

# SENATE . . . . . No. 1164

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## The Commonwealth of Massachusetts

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PRESENTED BY:

*Joan B. Lovely*

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act prohibiting discrimination against adults with disabilities in Family and Juvenile Court proceedings.

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PETITION OF:

NAME:

*Joan B. Lovely*

DISTRICT/ADDRESS:

*Second Essex*

# SENATE . . . . . No. 1164

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By Ms. Lovely, a petition (accompanied by bill, Senate, No. 1164) of Joan B. Lovely for legislation to prohibit discrimination against adults with disabilities in family and juvenile court proceedings. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1037 OF 2023-2024.]

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Ninety-Fourth General Court  
(2025-2026)  
\_\_\_\_\_

An Act prohibiting discrimination against adults with disabilities in Family and Juvenile Court proceedings.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Chapter 208 of the General Laws is hereby amended by inserting after  
2   section 31A the following section:-

3           Section 31B. For the purposes of this chapter the following words shall have the  
4   following meanings, unless the context clearly indicates otherwise:-

5           “Adaptive parenting equipment”, any piece of equipment or any item used to increase,  
6   maintain, or improve the parenting capabilities of a parent with a disability.

7           “Disability”, a physical or mental impairment that substantially limits one or more major  
8   life activities of an individual, a record of such impairment, or being regarded as having such an

9 impairment. This definition shall be broadly interpreted in a manner consistent with the  
10 Americans with Disabilities Act Amendments Act of 2008.

11 “Supportive parenting services”, services that help a parent with a disability compensate  
12 for those aspects of the disability that affect their ability to care for their children and that will  
13 enable them to discharge their parental responsibilities, including, but not limited to, specialized  
14 or adapted training, evaluations, assistance with effective use of adaptive equipment, peer  
15 supports or other psychosocial parental skill building therapies or services, and accommodations  
16 that allow a parent with a disability to benefit from other services, such as braille text or sign  
17 language interpreters.

18 Nothing in this chapter shall allow a parent’s disability or its manifestations to be  
19 considered a negative factor in a determination of custody or of parenting time with a minor  
20 child, absent a specific showing by a preponderance of the evidence made by the party raising  
21 the allegation, that there is a nexus between the parent’s disability, or its manifestations, and  
22 alleged harm to the child, and that this alleged harm cannot be prevented or alleviated by  
23 accommodations for the disability, including adaptive parenting equipment or supportive  
24 parenting services.

25 If the court considers a parent’s disability or its manifestations as a negative factor in an  
26 award of custody or of parenting time with a child, then the court shall make specific written  
27 findings as to the nexus between the parent’s disability, or its manifestations, and harm to the  
28 child, what effect, if any, said harm has on the best interests of the child, and whether adaptive  
29 parenting equipment or supportive parenting services can alleviate said harm.

SECTION 2. Chapter 209C of the General Laws is hereby amended by inserting after section 10 the following section:-

Section 10A. For the purposes of this chapter the following words shall have the following meanings, unless the context clearly indicates otherwise:-

“Adaptive parenting equipment”, includes any piece of equipment or any item used to increase, maintain, or improve the parenting capabilities of a parent with a disability.

“Disability”, a physical or mental impairment that substantially limits one or more major life activities of an individual, a record of such impairment, or being regarded as having such an impairment. This definition shall be broadly interpreted in a manner consistent with the Americans with Disabilities Act Amendments Act of 2008.

“Supportive parenting services”, services that help a parent with a disability compensate for those aspects of the disability that affect their ability to care for their children and that will enable them to discharge their parental responsibilities, including, but not limited to, specialized or adapted training, evaluations, assistance with effective use of adaptive equipment, peer supports or other psychosocial parental skill building therapies or services, and accommodations that allow a parent with a disability to benefit from other services, such as braille text or sign language interpreters.

Nothing in this chapter shall allow a parent’s disability or its manifestations to be considered a negative factor in a determination of custody or of parenting time with a minor child, absent a specific showing by a preponderance of the evidence made by the party raising the allegation, that there is a nexus between the parent’s disability, or its manifestations, and alleged harm to the child, and that this alleged harm cannot be prevented or alleviated by

accommodations for the disability, including adaptive parenting equipment or supportive parenting services.

If the court considers a parent’s disability or its manifestations as a negative factor in an award of custody of and or parenting time with a child, then the court shall make specific written findings as to the nexus between the parent’s disability, or its manifestations, and harm to the child, what effect, if any, said harm has on the best interests of the child, and whether adaptive parenting equipment or supportive parenting services can alleviate said harm.

SECTION 3. Section 21 of chapter 119 of the General Laws is hereby amended by inserting after the second paragraph the following paragraph:-

“Adaptive parenting equipment”, includes any piece of equipment or any item used to increase, maintain, or improve the parenting capabilities of a parent with a disability.

SECTION 4. Section 21 of said chapter 119, as so appearing, is hereby further amended by inserting after the eleventh paragraph the following paragraph:-

“Disability”, a physical or mental impairment that substantially limits one or more major life activities of an individual, a record of such impairment, or being regarded as having such an impairment. This definition shall be broadly interpreted in a manner consistent with the Americans with Disabilities Act Amendments Act of 2008.

SECTION 5. Section 21 of said chapter 119, as so appearing, is hereby further amended by inserting after the twenty second paragraph the following paragraph:-

“Supportive parenting services”, services that help a parent with a disability compensate for those aspects of the disability that affect their ability to care for their children and that will

enable them to discharge their parental responsibilities, including, but not limited to, specialized or adapted training, evaluations, assistance with effective use of adaptive equipment, peer supports or other psychosocial parental skill building therapies or services, and accommodations that allow a parent with a disability to benefit from other services, such as braille text or sign language interpreters.

SECTION 6. Chapter 119 of the General Laws is hereby further amended by inserting after section 24 the following section:-

Section 24A. Nothing in this chapter shall allow a parent's disability or its manifestations, as defined in section 21 of this chapter, to be considered a negative factor in a determination of whether a child is in need of care and protection or for the removal of custody of a child from a parent, guardian, or other custodian, absent a specific showing by clear and convincing evidence made by the department, that there is a nexus between the parent's disability, or its manifestations, and alleged harm to the child, and that this alleged harm cannot be prevented or alleviated by accommodations for the disability, including adaptive parenting equipment or supportive parenting services.

If the court considers a parent's disability or its manifestations as a negative factor in determining that a child is in need of care and protection or for the removal of custody of a child from a parent, guardian, or other custodian, then the court shall make specific written findings as to the nexus between the parent's disability, or its manifestations, and harm to the child, the impact this has on current parental fitness, and whether adaptive parenting equipment or supportive parenting services can alleviate said harm or render the parent fit.

SECTION 7. Section 3 of chapter 210 of the General Laws is hereby amended by striking out subsection (c)(xii) and inserting in place thereof the following subsection:-

Section 3(c)(xii). A failure of a parent to discharge parental responsibilities that is reasonably likely to continue for a prolonged, indeterminate period, and that results in harm to the child, and cannot be alleviated by adequate accommodations, including adaptive parenting equipment or supportive parenting services.

SECTION 8. Chapter 210, as so appearing, is hereby further amended by inserting after section 3B the following section:-

Section 3C. For the purposes of this chapter the following words shall have the following meanings, unless the context clearly indicates otherwise:-

“Adaptive parenting equipment”, includes any piece of equipment or any item used to increase, maintain, or improve the parenting capabilities of a parent with a disability.

“Disability”, a physical or mental impairment that substantially limits one or more major life activities of an individual, a record of such impairment, or being regarded as having such an impairment. This definition shall be broadly interpreted in a manner consistent with the Americans with Disabilities Act Amendments Act of 2008.

“Supportive parenting services”, services that help a parent with a disability compensate for those aspects of the disability that affect their ability to care for their children and that will enable them to discharge their parental responsibilities, including but not limited to, specialized or adapted training, evaluations, assistance with effective use of adaptive equipment, peer supports or other psychosocial parental skill building therapies or services, and accommodations

that allow a parent with a disability to benefit from other services, such as braille text or sign language interpreters.

Nothing in this chapter shall allow a parent's disability or its manifestations to be considered a negative factor in determining whether to terminate parental rights, absent a specific showing by clear and convincing evidence made by the department, that there is a nexus between the parent's disability, or its manifestations, and alleged harm to the child, and that this alleged harm cannot be prevented or alleviated by accommodations for the disability, including adaptive parenting equipment or supportive parenting services.

If the court considers a parent's disability or its manifestations as a negative factor in determining whether to terminate parental rights, then the court shall make specific written findings as to the nexus between the parent's disability, or its manifestations, and harm to the child, the impact this has on current parental fitness, and whether adaptive parenting equipment or supportive parenting services can alleviate said harm or render the parent fit; provided further, the court shall dismiss the department's petition under this section if the court finds that the department acted in violation of this subsection of section 3, or 42 U.S.C. 12132 or 29 U.S.C. 794.

SECTION 9. Section 5-101 of chapter 190B of the General Laws is hereby amended by inserting before the first paragraph the following paragraph:-

"Adaptive parenting equipment", includes any piece of equipment or any item used to increase, maintain, or improve the parenting capabilities of a parent with a disability.



SECTION 10. Section 5-101 of said chapter 190B, as so appearing, is hereby further amended by striking out the fourth paragraph and inserting in place thereof the following paragraph:-

“Disability”, a physical or mental impairment that substantially limits one or more major life activities of an individual, a record of such impairment, or being regarded as having such an impairment. This definition shall be broadly interpreted in a manner consistent with the Americans with Disabilities Act Amendments Act of 2008.

SECTION 11. Section 5-101 of said chapter 190B, as so appearing, is hereby further amended by inserting after the twenty fourth paragraph the following paragraph:-

“Supportive parenting services”, services that help a parent with a disability compensate for those aspects of the disability that affect their ability to care for their children and that will enable them to discharge their parental responsibilities, including, but not limited to, specialized or adapted training, evaluations, assistance with effective use of adaptive equipment, peer supports or other psychosocial parental skill building therapies or services, and accommodations that allow a parent with a disability to benefit from other services, such as braille text or sign language interpreters.

SECTION 12. Chapter 190B of the General Laws is hereby amended by inserting after section 5-204 the following section:-

Section 5-204A. Nothing in this chapter shall allow a parent’s disability or its manifestations to be considered a negative factor in determining whether to appoint a temporary or permanent guardian for a minor child, absent a specific showing by clear and convincing evidence made by the party raising the allegation, that there is a nexus between the parent’s

157 disability, or its manifestations, and alleged harm to the child, and that this alleged harm cannot  
158 be prevented or alleviated by accommodations for the disability, including adaptive parenting  
159 equipment or supportive parenting services.

160         If the court considers a parent's disability or its manifestations as a negative factor in a  
161 determination of whether to appoint a temporary or permanent guardian for a minor child, then  
162 the court shall make specific written findings as to the nexus between the parent's disability, or  
163 its manifestations, and harm to the child, the impact this has on current parental fitness, and  
164 whether adaptive parenting equipment or supportive parenting services can alleviate said harm or  
165 render the parent fit.