



## Introduction

The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act requires public and private agencies and organizations to provide parents with disabilities equal access to all aspects of parenting. These laws protect prospective parents as well. Title II of the ADA applies to local (e.g. county, city or town) and state governments and their agencies. Title III of the ADA applies to privately owned businesses that are open to the public. Section 504 of the Rehabilitation Act applies to entities that receive federal funding.

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

Under the ADA and Section 504 of the Rehabilitation Act, a person with a disability is someone who has a 1) **physical or mental impairment** that substantially limits one or more **major life activities**; 2) a **record** of such an impairment; or 3) is **being regarded** as having such an impairment.

**Physical or mental impairments** include, but are not limited to, 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.

**Major life activities** include, but are not limited to, caring for one's self, working, reading, learning, walking, hearing, and seeing.

## What are entities required to do under the ADA and Section 504 Rehabilitation Act?

- Not discriminate based on disability
- Serve people with disabilities in the most integrated setting possible
- Ensure that people with disabilities have an equal opportunity to participate in services, programs, and activities
- Provide reasonable modifications to policies, programs, and procedures, so that people with disabilities can access services, programs, and activities
- Offer effective communication, including auxiliary aids, as needed
- Be accessible and usable by people with disabilities

### Definition of Disability under the ADA and Section 504

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



# How do the ADA and Section 504 of the Rehabilitation Act help parents and prospective parents with disabilities?

The ADA and Section 504 of the Rehabilitation Act protect parents with disabilities in a variety of circumstances. Here are some examples:

- State and local government agencies, such as schools, child welfare agencies, courts, public transportation, and public hospitals, must comply with the mandates of Title II of the ADA.

- Privately owned businesses that are open to the public, such as clinics, hospitals, attorneys' offices, restaurants, and sporting venues, must comply with the mandates of Title III of the ADA.
- Section 504 of the Rehabilitation Act covers agencies and organizations that receive federal funding, such as child welfare agencies, hospitals, and universities.

All of these agencies and organizations must comply with the legal mandates described above.

## 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

### Title III of the ADA

Private Businesses Open to the Public



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

## Requirements of the ADA and Section 504



Nondiscrimination



Integration



Equal Opportunity



Reasonable Modifications



Effective Communication



Accessibility and Usability

## What should parents and prospective parents with disabilities do if they believe their rights were violated?

If a parent or prospective parent with a disability was discriminated against because of their disability or denied a reasonable modification, including effective communication, their rights are protected under the ADA and Section 504 of the Rehabilitation Act.

Examples of possible violations include:

- Buildings that are inaccessible to wheelchair users.
- Denying a sign language interpreter, computer-assisted real-time transcription (CART) services, or documents in Braille
- Refusing to provide a reasonable modification, such as extended time or individualized assistance
- Prohibiting a service dog from entering a building
- Denying a service or program because someone has a disability

Anyone who believes their rights were violated should **contact an attorney as soon as possible**. 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