

A MOTHER'S NIGHTMARE:

My adult son has an Intellectual and Developmental Disability. He functions as a 10 year old child. His memory is poor, his verbal and communication skills are poor. He is highly suggestible and a people pleaser. He is currently on the registry.

When he was 21, our world was turned upside down. Our journey within the criminal "justice" system began. We were completely blindsided by the lack of knowledge and concern in this system. I grew up believing that a person is innocent until proven guilty. I was so very wrong. My son was questioned and manipulated by the police. There was no one there to advocate for him. My husband was there, waiting in another area. It is evident to anyone that my son is not capable, however our laws say that he is an adult and therefore he is competent. I beg to differ. His impairments are well documented. While he did not confess, his inability to answer questions apparently were misconstrued.

He was placed in jail until bond court. It was a Holiday weekend, so he was there for four days, not having any idea of what could happen, or why he was there, and where was his family? We were not allowed to speak to him, he was not allowed to look at us. He was placed in isolation, only for his own protection. He did not know if it was safe to drink the water in the sink. He was frightened, he prayed.

Then the court process began. He was found incompetent to stand trial by 2 doctors, one a forensic psychologist. Our choice now was to somehow, restore him to fitness, or he would be sent to a mental institution, indefinitely. He had not been found guilty, he was not mentally ill. We began months of him seeing a psychologist and memorizing terms. Cognitive impairment cannot be fixed. He still had no understanding of the court process or possible outcomes. At the hearing to determine if he was now "fit" the judge asked one question. What state do you live in? My son replied the United States. And he was determined fit to stand trial. Again I heard, he is an adult. The laws are black and white.

We were advised to accept a plea deal to avoid a long prison sentence because, and I quote, "he is not capable of defending himself, we will lose in trial and he will go to prison, the prosecutor will rip him apart and make him confess to anything." How is this justice? We felt like we were throwing our son's life away by accepting a plea, but he could not go to prison. This is a choice and responsibility that I struggle with daily. No one should have to decide this for another human being who cannot decide for themselves.

Nothing will ever be ok again. He has already had to move twice because of residence restrictions. He cannot live independently, if he were chronologically a 10 year old, we could be charged for letting him live alone! Therefore, we had to sell our home. We could not find anyone to rent to us. We purchased one that for now is acceptable to the restrictions. We live in constant fear that someone will tell us he cannot live here any longer. I want to have a home. I want to know that he will be cared for when we are gone. We worked towards this for 26 years. My son hides, he is isolated. He is afraid, he cannot understand the registry, and he can barely read it.

We planned for his life since he was born. This destroyed us financially and many other ways. I am in constant fear over what will become of him when we are no longer alive. We are in our 60's. All resources available to a person with a disability are no longer available. He could end up homeless at any time.

The criminal justice system needs reform. Everyone from the police to judges need training. At the time, we were not aware of any resources. We were working in total darkness and my son was at stake. Nothing about this was fair.