



The Rights of Parents with Disabilities in Child Welfare and Family Law

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What disability rights laws protect parents with disabilities dealing with the child welfare system or family law?

Both the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act cover public agency adoptions and foster care.

- Title II of the ADA covers state and local (city and town) governments and their agencies, including child welfare agencies and courts.
- Title III of the ADA applies to businesses that are open to everyone, like lawyers' offices, private adoption agencies, and workers who talk to parents to see how well they can care for children.
- Section 504 of the Rehabilitation Act covers organizations that get money from the federal government, such as child welfare agencies.

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

Section 504 of the Rehabilitation Act

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



Hospitals



Universities



Child Welfare Agencies

What is the child welfare system and family law?

- Sometimes parents with disabilities are involved with the child welfare system or family courts.
- States and local governments have child welfare agencies (also known as Child Protective Services) that supports families and studies reports of child abuse or neglect.
- The child welfare system includes child welfare agencies, state courts, and other services and supports, such as mental health, substance abuse, and domestic violence.
- The family law system deals with matters related to families, such as divorce, custody, and visitation. Most family law cases are handled in state courts.



Who is protected under the ADA and Section 504?

What Disability Means Under the ADA and Section 504

- Problems with thinking, moving, or learning, or being sick for a long time.
- History of disability
- Being seen as disabled



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, an organization can't discriminate against someone who used to have cancer. They don't have a disability now, but because of their history they are being treated like it.

You are also protected if people think you have a disability. Agencies can't discriminate against someone because they have burns on their face. The burns are not a disability if it doesn't make it harder for them to do things. However, they are still being treated differently.

What are my rights as a parent with a disability?

- Agencies aren't allowed to turn you away just because you have a disability.

- You are supposed to have an equal chance to get the programs and services you need if you meet the organization's guidelines.
- You can have changes made to programs and services so you can get the help you need.
- You have the right to be communicated with in ways you can understand. Some of these ways include captioning, sign language, and videophone chats.
- Most buildings should be fully accessible to people with disabilities, and all new buildings must be completely accessible.

Rights Under the ADA and Section 504



No Unfair Treatment



Being Included



Having the Same Chances



Making Changes



Understandable Communication



Accessibility and Usability

How are parents discriminated against in the child welfare system and family law cases?

- Buildings that are not wheelchair accessible.
- Not providing a sign language interpreter, computer assisted real-time transcription (CART) services, or documents in Braille.
- Not providing a reasonable modification, such as a parenting class for parents with disabilities.
- Refusing to let a person with a disability bring their service animal inside.
- Not providing a service to a person because of their disability.
- Terminating parental rights based only a parent's disability.

What should I do if I believe I have been discriminated against?

Contact a lawyer. Each 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 send a complaint 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 being treated unfairly because of their disability.

There are strict deadlines for filing 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