



ABLE MOTHERS: The intersection of parenting, disability, & the law

SUMMARY OF FINDINGS

WHAT WAS THE GOAL OF WEST COAST LEAF'S "MOTHERING WITH DISABILITIES" PROJECT?

In Canada, there has been limited research on the legal and policy issues affecting mothers with disabilities. The goal of West Coast LEAF's Mothering with Disability project goal was to address this glaring gap. Through this project we were able to take a closer look at the myths, biases, and stereotypes that too often influence decisions impacting mothers with disabilities and their children. The main purpose of the project was to identify and expose the barriers to equality that mothers with disabilities face, and to seek and recommend reforms to help overcome these barriers. Our recommendations were informed by the lived experiences of mothers with disabilities.

WHY DOES GENDER MATTER WHEN WE TALK ABOUT DISABILITY AND PARENTING?

Women bear a greater responsibility for child care and are held more accountable for their parenting abilities than men. Many disabled mothers report facing challenges that are a direct result of their gender, disability and status as parent. Disabled mothers may be further marginalized by race, poverty, sexual orientation, gender identity, and experiences of abuse, among other factors. Aboriginal mothers, whose parenting has been policed by the state for generations, are even more vulnerable to the risk of losing their children. Stigma and bias against disabled mothers affects legal decisions that impact the rights of both mothers and children, with often devastating results.

WHAT WERE THE RESULTS OF OUR PROJECT?

We consulted with 25 women with a range of different disabilities to inform our project. We also consulted with several representatives of organizations that work with disabled mothers. We asked women about their experiences with the legal system in the context of their parenting. Some of the challenges and barriers reported by women were:

- There is a critical lack of resources for disabled mothers to support them in parenting their children. The child protection system removes or threatens to remove children from disabled parents, rather than investing in support services that would assist disabled parents to provide for the best interests of their children.

- Discrimination and bias on the part of social workers, health care providers, and other professionals, regarding the parenting abilities of mothers with disabilities leads to decisions that are detrimental to mothers and do not support the best interests of their children.
- Mothers with disabilities face high rates of poverty, made worse by government policies such as the clawback of child support from single parents on income assistance. Yet poverty and unemployment are often used as reasons to remove children from a disabled parent.
- Mothers do not seek out the supports they need for fear of appearing incompetent and drawing the attention of the child protection system.
- Abused women with disabilities face disbelief from lawyers, judges, and parenting assessors when they disclose violence in the context of a family law dispute.
- Mothers with addiction issues face a lose-lose situation: either disclose addiction and lose custody of their children, or stay silent and not get the benefit of treatment and support.
- Disabled mothers are at more risk of experiencing violence, yet face distinct barriers in fleeing the violence.
- Transition houses and safe homes are not funded to provide adequate care for disabled women, and too many abused women continue living in risky and unsafe situations because there is no transition house that is accessible to them.
- In parenting assessments, mothers may be labeled as having mental health issues by psychologists if they disclose violence or fear of violence by their ex partner.
- Mothers with disabilities face extreme challenges in navigating through the legal system given the lack of legal aid and the challenges of accessing legal information in an accessible format.

WHAT ACTION DO WE WANT OUR GOVERNMENT TO TAKE?

We asked women what needs to change to better respect the rights of disabled mothers. Despite the emphasis on barriers, disabled mothers demonstrated their strength, resilience, and resourcefulness. They offered several ideas to ensure greater respect for their dignity, equality and rights. Some of their recommendations to government were to:

- Provide support services to families to ensure that children can remain with their parents when it is in the child's best interests;
- Provide affordable housing that is accessible to people with disabilities;
- Raise income assistance rates to levels that allow mothers with disabilities to meet the needs of their families;
- Ensure social workers, child protection workers, parenting assessors, and others whose decisions affect mothers with disabilities receive training on the ways in which disability and parenting intersect, and the ways in which they can support mothers with disabilities;
- Promote the right to sexual autonomy and reproductive freedom without discrimination;
- Improve accessibility of transition houses for disabled women fleeing abuse.

WHAT ARE THE NEXT STEPS FOR THIS PROJECT?

West Coast LEAF is committed to advocate for the rights of disabled mothers. We will continue to raise these issues with government bodies and push for these recommended reforms.