

For Immediate Release

May 2, 2005

Contact: Amy Robertson or Tim Fox
303.595.9700 office
303.917.1870 mobile

Colorado Mother and Daughter Sue State: Daughter Not Allowed to Use Minor Driver's Permit Because Mother is Blind.

Authorities Won't Allow Grandfather to Drive with Teen Unless Mother Gives Up Guardianship

DENVER – Julie Barber will not get to practice driving with a responsible adult during the year she is 15 -- contrary to the intent of the Colorado legislature -- because her mother is blind, the Barbers alleged in a lawsuit filed in federal court today. The Colorado Cross-Disability Coalition and the American Council of the Blind of Colorado also joined the suit.

Colorado law permits minors between the ages of 15 and 16 to drive with a parent, stepparent or guardian in the car, provided that adult has a license. The purpose of this provision is to “teach beginning drivers how to drive making certain that they accumulate sufficient behind-the-wheel experience in low-risk settings before they receive an unrestricted driver’s license.”¹ Because Marcia Barber is blind, she does not have a driver’s license.

When it came time for her daughter, Julie, to get a minor driver’s permit, Ms. Barber asked that Julie be permitted to drive with her grandfather, a licensed Colorado driver. (Julie’s father does not live in Colorado.) The state told her that it could not make this accommodation, and Attorney General John Suthers ultimately told Ms. Barber that she would have to assign guardianship of her daughter in order for her to gain the important driving experience that other 15-year-olds get.

“I found that suggestion incredibly insulting,” said Ms. Barber. “The Attorney General was saying that I have to relinquish authority over my daughter so she can do something all other 15-year-olds do,” Ms. Barber added. Carrie Ann Lucas, Director of the Denver-based Center for the Rights of Parents with Disabilities, noted that, “Instead of supporting the integrity of a family, the Colorado Attorney General is trying to break up this family so that a teenager can learn to drive. Sadly, families where a parent has a disability are often needlessly broken up due to discrimination.”

Ms. Barber is joined in the lawsuit by her daughter Julie and a younger daughter who will face the same issue in two years. The Barbers and the two organizations are represented by Amy F. Robertson of the Denver firm of Fox & Robertson. Ms. Robertson stated, “the Americans with Disabilities Act requires the state to make reasonable modifications. What the Barbers are requesting is very reasonable: that Julie be permitted to drive with her mother and another adult with a license.” John Hanigan, of the American Council of the Blind of Colorado, stated, “It’s very important that we ensure that children of blind parents are able to get the driving experience they need without discrimination.”

* * *

¹ Colo. Laws 1999, Ch. 334, sec 1(c).