

Research In Focus: A Weekly Digest of New Research from the NIDILRR Community

Parents with Psychiatric Disabilities May Benefit from Accessible, Affordable Legal Supports

A study funded by the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR).

About 11 million adults in the United States have a psychiatric disability, according to the National Institute of Mental Health. Psychiatric disabilities include conditions such as bipolar disorder, depression, anxiety disorders, or schizophrenia. Many adults with psychiatric disabilities are parents. With appropriate supports, the vast majority of people with psychiatric disabilities can meet the challenges of parenting. However, past research has found that parents with psychiatric disabilities are much more likely to have their parenting abilities questioned by courts or child welfare agencies than their counterparts without psychiatric disabilities. While parents with psychiatric disabilities may need legal representation to avoid losing custody of their children in a divorce or a child welfare investigation, attorneys and judges may not be well-informed about the capabilities and needs of these parents.

In a recent NIDILRR-funded study, researchers asked parents with psychiatric disabilities about their experiences with the legal system, including attorneys and judges. They wanted to find out what legal needs these parents had, and how legal professionals can best meet these needs.

Researchers at the [Parents Empowering Parents: National Research Center for Parents with Disabilities and Their Families](#) interviewed 12 parents with psychiatric disabilities who had been clients of the Family Law Project, a legal aid program for low-income individuals with psychiatric disabilities in Massachusetts. The parents had all received legal assistance to support them in a case involving custody of their children, and all but one of them received some form of government benefits. During the interviews, the parents were asked to describe both positive and negative experiences they had with attorneys and judges, and how they thought legal professionals could better meet their needs.

The researchers found that the parents' responses focused on three main themes:

1. Legal professionals' understanding of mental health leads to better experience for parents: The parents described frequent negative experiences with attorneys and judges who did not understand mental health or who held negative beliefs about people with psychiatric disabilities. In contrast, the parents also described the benefit of having an attorney who understood and accommodated their mental health-related support needs. For example, some of the parents appreciated working with attorneys who provided emotional support, who

encouraged them to keep up with their medications and therapies, or who advocated for their ability to be competent parents.

2. Legal professionals' assistance is needed beyond the courtroom: The parents described three types of assistance that they benefited from receiving from their attorneys beyond the legal representation itself. First, they appreciated when attorneys took extra time to explain legal proceedings and terms in easy-to-understand language, as well as answer their questions. Second, the parents appreciated when their attorneys helped them with administrative tasks related to their cases, such as completing paperwork or gathering documents. Third, the parents often benefited from coordination between their attorneys and other members of their support networks, such as family members, therapists, or community agencies as well as referrals to other services and supports.
3. Parents have ongoing legal needs: Many of the parents described having legal needs that extended beyond the conclusion of their child custody cases. For example, some of the parents needed legal support to help enforce a custody agreement. Others reported needing legal assistance with obtaining disability benefits, housing, or other needs. They reported being unable to pay for ongoing legal services, due to their low incomes and the high cost to retain a lawyer.

The authors noted that parents with psychiatric disabilities may benefit greatly from legal support from an attorney who believes in their parenting capabilities and who understands mental health issues. These parents may also benefit from coordination between their attorneys and other service providers, such as social workers. The authors recommended increasing funding for legal services and expanding the availability of affordable ongoing legal support. Lawyers and medical providers serving people with psychiatric disabilities may wish to establish medical-legal partnerships in order to better coordinate legal services with mental health supports. In addition, developers of law-school curricula and continuing education courses for attorneys and judges may wish to incorporate training on the unique experiences of parents with psychiatric disabilities.

To Learn More

[Parents Empowering Parents: National Research Center for Parents with Disabilities and Their Families](#) addresses the knowledge gaps regarding parents with disabilities and their families through: (1) population-based research and analysis of national datasets to inform policy and practice; and (2) the systematic analysis of state legislation and child welfare policies to identify facilitators and barriers to systemic change. The center has [published a report](#) and [research brief](#) based on this study of the legal needs of parents with psychiatric disabilities.

A factsheet from the NIDILRR-funded ADA National Network:

<https://adata.org/factsheet/child-welfare> answers questions about the responsibilities of the courts and child welfare agencies under the Americans with Disabilities Act (ADA)

and provides resources that lead to state and federal agencies, information on protecting the rights of parents with disabilities, and more.

[Parenting with a Disability: Know Your Rights](#). A toolkit published by the National Council on Disabilities (NCD) and the Reeve Paralysis Center: This toolkit provides information to parents about disability law, family law, adoption, seeking legal representation, advocating for change at the state level, and more. The original report which provided the evidence base for this toolkit, *Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and Their Children*, is available here: <https://ncd.gov/publications/2012/Sep272012/>.

[To Learn More About This Study](#)

Robyn M. Powell, Susan L. Parish, Monika Mitra & Joanne Nicholson. (2020) [Responding to the Legal Needs of Parents with Psychiatric Disabilities: Insights from Parent Interviews](#), 38 *Law & Inequality* 69 (2020). This article is available from the NARIC collection under Accession Number J83518 and free in full text from the publisher.

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