

As the evidence revealing the sexuality of persons with disabilities in the communities requires extensive fieldwork and is difficult to get, this paper turns to an institutional perspective of the private and family life of persons with disabilities in China. The paper will present the normative framework that persons with psychosocial and intellectual disabilities in China will encounter in having marriage and divorce. It will also collect materials from the cases decided by Chinese courts that have been promoted within the judicial system, and then will examine the materials with a lens of understanding the barriers faced by persons with disabilities in enjoying their right to family life and living independently and being included in the community. The collected data presents an interestingly mixed picture: on the one hand, the existence of psychosocial or intellectual disability constitutes a barrier to entering marriage; on the other hand, once married, the psychosocial or intellectual disability is often used as a reason for denying a person's request to divorce, thereby preventing them ending the marriage. The paper will discuss the reasons why it is the case, including the possible eugenic reasons and protection from sexual exploitation behind the law and the reality that marriage and family support is the one of the few, if not only, safety net a person with psychosocial or intellectual disabilities could get in the community.