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.

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.

| Protections for Parents with Disabilities Under the ADA and Section 504 of the Rehabilitation Act |
| ADA State and Local Governments | ADA Businesses Open to Everyone |
| Public Schools | Courts |
| Public Transportation | Public Hospitals |
| Sports Stadiums |

| Section 504 of the Rehabilitation Act Agencies and Organizations That Get Money from the U.S. Government |
| Hospitals |
| Universities |
| Child Welfare Agencies |
Who is protected under the ADA and Section 504?

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.

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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.