



Parent/Professional Advocacy League

The Massachusetts Family Voice for Children's Mental Health

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**Testimony of Parent/Professional Advocacy League
Joint Committee on the Judiciary
Senate Bill 1670/House Bill 1570, An Act Relative to Parent Child Privilege
October 27, 2009**

Good afternoon and thank you for the opportunity to testify today in favor of House Bill 1570, An Act Relative to Parent Child Privilege and Senate Bill 1670, An Act Relative to Testimony in Criminal Proceedings. I am grateful for this opportunity to come before the committee today to talk about this bill from the perspective of families. My name is Lisa Lambert and I am the director of PAL, the Parent/Professional Advocacy League. We are a statewide organization of 4,000 families whose children have emotional, behavioral and mental health needs. Our families live in every neighborhood and come from every walk of life. And it will be no surprise to the committee, that many of the children and youth that come before the court are those with behavioral health needs.

A child, no matter what he or she has done, should be able to go to their parent. Nothing beats the advice of a parent. They have decades more experience and an unparalleled concern for your best interests.

Most of us think of the love between parents and their children as the most intense, committed, passionate, loyal and selfless love there is. At least that's what all parents aspire to. We make an implicit bargain with our children. We teach them to trust us and we promise to protect them. To ask a parent to reveal a confidence that's going to get their child in trouble, even if it's the truth, feels like a violation.

This legislation, by creating a parent child privilege, protects families. When a child is charged with an offense, this is a time when kids and their families could use each other's support.

Imagine that you have a heart to heart conversation with your child and he admits to wrongdoing and perhaps some are crimes. You begin talking to people about getting him some help. But then your child is charged with one of the crimes and the prosecutor wants to use your testimony against him.

If your teenager has done something wrong, he can talk to a lawyer, a minister, a pediatrician or a therapist with confidence and they will not be obligated to repeat what he has said on the witness stand. All of these exchanges are considered privileged and confidential. Yet none of those relationships are lifelong relationships like that between a parent and child.

Privileges are an effort by the state to safeguard relationships that are vital to what we value in society. There are husband-wife privileges, clergy and congregant, doctor-patient and therapist-patient privileges. Yet we don't safeguard the parent-child relationship. From the perspective of many families, protecting the trust of a parent child relationship should be a priority and outweigh the state's interest in disclosure.

We have a parent listserv at PAL. I posted a few questions about this legislation on our listserv last Friday and there has been a lively conversation ever since. One point that many parents made is that choice is

important to them. Many felt that if another child had been hurt by their child, they would come forward with information. Privileges can always be waived, they pointed out. This legislation would protect the parent child relationship but it would not prevent parents who wish to come forward to do so.

However, many parents were honest in saying that if given the choice between telling the truth on a witness stand (if it were a truth that could cause harm to their child) and protecting their child, they are likely to perjure themselves. Not because they are bad people but because that strong instinct to protect your own child runs so deep. The simple fact is that many parents would simply be a poor and frustrating witness.

For some parents there can be a tension between loyalty to your own child and an obligation to society. Some parents might find they are very, very angry with their child and others may feel hurt when they find out he or she has committed an offense. Some feel strongly that their children should receive stiff consequences. But a parent who might discipline or even go to law enforcement for help should never be made to “turn” on their child. The job of a parent is to protect their child until they are ready to stand on their own two feet.

I want to close by saying that most parents assume that the parent child privilege is already in place. It seems so counterintuitive that other relationships are protected, yet this very important and intimate relationship is not. I urge the committee to report this bill out favorably. You will have the support and approval of many families across the Commonwealth.