

rights involves a shortcoming, a failing or a fault of the parent. This is the one ground that does not. I want you to stop and think about this, members of the Legislature, if we really felt that parental rights ought to be terminated by virtue of somebody's infirmity then why do we put down that parental rights can be terminated if somebody is physically ill. For example, they suffer polio and they are now in an iron lung and obviously by being in an iron lung they can't care for their children so well, because they are in an iron lung. But we don't do that. We say they can be terminated however if they are mentally ill, or mentally deficient and unable to discharge parently responsibilities. I don't think that we need that provision in the law. I think that provision in the law continues to provide in effect a legal impediment to those persons who happen to suffer mental illness or who happen to be mentally weak. We don't need that provision in the law because we have other methods of taking their children away if it is necessary. For example, if the parents have substantially and continuously or repeatedly neglected the juvenile, then their rights be terminated. That is a fault issue. If they have abandoned the juvenile, then their rights may be terminated, that is a fault issue. If they have had the ability to provide for the juvenile but have not done so and not doing so have deprived them of their health, morals or welfare, then their rights would be terminated. If the parents are unfit by reason of debauchery, habitual use of intoxicating liquors and narcotic drugs or repeated lewd and ludicrous behavior, then their parental rights may be terminated. It is all fault concepts. So it seems to me that if we have a parent who is genuinely mentally deficient, a retarded parent for example, and if that parent by virtue of that retardation is neglecting the child then that parent's rights can be terminated, notwithstanding the existence of the present provision which allows the termination because of mental deficiency. The rights can be terminated simply because that parent is neglecting the child. I frankly think that you and I are re-enacting into law an older social standard which is outmoded in these days, a standard that essentially treats the mentally infirmed as somewhat less than a full human being and a parent. It is for that reason that I have offered this amendment to strike that particular provision from the termination statute so that the mentally deficient and the mentally ill can be treated just like any other parent. If they are at fault by the way their children are being reared, then their parental rights can be terminated. But if they are without fault, their rights can not be terminated simply because they happen to be mentally ill or