

Promoting the Rights of Parents with Disabilities

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The Arc of the United States

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Good Morning

Introductions and how this
session will run.

Historical Overview

- Eugenics/Sterilization as official policy
- Buck v. Bell

Disability Rights Movement

Demanding our rights

You Make a Difference!

- Sec. 504 of the Rehabilitation Act
- The Americans with Disabilities Act (ADA)

Rights of Parents with Disabilities

National Council on Disability

- Rocking the Cradle Report

DOJ & HHS

- Technical assistance

Federal Government

**Nondiscrimination Protections
(of the ADA and Section 504)
apply to State and Local Child
Welfare Agencies and Courts**

State Laws

- Having a disability as a basis for terminating parental rights
 - Some laws with disability as the sole grounds for termination without evidence of abuse or neglect

State Laws (cont.)

- Laws that prohibit discrimination against parents with disabilities

For example:

- custody or visitation decisions based on evidence
- assessments
 - necessary accommodations

State Laws (cont.)

Map of Current State Legislation
Supporting Parents with Disabilities
at:

[https://heller.brandeis.edu/parents-
with-disabilities/map/index.html](https://heller.brandeis.edu/parents-with-disabilities/map/index.html)

Questions?

Contact:

Burgdorf@thearc.org

How Do Section 504 and the ADA Apply to Child Welfare Practices

Carla Carter, J.D.

Office for Civil Rights

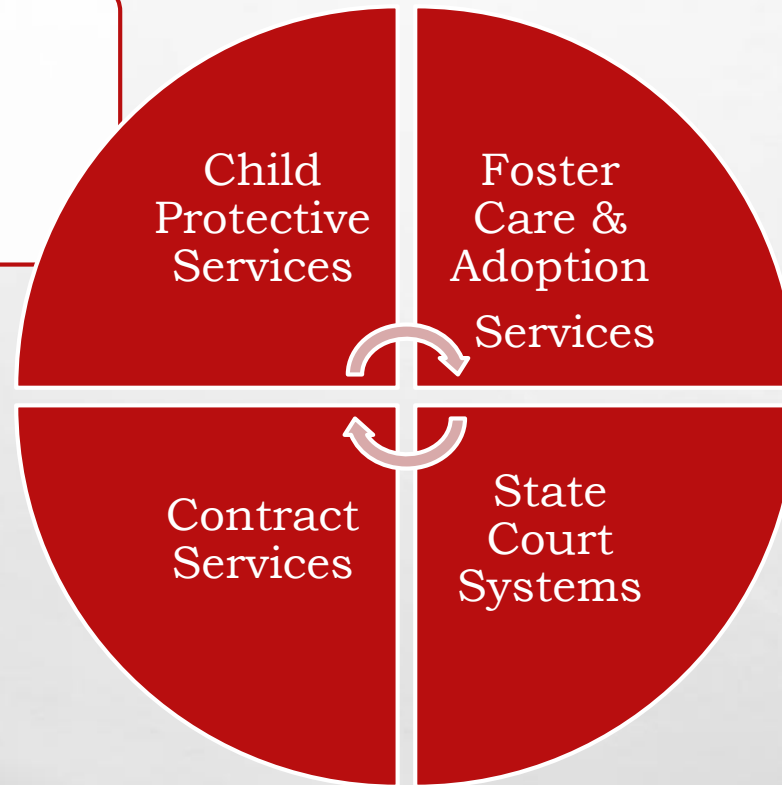
Investigations
Technical Assistance
Outreach
Training



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The Child Welfare System

- Hospital
Schools
Police
- Neighbors



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What are Reasonable Efforts?

- ☐ Actions federally funded agencies must make to prevent the necessity of removal of a child from the child's home
- ☐ Actions federally funded child welfare agencies must make to reunify children with their families



Federal Disability Rights Laws

Section 504 of the Rehabilitation Act of 1973
Title II of the Americans with Disabilities Act of 1990



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Protected Individuals

Children and Parents, Relatives/Kin, Companions,
Legal Guardians, Foster Parents, Adoptive Parents and
Prospective Foster/Adoptive Parents



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Covered Programs and Activities

State and local child welfare
agencies

State Court Systems

Private and Non- Profit Agencies

Child Placing Agencies

Mental Health Providers

Substance Abuse Programs

CPS Investigations

Safety and Risk Assessments

Removal of Children from their
Homes

Provision of in-home services

Case plans and Svc. Agreements



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What Must Child Welfare Entities Do

- ☐ Individualized Treatment
- ☐ Full and Equal Opportunities



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Case Examples




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HHS/DOJ Technical Assistance




U.S. Department of Health
And Human Services
Office for Civil Rights
Administration for Children
And Families



U.S. Department of Justice
Civil Rights Division
Disability Rights Section



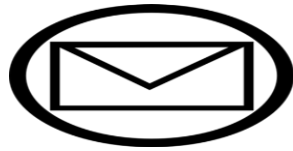
U.S. Department of Health
And Human Services
Office for Civil Rights
Administration for Children
And Families



U.S. Department of Justice
Civil Rights Division
Federal Coordination and
Compliance Section



Contact OCR



Email OCR: ocrmail@hhs.gov

Mailing Address:
Centralized Case Management Operations
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Room 509F HHH Bldg.
Washington, D.C. 20201



Call OCR:

Toll Free: (800) 368-1019
TDD Toll-Free: (800) 537-7697

File a Complaint:

<https://ocrportal.hhs.gov/ocr/smartscreen/main.jsf>



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