



**KEEP THE PROMISE COALITION**  
Community Solutions, *Not* Institutions!  
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**Testimony before the Judiciary Committee  
April 8, 2011  
In Opposition to HB 6647**

Good afternoon Senator Coleman, Representative Fox and members of the Judiciary Committee. My name is Cheri Bragg, Coordinator of Keep the Promise Coalition, comprised of people living with mental illness, family members, providers, and advocates dedicated to ensuring that a comprehensive, community mental health system is created and sustained in Connecticut.

**The Coalition is in opposition to HB 6647, An Act Concerning the Appointment of Guardians Ad Litem to Assist Disabled Individuals in Court Proceedings.** Although we believe this bill's intent may have been to assist disabled persons in court proceedings, in actuality this bill equates disability with legal incompetence assuming that a person with a disability is automatically incompetent which is not the case. Furthermore, the bill would take away that person's right to speak for him or herself and make decisions about the case. The appointment of a guardian ad litem means that the person with a disability who has an interest in the case has no legal "say" in the matter anymore. Essentially a person with a disability can be deemed "legally incompetent", (which is the equivalent of a legal non person) for the duration of the appointment in the case.

We would not like to see a bill that discriminates against people with disabilities move forward. It goes against the policies of the State of Connecticut to presume competence, to afford legal rights to all, and, to promote full participation in society by people with disabilities. It violates the Americans with Disabilities Act and the Connecticut Constitution's prohibition against discrimination against people with disabilities.

However, the Coalition would not be opposed to working toward assuring that people with disabilities who require legal assistance are able to secure it. For example, **child custody loss rates for parents with mental illness range as high as 70 to 80%, often due to misconceptions about parenting with a psychiatric disability**, yet persons with psychiatric disabilities play the important societal role of parent in the lives of millions of people (young and old). Many parents report that they avoid mental health treatment for fear of losing custody of their children (Hearle et. Al., 1999, Sands, 1995).

In a study comparing Medicaid-eligible mothers with and without claims for psychiatric services, mothers with a mental illness were 3X more likely to have children receiving child protective services and 3X more likely to have children in out of home placement than mothers with no claims for Medicaid funded psychiatric services. Having had a psychiatric inpatient hospitalization increased the likelihood of child welfare involvement 2X and having a child in out of home placement nearly 3X (Park, Solomon and Mandell, 2006). Collecting data on parents with mental illness and other disabilities (without exacerbating the already exceedingly high custody loss rate) and then working with DMHAS, DCF, and the criminal justice system to provide education and foster understanding with an eye first toward prevention, and then toward leveling the playing field for people with disabilities in courts on issues such as these would be one possible solution.

Thank you for your time. I would be happy to answer any questions you might have.