

Judge David L.

**BAZELON CENTER**  
for Mental Health Law

**NEWS**

---

## **Unjust Denial of Parental Rights Overturned**

January 10, 2007—Angela Williams’ baby boy was born in June 2003 with a cleft palate, which meant he would require special feeding. Because Angela had been diagnosed with bipolar disorder and mild cerebral palsy, Missouri’s child welfare department took baby Christopher into custody just three days later. In October 2005, a court terminated Angela’s parental rights. Angela fought back, and today the state’s highest court took a key step toward reuniting mother and son.

In a welcome ruling, the Supreme Court of Missouri unanimously reversed the lower court, holding that generalized conclusions about a mother’s mental disorder were insufficient to support termination. The appeals court concluded that there was no evidence about Angela’s current mental health status—more than two years after the original diagnosis—and how it affected her ability to parent, or about her prognosis for recovery. The court found that her acknowledgement of her need for help did not mean that her parental rights should be taken away.

The Bazelon Center, with the ACLU of Eastern Missouri, had filed an amicus brief reminding the court that, although the practice of compulsory sterilization of people with mental disabilities has ended, “stereotypes about the ability of persons with mental disabilities persist ...[and] have made it difficult for parents with mental disabilities to maintain their parental rights.” Missouri law “requires courts to consider the actual and present capacity of any parent...rather than relying on generalizations or stereotypes,” the brief points out. “In this case, there was no credible evidence that, based on her current condition, the mother’s parental rights should be terminated.”

The appeals court agreed, noting also that Angela’s lack of a maternal bond with Christopher, which had been cited as another reason for termination of her rights, “while relevant, is not surprising,” given that Christopher was taken away soon after his birth and Angela was only allowed to visit him in a small room with no toys.

People with mental disabilities too often lose their children, as Angela did, based on unfounded assumptions about the effect of their disabilities on their parenting skills. In Angela’s case, the lower court did not even require the provision of services that would have helped her to be a more successful parent. Instead, it concluded that such services would be “unlikely to adequately assist her.” The appeals court found this argument to “suffer from the same fatal flaw that underlies the rest of the judgment: that there was no current, expert testimony establishing” Angela’s lack of ability to be an adequate parent. Like child welfare systems, family and juvenile courts are far too likely to terminate the parental rights of parents with diagnoses of a mental illness in just the way Angela’s rights were terminated. These decisions are often based on stereotypes and without consideration of the individual’s progress over time.

Today’s decision, returning the case to the circuit court, offers that court the opportunity to render a decision based on Angela’s current capacity.