



Best Practices for Attorneys and Researchers on How to Safeguard the Rights of Parents with Intellectual Disabilities and Their Families

Introduction

Parents with intellectual disabilities encounter significant discrimination within the child welfare system. Their families are more likely to be referred for allegations of neglect or abuse and have high rates of termination of parental rights. Parents with intellectual disabilities also must contend with discriminatory policies that presume incompetence.

There is a growing body of research concerning parents with disabilities and their children. This research has found no relationship between intelligence and parenting capabilities. Nonetheless, some parents with intellectual disabilities and their children, especially those who lack supports, are at risk of multiple disadvantages, such as poor health, social isolation, low socioeconomic status, poor developmental outcomes, cognitive delays, and behavior problems. Moreover, there are a number of evidence-based interventions that can effectively support these families.

In order to understand how attorneys and researchers can use social science to improve outcomes for parents with disabilities and their families, Powell (2017) proposed recommendations for both professions.

Best Practices for Attorneys about Using Research to Safeguard the Rights of Parents with Disabilities and Their Families

- **Understand the current research about parents with intellectual disabilities.** There is a sizable and growing body of scientific research related to the needs and experiences of parents with intellectual disabilities and their families. Although each parent is different and services must be individualized, the existing research can provide a general understanding of these families.
- **Use research to dispel myths about parents with intellectual disabilities.** Parents with intellectual disabilities contend with explicit and implicit. Child welfare's policies and practices often presume that parents with intellectual disabilities are inherently incapable of parenting. Judges are also not immune from these stereotypes. However, longstanding research has found that a parent's IQ score does not predict parenting capacity and many parents with intellectual disabilities are able to successfully and safely care for children. As such, it is imperative that attorneys

leverage this research throughout their representation of parents with intellectual disabilities to dispel myths and stereotypes.

- **Advocate for evidence-based family supports for parents with intellectual disabilities.** Parents often are denied family reunification and preservation supports and services because they are assumed unable to learn or benefit from such services. However, there is a body of research that has documented programs that are appropriate and successful for parents with intellectual disabilities. Hence, attorneys must ensure that parents are provided individualized, evidence-based supports and services.
- **Educate policymakers about parents with intellectual disabilities.** Many child welfare policies, such as termination of parental rights statutes that unjustly discriminate against parents with intellectual disabilities. These laws use a parent's disability against them and presume that their disability in and of itself makes them unfit to care for their children. Attorneys must educate policymakers on the rights and experiences of parents with intellectual disabilities, including leveraging existing research on these families.

Best Practices for Researchers about Conducting Research to Safeguard the Rights of Parents with Disabilities and Their Families

- **Conduct research that is informed by attorneys who represent parents with intellectual disabilities.** A partnership between the legal and social science fields can inform future areas of research. Attorneys work with parents with intellectual disabilities and their families are well-equipped to advise research on areas that would help advance family defense.
- **Collaborate with legal scholars to conduct empirical legal research.** Empirical legal research examining the interaction between the child welfare system and parents with intellectual disabilities and their families is urgently needed. Legal scholars and social scientists should analyze case law to identify barriers to reunification for parents with intellectual disabilities and their children. Future research should also quantitatively study the effect of bias in these cases.

Adapted from Powell, R.M. (2017). Safeguarding the rights of parents with intellectual disabilities in child welfare cases: The convergence of social science and law. CUNY Law Review, 20(1), 127-149.