



disability rights

Disabled People Shouldn't Have to Fight to Be Parents

As the writer considers whether to become a mother, she reveals this nation's long history of depriving the right of parenthood to the disabled—which continues to this day.

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Written by
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For more than four years, Amy Fabbrini and Eric Ziegler, who both have intellectual disabilities, have been fighting with the state of Oregon to regain custody of their two sons, Christopher and Hunter. Late last month, [The Oregonian](#) shared their story.

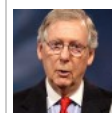
Within days, the family's tragic experience had gained significant media attention, continuing to be picked up by outlets across the [country](#) and [beyond](#). Because I am a woman with a disability who hopes to one day become a mother, Fabbrini and Ziegler's story hits a bit too close to home. What happened to this couple could easily happen to me—and that is a frightening reality for me and other people with disabilities.

Fabbrini and Ziegler, whose IQ scores are 72 and 66, have intellectual disabilities. In September 2013, Fabbrini gave birth to the couple's first-born son, Christopher. Within days of the couple bringing Christopher home from the hospital, Fabbrini's family contacted the state's child welfare agency, expressing concerns that Fabbrini and Ziegler's disabilities made them unable to care for their son. The state of Oregon agreed and placed Christopher in foster care, owing to the parents' "limited cognitive abilities that interfere with (their) ability to safely parent the child."

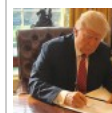
At the instruction of the state, Fabbrini and Ziegler attended parenting classes. They also completed classes on first aid, CPR, and nutrition. Despite the parents jumping through every hoop requested by the state of Oregon, Christopher continues to be in foster care. Fabbrini told [The Oregonian](#), "We've just done everything and more than what they've asked us to ... It doesn't seem like it's good enough for them."

Four years later, in February 2017, Fabbrini and Ziegler gave birth to their second child, Hunter. This time, the state took custody of their son directly from the hospital. Like his brother Christopher, Hunter is also in foster care.

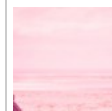
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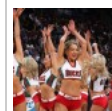
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them, the state child welfare agency has moved to terminate the couple's parental rights and make the boys available for adoption."

Regrettably, Fabbrini and Ziegler's story is not unique. According to the National Council on Disability's 2012 report, [Rocking the Cradle: Ensuring the Right of Parents with Disabilities and Their Children](#), "Discrimination against parents with disabilities is all too common throughout history, and it remains an obstacle to full equality for people with disabilities in the present."

The notion that people with disabilities should not be parents dates back to the [eugenics movement](#) in the early 20th century, when people with disabilities and others who were deemed "[unfit to procreate](#)" were forcibly sterilized. Shockingly, in the notorious 1927 *Buck v. Bell* case, the U.S. Supreme Court ruled that it was constitutional to forcibly sterilize women with disabilities. This disturbing ruling led to more than 30 states implementing laws that allowed for forced sterilization. By the 1970s, an estimated [70,000 Americans](#), many of whom had disabilities, were sterilized against their wishes. Horrifyingly, *Buck v. Bell* has never been overturned—meaning it continues to be viewed as good law.

Today, eugenic ideologies manifest themselves through discriminatory policies and practices that discriminate against parents and prospective parents with disabilities.

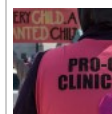
As Fabbrini and Ziegler's story demonstrates, parents with disabilities often encounter bias and speculation by the child welfare system. In fact, longstanding research indicates that parents with intellectual or psychiatric disabilities have their children removed by child welfare agencies at [rates as high as 80 percent](#). Parents with physical disabilities as well as those who are blind or Deaf also have [disproportionately high rates](#) of involvement with the child welfare system and termination of parental rights.

Similarly, parents with disabilities are [less likely to be awarded custody or visitation](#) rights of their children in family court. Because of the known discrimination by family courts, some parents with disabilities have [remained in abusive relationships](#) out of fear they would not be granted access to their children if they left. This is especially disturbing because women with disabilities are [40 percent more likely](#) than nondisabled women to experience intimate partner violence.

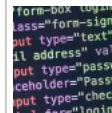
The pervasive stigma and stereotypes concerning the parenting abilities of people with disabilities is also experienced by prospective parents with disabilities. Indeed, there are countless examples of people with disabilities being [denied the opportunity to adopt children or become foster parents](#) simply because they have a disability. On any given day, there are roughly [420,000 children](#) in the U.S. foster care system—meaning, hundreds of thousands of children are being denied loving homes entirely because of discrimination. Of course, that is not surprising given that other communities, such as prospective [LGBTQ parents](#), are also sometimes denied the opportunity to adopt or foster children.

The belief that people with disabilities are incapable of raising children also rears its ugly head in doctors' offices. Indeed, women with disabilities often encounter physicians that encourage them to [terminate pregnancies and undergo hysterectomies](#) to prevent future pregnancies. People with disabilities are also [often denied appropriate sex education](#), because it is assumed to be unnecessary as well as access to [assisted reproductive technologies](#).

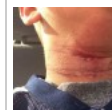
As a disabled woman, I have experienced stigma about my ability to be a mother firsthand. I have arthrogryposis, a physical disability that affects my joints and muscles. I use a power wheelchair and have limited use of my arms and legs. Although I am not yet a mother, I hope to become one someday. However, doctors are often surprised (and alarmed) by plan to someday have children. As I have [written previously](#), "I cannot even count the number of times doctors have offered me a hysterectomy, acting as if they are doing me a favor." These actions are not done out of medical necessity—there is no reason to believe that pregnancy would be dangerous to my or a future baby's wellbeing—but rather, the prevailing belief that people with disabilities are not fit to be parents.



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story demonstrates, there is a chance that I will face questioning about my ability to safely care for children. Similarly, a [recent study](#) I conducted found that mothers with disabilities often face negative attitudes by family members; something that could also happen to me. Moreover, [research](#) has found that pregnant women with disabilities often encounter criticism from complete strangers.

As with all discrimination, stereotypes concerning the parenting abilities of people with disabilities is not grounded in fact. According to the [National Council on Disability](#), “High-quality studies indicate that disability alone is not a predictor of problems or difficulties in children and that predictors of problem parenting are often found to be the same for disabled and nondisabled parents.” Indeed, most research indicates that parental disability, in and of itself, does not lead to negative child outcomes. Rather, studies often suggest that any negative child outcomes are the result of contextual factors, such as poverty, lack of supports, and domestic violence, rather than a parent’s disability. Furthermore, as Dr. Susan Yuan told [The Oregonian](#), “Research literature has found that the IQ really doesn’t correlate with parenting until the IQ is below 50.” This is particularly notable because both Fabbrini and Ziegler’s IQ scores are far above 50.

Not all people with disabilities can or should be parents; just like not all people without disabilities can or should be parents. However, we as a society must move beyond eugenics-based beliefs about who is and is not fit to raise children: Parenting is not about how smart you are, whether you can change a diaper by yourself, or if you can hear your baby cry without technology. Rather, a good parent is someone who loves their child unconditionally.

All parents need help and that is OK. As an old African proverb aptly proclaims, “It takes a village to raise a child.” So, instead of removing children from parents with disabilities, let’s support them and their families, if needed.

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Robyn Powell is a disability rights attorney, Ph.D. candidate at Brandeis University, and freelance writer. Her work has appeared at The Establishment, Vox, Rewire, VICE, Huffington Post, Bustle, and xoJane.

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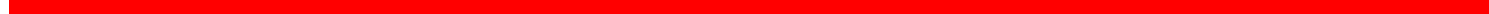
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