



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

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

Both the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act apply to 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 privately owned businesses that are open to the public, such as attorneys' offices, private adoption agencies, and parenting evaluators.
- Section 504 of the Rehabilitation Act covers entities that receive federal funding, such as child welfare agencies.

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

Title II of the ADA

State and Local Governments



Public Schools



Courts



Public Transportation



Public Hospitals



Attorneys' Offices



Sporting Venues



Restaurants



Private Hospitals & Clinics

Section 504 of the Rehabilitation Act

Agencies and Organizations That Receive Federal Funding



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 law disputes.
- Each state or locality has a child welfare agency (also known as child protective services) that is responsible for investigating reports of child abuse or neglect and supporting families.
- 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 disputes are handled in state courts.



Who is protected under the ADA and Section 504 of the Rehabilitation Act?

Definition of Disability under the ADA and Section 504

- Physical or mental condition that substantially limits ≥ 1 major life activity
- Record of disability
- Being perceived as disabled



The ADA and Section 504 of the Rehabilitation Act protect people if they have a physical or mental impairment that substantially limits one or more major life activities.

Examples of physical or mental impairments include cerebral palsy, intellectual disabilities, muscular dystrophy, diabetes, cancer, HIV, epilepsy, schizophrenia, bipolar disorder, heart disease, blind or low vision, and Deaf or hard of hearing.

Examples of major life activities include caring for one's self, working, reading, learning, walking, hearing, and seeing.

The ADA and Section 504 of Rehabilitation Act also protect people who have a record of having an impairment. For example, entities cannot discriminate against someone who had cancer but is now in remission. They do not have a disability now, but because of their history they are being treated like it.

Finally, the ADA and Section 504 of Rehabilitation Act protect people who are being regarded as having an impairment. For instance, entities cannot discriminate against someone because they have burns on their face. The burns are not a disability if they do not affect their ability to do things. However, they are still being treated differently.

What are my rights as a parent with a disability?

- Agencies cannot refuse to serve you just because you have a disability.
- You are entitled to an equal opportunity to participate in programs and services for which you are qualified.
- You are entitled to reasonable modifications to policies and procedures.
- You are entitled to equally effective communication including any needed auxiliary aids and services, such as sign language interpreters, captioning, videophones, readers, Braille, and audio recordings.
- Most buildings should be fully accessible to people with disabilities, and all new buildings must be completely accessible.

Requirements of the ADA and Section 504



Nondiscrimination



Integration



Equal Opportunity



Reasonable Modifications



Effective Communication



Accessibility and Usability

What are examples of discrimination against parents with disabilities involved with the child system or family law?

- 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 my rights have been violated?

Contact an attorney. Each state has a [Protection and Advocacy organization](#) that provides free legal assistance to people with disabilities.

Parents and prospective parents with disabilities can also file a complaint to the [U.S. Department of Justice](#) and the [U.S. Department of Health and Human Services](#). Some states also have agencies that can investigate discrimination complaints.

There are strict deadlines for filing complaints. **It's essential to act quickly 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