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Advocating With Parents When the State is involved

Presented by Leah Salerno, Attorney

Understanding the Issue: Why is the State involved?

- ▶ National Counsel on Disability. Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and their Children.
<https://www.ncd.gov/publications/2012/Sep272012>

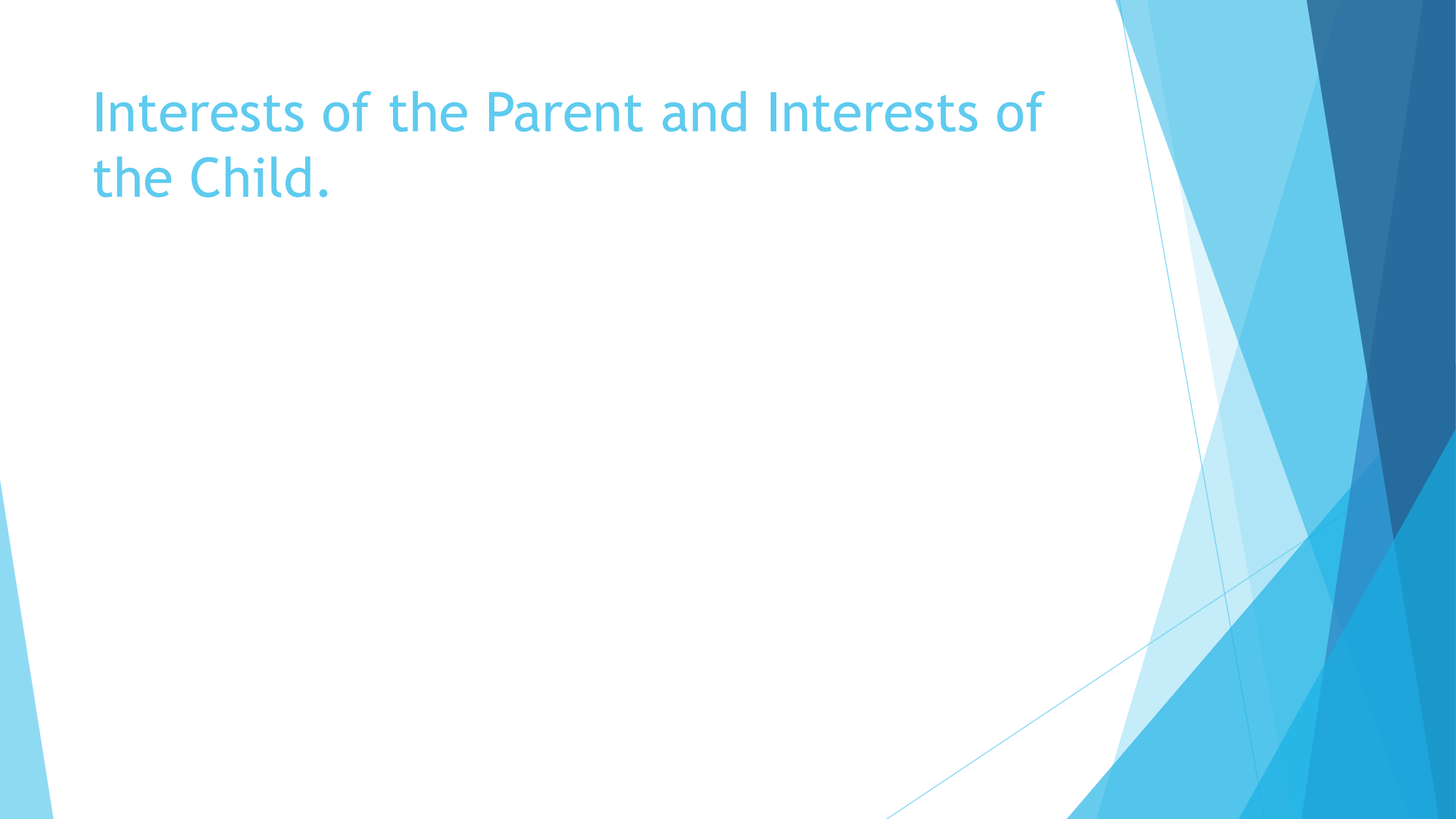
Remembering your Role: to support the parent through the process

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Making sure you are working with the parent: things to keep in mind.

- ▶ Don't assume what parent wants or needs
- ▶ Stay up to date and in contact with parent
- ▶ Ask about their concerns
- ▶ Check in periodically to see if goals change
- ▶ Follow through on what you say you'll do

Interests of the Parent and Interests of
the Child.

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Know the Stage of the Process

- ▶ Get familiar with child welfare system in your jurisdiction
- ▶ The stage of the process will help determine what advocacy tools may be useful

Advocacy Team

- ▶ Can constantly be growing

Advocacy Tools

- ▶ Natural Supports
- ▶ Services offered in Child Welfare System
- ▶ Other State Agencies
- ▶ Private non-profits or other services
- ▶ Parenting Evaluations
- ▶ The Court Process
- ▶ Americans with Disabilities Act (ADA)

Natural Supports



Services offered in Child Welfare Services

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Other State Agencies



Private Non-Profits or Other Services

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Parenting Evaluations

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The Court Process

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Americans with Disabilities Act (ADA)

- ▶ DOJ and HHS. Protecting the Rights of Parents and Prospective Parents with Disabilities: Technical Assistance for State and Local Child Welfare Agencies and Courts under Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.
https://www.ada.gov/doj_hhs_ta/child_welfare_ta.html
- ▶ DOJ and HHS. Joint Letter of Findings to the MA Dept. of Children and Families. https://www.ada.gov/ma_docf_lof.pdf

ADA and Discrimination: What to look for

- ▶ Diagnosis as the safety threat without anything else
- ▶ Speculations without justification
- ▶ Over emphasis on diagnosis
- ▶ Removing child(ren) before a safety event, especially if based on diagnosis
- ▶ Not liberalizing visitation without real safety threats
- ▶ Delay in providing services
- ▶ Service providers not modifying services if necessary
- ▶ Acting like services are futile

Things to do before having a case:

- ▶ Reach out to self-advocacy orgs in your area to find out what parents are experiencing
- ▶ Understand the dependency and termination process
- ▶ Talk to your P & A, get them involved: <https://www.ndrn.org/about/ndrn-member-agencies/>
- ▶ Advocate to get competency based evals in your area
- ▶ Find out what services are available (through child welfare and elsewhere)
- ▶ Find out what the DOJ complaint process is
- ▶ Do trainings with advocates and potential advocates in your area

When the case is in front of you:

- ▶ Find out what the parent wants their parenting situation to look like
- ▶ Find out who their natural supports are
- ▶ Help parent expand natural supports
- ▶ Ask for group decisions meetings, attend as many meetings as possible even if it is by phone
- ▶ Make sure service providers are qualified and that any services are working
- ▶ Make sure services are appropriate (ask for appropriate evaluation if needed)
- ▶ Raise the ADA in every stage of proceeding possible

Discussion

