Entrenchment of Eugenic Ideology: Parents with Intellectual Disabilities and Termination of Parental Rights Decisions

By: Luci Duffy and Robyn Powell **April 2026**

Brandeis THE HELLER SCHOOL FOR SOCIAL POLICY AND MANAGEMENT
Lurie Institute for Disability Policy

National Research Center for Parents with Disabilities
Centro Nacional de Investigación para Padres con Discapacidades

Introduction

In 1912, the New York legislature amended their public health laws, permitting a state board of medical examiners to sterilize people deemed "feeble-minded" who were under state control (New York Public Health Law, 1912). The statute specified that the board shall sterilize "any such person [that] would produce children with an inherited tendency to crime, insanity, feeble-mindedness, idiocy or imbecility" (New York Public Health Law, 1912; Osborne v. Thomson, 1918).

Although later overturned, this law represented how the eugenics movement of the late 19th and early 20th century across the United States worked to restrict the reproduction of people labeled with intellectual disabilities (ID). This movement, seeking white racial domination and "purification" of the white race, constructed an enduring ideology to justify such sterilization laws targeting people labeled with ID. This ideology, termed eugenic ideology, is the focus of this study.

While state sterilization boards were eventually dissolved as the 20th century progressed, state systems regulating the reproduction of those deemed "unfit" continued. One of these systems, the child welfare system, continues to have a disproportionate impact on parents labeled with ID, including high rates of adoption (Booth & Booth, 2004), out-of-home placement (Lima et al., 2022), and termination of parental rights (TPR) (Powell et al., 2020). This study focused on TPR cases where the central issue involves the permanent elimination of a legal parent and child relationship.

The history of eugenics in the U.S. makes clear the longstanding entanglement between eugenics and state systems of family regulation. In light of this history, continued disparities faced by parents with ID in the child welfare system suggest an enduring impact of eugenic dynamics. As such, this piece leveraged the history of eugenics in the U.S. to investigate manifestations of eugenic ideology in contemporary TPR cases involving parents labeled with ID in New York from 2013 to 2023.

Methods

Drawing from secondary literature on the eugenics movement in the United States, eugenic ideology included:

- Problematizing of ID and other individual characteristics as a threat to public safety
- Positioning Western medical science as the superior source of knowledge for determining ID status
- The framing and use of intelligence tests (such as IQ tests) as an objective measure to determine ID status and perceived parental unfitness

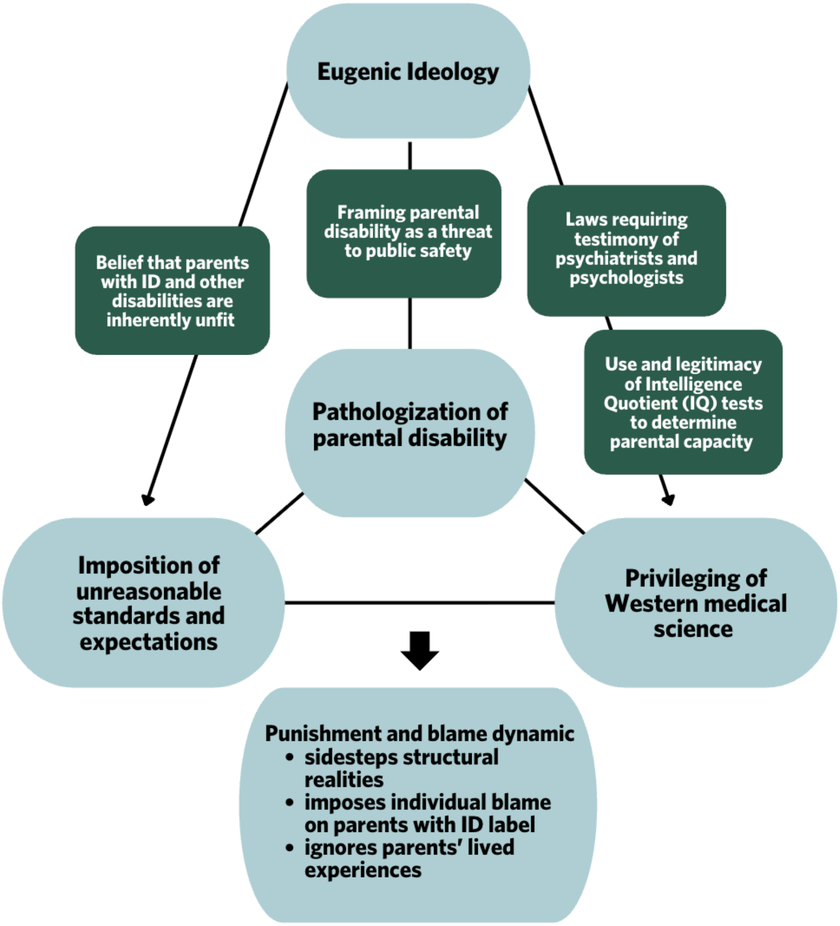
Legal decisions (n=25) were analyzed using a codebook informed by this conception of eugenic ideology, related secondary literature, and the data sources themselves. Content analysis methods were used to produce thematic results.

Findings

Eugenic ideology manifested in three distinct but overlapping ways:

1. pathologization of parental disability,
2. the privileging of Western medical science, and
3. the imposition of unreasonable standards and expectations.

These manifestations when viewed together reflect a pervasive punishment and blame dynamic.



Pathologization of parental disability

1. Court decisions used medicalized language and focused on disability labels.

Cases dedicated significant time to assigning all possible disability labels.

2. Assigned disability labels were then framed as incompatible with parenthood.

> “When asked about the father’s ability to parent, [the psychologist] testified that he was most concerned about his antisocial personality disorder because of its effect on his ‘judgement, lack of morality, impulse control . . . and anger issues’” (Decision 14).

3. Sidestepping structural realities or discussion of available supports or services, disability labels were often framed as immutable risk factors for neglect that justified elimination of the parent-child relationship.

> One court-identified psychologist blatantly stated that long-term supportive services “would not change her conclusion regarding the mother’s intellectual disability and its [effect] on her ability to care for her children” (Decision 4).

Privileging of Western medical science

1. Many pathologizing descriptions of parental disabilities were provided by practitioners of Western medical science (e.g., psychologists and psychiatrists).

2. Testimony of practitioners of Western medical science was required by New York State statutes to meet the threshold for TPR on the basis of disability.

> One decision reiterated, “To meet this burden, the petitioner must present evidence of the parent’s underlying mental illness or intellectual disability, as well as the testimony of a qualified psychiatrist or psychologist explaining how such mental illness or intellectual disability affects the parent’s present and future ability to care for the child (see Social Services Law § 384-b [6] [c], [e])” (Decision 3).

3. Court structure privileged these experts and utilized their testimony in reaching conclusions about parenting ability.

> One decision reads, “Although the mother possesses adequate adaptive skills in certain areas and there is a parental bond between the mother and the child, an expert psychologist opined that the mother’s intellectual disability significantly impacted upon her ability to provide proper care for the child . . . ” (Decision 13).

4. Experts often employed Intelligence Quotient (IQ) tests to legitimize pathologizing descriptions of the parent.

> In one decision, the court-labeled psychologist “stated that respondent’s school records indicated similar IQ scores—63 and 71—and testified that these scores provided ‘consistent indication[s]’ of her cognitive deficits, and that these deficits will remain” (Decision 7).

Imposition of unreasonable standards and expectations

1. Court timelines for TPR proceedings or remedying perceived deficits were rigid and lacked discussion about accommodations and individual circumstances.

2. Standards for parental capacity and ability were determined by others who were not the parent.

For example, cases called on caseworkers, teachers, therapists and foster care workers to construct the parameters for parental capacity.

3. Overall patterns of individual blame and lack of attention to structural inequity.

> For example, one court-identified expert determined that one parent not seeking treatment for her disability "exhibited impulsive behavior, which caused her to have an unstable living situation and poor relationships with individuals who could otherwise provide support" (Decision 1).

4. Court decisions constructed an expectation of independence for fit parenthood.

> In one decision, this standard was very explicit when one witness "noted that while the mother was motivated to parent and would be capable of assisting another in the tasks of parenting, she lacked the ability to parent independently." (Decision 6).

5. Court decisions held seemingly impossible standards.

It appeared that regardless of the services completed or testimony provided, parents with ID could not overcome pathologizing descriptions of their disability and parenting capacity.

> For example, one decision read, "Although the mother testified that she appropriately cared for the children and presented the testimony of family members to that effect, she 'failed to present any contradictory expert evidence' with respect to her intellectual capacity" (Decision 18).

Punishment and blame dynamic

Centering manifestations of eugenic ideology makes clearer a self-reinforcing, multi-level, ableist dynamic that blames and punishes parents labeled with ID.

- First, the text of the law, by allowing parental disability as grounds for TPR, implants a permission structure to focus attention on individual characteristics instead of structural forces.
- Within this narrow framing, NY state statutes then require and enlist the testimony of practitioners of Western medical science without considering lived experience. The experts' elevated status by virtue of the law allows for the reinforcement of pathologizing descriptions of disability and the lack of attention to structural forces.
- Continuing in this manner, other witnesses further speculate about the parent's ability, deficits, and perceived risk in comparison to ableist standards. By relying on these speculations in reaching TPR determinations, patterns that pathologize disability and sidestep structural realities are legitimated and reinforced.
- Even when parents meet or exceed ableist demands of the system, they are never able to seemingly "overcome" such demands.

This dynamic contains striking similarities to ideologies dominant during the eugenics era that focused on individual characteristics to determine and execute the removal of rights and access to parenthood.

Implications

Research

- Future investigations could focus on other jurisdictions and how those contexts shape manifestations of eugenic ideology.
- There is a need for future investigations centering intersectional case analysis.

Policy

- Legislators must amend TPR laws to remove disability as grounds for TPR.
- Legislators must revise current statutes and institute comprehensive training for child welfare professionals.
- Policymakers must mandate the development of accessible parenting assessments that center parents' voices rather than relying predominantly on practitioners of Western medical science.
    - This includes eliminating mandatory intelligence testing requirements and creating new frameworks that consider the perspective and expertise of parents labeled with ID.

Practice

- For practitioners, including lawyers, judges, and child welfare workers, addressing individual bias through training represents only a first step. True reform requires a fundamental paradigm shift away from deficit-based models that blame parents for perceived shortcomings.
- Practitioners must learn to recognize and challenge eugenic assumptions in their own practice while advocating for broader system change.
- Practitioners should also use tools within the system to better support parents with ID.
    - This could include submitting 15/22 timeline waivers under the Adoption and Safe Families Act (ASFA), which allow for extended timelines and would be especially useful for parents with ID contending with unaccommodating system demands.
- Sustained commitment to examining how professional practices may perpetuate discrimination and actively working to develop new approaches that create space for empowerment rather than pathologize parents with ID.

Limitations

While providing important insights into eugenic ideology's contemporary manifestations, this study has several limitations.

- The sample, drawn from publicly available appeals in one state, cannot represent all TPR decisions involving parents with ID.
- The omission of demographic information beyond disability status. Without data on race, class, and other characteristics, the analysis cannot fully explicitly examine how multiple forms of oppression intersect in these decisions.

Conclusion

The findings reveal a punishment and blame dynamic that parallels eugenic ideology through laws and practices that pathologize disability, privilege practitioners of Western medical science, and subject parents with ID to unreasonable standards and expectations. Only through comprehensive reform at multiple levels can the child welfare system begin to disentangle itself from its eugenic foundations and legacy.

Funding Statement

This work was supported by the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR) under grant number 90DPCP0012. NIDILRR is a Center within the Administration for Community Living (ACL), Department of Health and Human Services (HHS). The content is solely the authors' responsibility and does not necessarily represent the official views of NIDILRR, ACL, or HHS.

How to Cite This Brief

Duffy, L., Powell, R. (2026, April). *Entrenchment of eugenic ideology: parents with intellectual disabilities and termination of parental rights decisions* [Research Brief]. National Research Center for Parents with Disabilities, the Lurie Institute for Disability Policy, Brandeis University.

References

1. Booth, T., & Booth, W. (2004). Findings from a court study of care proceedings involving parents with intellectual disabilities. Journal of Policy and Practice in Intellectual Disabilities, 1(3–4), 179–181. https://doi.org/10.1111/j.1741-1130.2004.04032.x
2. Duffy, L., & Powell, R. (2025). Manifestations of eugenic ideology in New York termination of parental rights decisions involving parents labeled with intellectual disabilities, 2013–2023. *Journal of Public Child Welfare, 1*–20. https://doi.org/10.1080/15548732.2025.2568619
3. Lima, F., O'Donnell, M., Bourke, J., Wolff, B., Gibberd, A., Llewellyn, G., & Leonard, H. (2022). Child protection involvement of children of mothers with intellectual disability. Child Abuse and Neglect, 126, 105515. https://doi.org/10.1016/j.chiabu.2022.105515.
4. New York Public Health Law of 1912, Chapter 445 §350-353.
5. Osborn v. Thomson, 103 Misc. 23 (N.Y. Misc. 1918).
6. Powell, R. M., Parish, S. L., Mitra, M., Waterstone, M., & Fournier, S. (2020). The Americans with Disabilities Act and termination of parental rights cases: An examination of appellate decisions involving disabled mothers. Yale Law and Policy Review., 39(1), 157-217.

Contact Us

Heller.Brandeis.edu/Parents-With-Disabilities

Linktr.ee/LurieInstitute

CenterForParents@Brandeis.edu