

- **Name of the study:** Parenting with Disabilities in the Light of Israeli Law: An In-Depth Analysis of Case Law Regarding Parents with Disabilities in Israel
- **Year:** 2025
- **Type of research:** research
- **Catalog Number:** 890-720-2023
- **Authors:** Dr. Michal Segal & Prof. Ayelet Gur
- **Research Authority:** [Tel Hai College](#)

Abstract

This work was supported by a grant from Shalem Fund

In 2012, Israel ratified the United Nations Convention on the Rights of Persons with Disabilities, committing to protect the rights of persons with disabilities to family life and parenthood while eliminating discrimination based on disability status. However, despite this fundamental recognition of parental rights, the implementation falls far short of these ideals. International studies reveal that parents with disabilities face disproportionately high rates of custody loss and involuntary placement of their children in alternative care. This discriminatory pattern persists in Israel as well. According to the 2023 Shadow Report by The Civil Forum for the Promotion of the International Convention on the Rights of Persons with Disabilities in Israel, Israeli courts are not sufficiently aware of these rights and consistently fail to uphold them in practice. The gap between Israel's international commitments and domestic implementation highlights the need for judicial education and systemic reform to ensure that parents with disabilities receive equal treatment under the law.

This study examined how the Israeli legal system addresses parenting by people with disabilities. The primary research question was: What are the main barriers and challenges that emerge from an analysis of Israeli court decisions regarding the realization of parental rights for parents with disabilities?

The research employed an in-depth qualitative analysis of 78 court decisions systematically collected from the Nevo legal database spanning 1978-2023. The methodology consisted of content analysis that reflected judges' perspectives, knowledge, and beliefs regarding disability and parenting.

An analysis of the court decisions revealed four main themes: (1) the right of parents with disabilities to parenthood as a fundamental legal principle, with the judges emphasizing the need to treat these proceedings seriously. This theme highlights the tension between recognizing rights and the final outcomes; (2) criteria for assessing the parental capacity of individuals with disabilities, where the courts apply three main parameters: an objective test that

differentiates between subjective desire and actual ability, a functional independence test, and a dynamic approach to evaluating parental competence; (3) examining support systems for parents with disabilities as a significant factor in court decisions, often finding that family and formal supports are inadequate; (4) the principle of the best interests of the child as a leading legal doctrine, emphasizing stability and continuity in the child's life, along with reservations about open adoption arrangements.

Based on the study's findings, broad practical recommendations are proposed, including expanding support interventions for parents with disabilities, such as group support and professional training, providing assistance to the extended family, especially grandparents, and encouraging the involvement of human rights organizations in legal proceedings. Regarding training for professionals, recommendations include integrated training for professionals that combines knowledge of disability and parenting, integrative supervision for social workers, bridging the gap between disability services and parental support services, and training in the values of the Convention on the Rights of Persons with Disabilities and human rights. Within the legal system, the recommendations are to implement therapeutic law principles and the ICCAP model for coordinated support in legal proceedings, adopt a human rights model for disabilities alongside the framework of the International Classification of Functioning, Disability and Health (ICF), and provide training for judges on the characteristics and implications of various types of disabilities. At the systemic level, recommendations include adding a dedicated chapter for parents with disabilities in the Social Work Procedures Manual, developing clear guidelines for social workers, and coordinating between various services to create a meaningful continuum of care.

Implementing the recommendations from the study could promote more appropriate policies aligned with the spirit of the International Convention on the Rights of Persons with Disabilities (2012). This will help ensure that the parental rights of individuals with disabilities are fully protected and recognized within Israel's legal and social systems.

Keywords

Best Interests of the Minor; Court Decisions; Parenting with Disabilities; Rights of People with Disabilities.

- [For the Full text in Hebrew>>](#)
- [To the Shalem Fund research database>>](#)
- [To the Shalem Fund research tool database>>](#)