



The Rights of People with Disabilities Who Want to Adopt or Be Foster Parents

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What disability rights laws protect people with disabilities who want to adopt or be foster parents?

There are two laws that protect people with disabilities who want to adopt children from a government adoption agency or be foster parents. These laws are the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act.

- There are two parts of the ADA that protect people with disabilities from being mistreated. One part tells state, city, and town governments what to do. The other part tells businesses what to do.
- Section 504 is for businesses and organizations that get money from the federal government, like child welfare agencies.

What is adoption?

The law says that people who **adopt** children are responsible for them.

- In the United States, there are two kinds of adoptions: **public adoptions** and **private adoptions**.
- Public adoptions are usually for children in foster care. Different people and organizations run private adoptions, like lawyers and agencies. Courts and agencies pick who can adopt children based on facts about the adopters' life. This information includes age, money, people in their family, and health.
- Some people choose to adopt children outside the U.S. This is called international adoption. Every country decides who is allowed to adopt children from their country.

Protections for Parents with Disabilities Under the ADA and Section 504 of the Rehabilitation Act

ADA

State and Local Governments



Public Schools



Courts



Lawyers' Offices



Sports Stadiums



Public Transportation



Public Hospitals



Restaurants



Private Hospitals & Clinics

ADA

Businesses Open to Everyone

Section 504 of the Rehabilitation Act

Agencies and Organizations That Get Money from the U.S. Government



Hospitals



Universities



Child Welfare Agencies

What is foster care?

Foster care is a program that takes care of children if they can't live with their families. Child welfare agencies run foster care programs.

- People can become foster parents by applying with their local agency.
- Agencies get to pick who can become a foster parent.
- Some foster parents end up adopting the children they take care of.

Who does the law protect?

The ADA and Section 504 say that people who have a hard time learning, moving, or thinking can have a disability.



It also says that people who are sick for a long time can have a disability. To get protections under the ADA and Section 504, their disabilities must make it hard for them to do daily life tasks.

Some of these disabilities include intellectual disabilities, blindness, Deafness, heart disease and diabetes. Some daily life tasks include taking care of yourself, working, reading, learning, walking, hearing, and seeing.

You are also protected if you had one of these problems in the past. For example, adoption and foster care agencies can't discriminate against someone who had cancer in the past but doesn't have it anymore. They don't have a disability, but they are being treated like they have a disability because of their history.

You are also protected if people think you have a disability. For example, adoption and foster care agencies can't discriminate against someone who has burns on their face. The burns aren't a disability if they don't make it hard to do things in their daily life. But they are still being treated differently.

Rights Under the ADA and Section 504



No Unfair Treatment



Being Included



Having the Same Chances



Making Changes



Understandable Communication



Accessibility and Usability

What are my rights as an adoptive or foster parent with a disability?

- Agencies can't stop you from adopting or fostering just because you have a disability.
- You are allowed to use programs and services that other people in your situation can use.
- Agencies are supposed to change rules and programs if you need help.
- You are allowed to get help with communication. Agencies are supposed to let you know about their programs in ways you can understand. Some kinds of help include sign language interpreters, Braille, and screen readers.
- People with disabilities should be able to get in and out of most agency buildings. New buildings must be totally accessible.

What are examples of unfair treatment by adoption or foster care agencies?

- Buildings that wheelchair users can't get in and out of.
- Not letting people know about their programs in ways they can understand.
- Not making changes to programs and rules.
- Not allowing a person with a disability bring their service animal inside.
- Not giving someone help because they have a disability.

How do the ADA and Section 504 help parents who want to adopt children from another country?

- The ADA and Section 504 only work in the U.S. They don't work in other countries.
- Private adoption agencies in the U.S. that help with international adoptions have to follow the ADA. If they are trying to find out how well you can take care of children, they have to do it in an accessible way.

What should I do if I feel I've been treated unfairly?

If you feel you have been treated unfairly because of a disability, contact a lawyer. Every state has a Protection and Advocacy organization. Protection and Advocacy organizations protect disabled people's rights. They give free legal help to people with disabilities. Parents with disabilities can also complain to the U.S. Department of Justice and the U.S. Department of Health and Human Services. Some states can also help if people with disabilities are treated unfairly.

There are strict deadlines for sending in complaints.

It's important to act fast to protect your rights!

Getting Help When You Are Being Discriminated Against



Contact a Lawyer



Contact Your State's
Protection and Advocacy
Organization



Contact the U.S. Department of
Justice or the U.S. Department
of Health and Human Services