (evidence) to "clear and convincing" (evidence).** While some parts of the law use a lower evidentiary standard for the overall court decisions, the evidentiary standard for a court to use the disability of a parent or prospective parent as part of a court decision should be clear and convincing evidence.

Let me tell you why this matters to me as a blind individual and as a member of the blind community.

<Insert personal narrative, if you have anything to say. Consider a story about people having low expectations for you in any public interaction, a story about parenting, or some other story that you think teaches people something about blindness that you can connect back to this bill.>

Many nondisabled people do not understand what it is like to live with a disability. Many people have low expectations for us. These low expectations can lead to terrible consequences in family courts and juvenile courts. We learn how to do things in our own way, and learn new tricks like anybody else. All parents have their own parenting styles, and parents with disabilities develop their own styles. Our parenting styles can still be just as good as the style of a nondisabled parent.

This bill is not going to prevent a court from taking a child away from an unsafe situation, but it will force the courts to get specific about why they think a parent’s disability is relevant to the decision. All children deserve a safe and loving home, and this is exactly why we want children to be able to stay with their loving blind parents.

Even without this amendment, this bill, as written, is still a step forward for us. I hope that you will also consider this proposed amendment.

Thank you for taking the time to hear this bill and to help keep children in the homes of their loving blind parents.

Sincerely,

<signature, including town of residence>