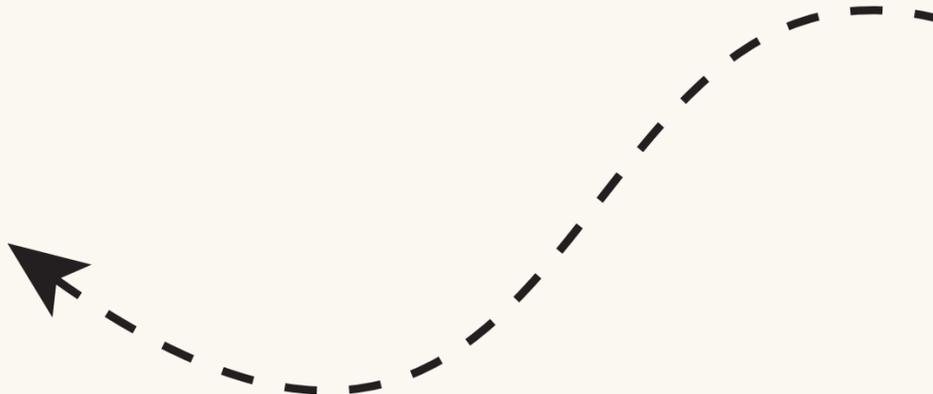
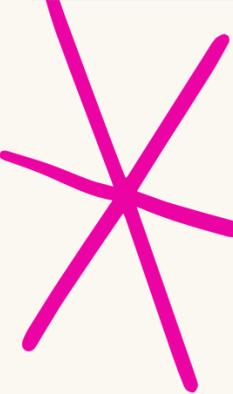


By Kelli Nagel J.D.
She/Her/Hers

Carrie Ann Lucas Civil Rights Director
Colorado Office of Respondent Parent Counsel



Let's Be Creative!

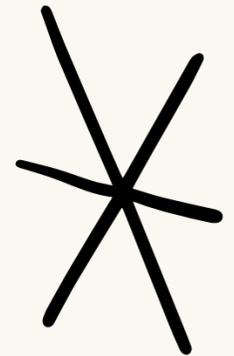


**BEST PRACTICES FOR SUPPORTING PARENTS
WITH INTELLECTUAL AND DEVELOPMENTAL
DISABILITIES NAVIGATING THE CHILD
WELFARE SYSTEM**



Agenda

1. Who am I?
2. The Law
3. The Disparities
4. Demystifying Disability
5. Doing this Better
6. Brainstorm



WHO AM I?

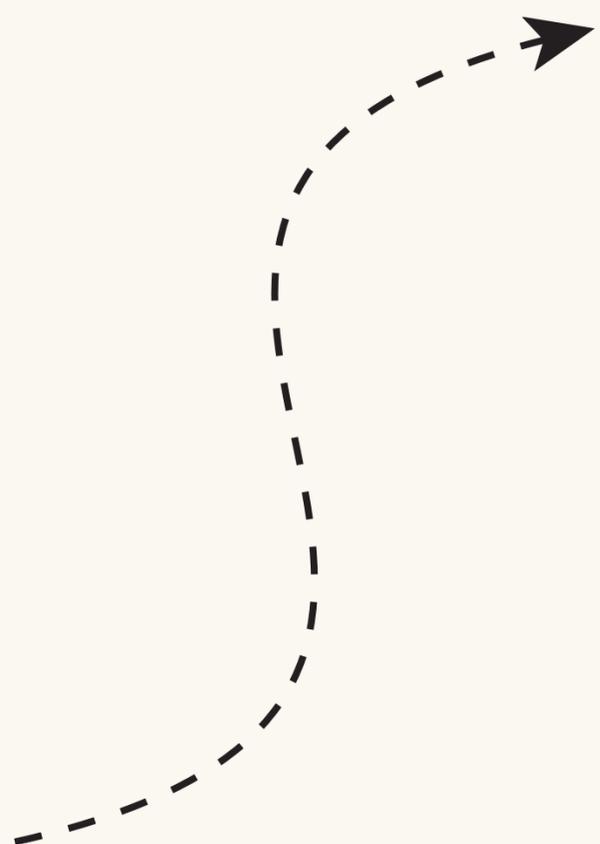
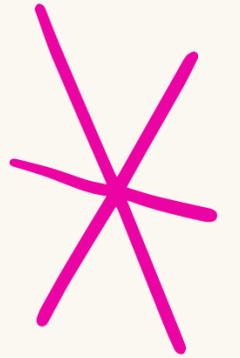


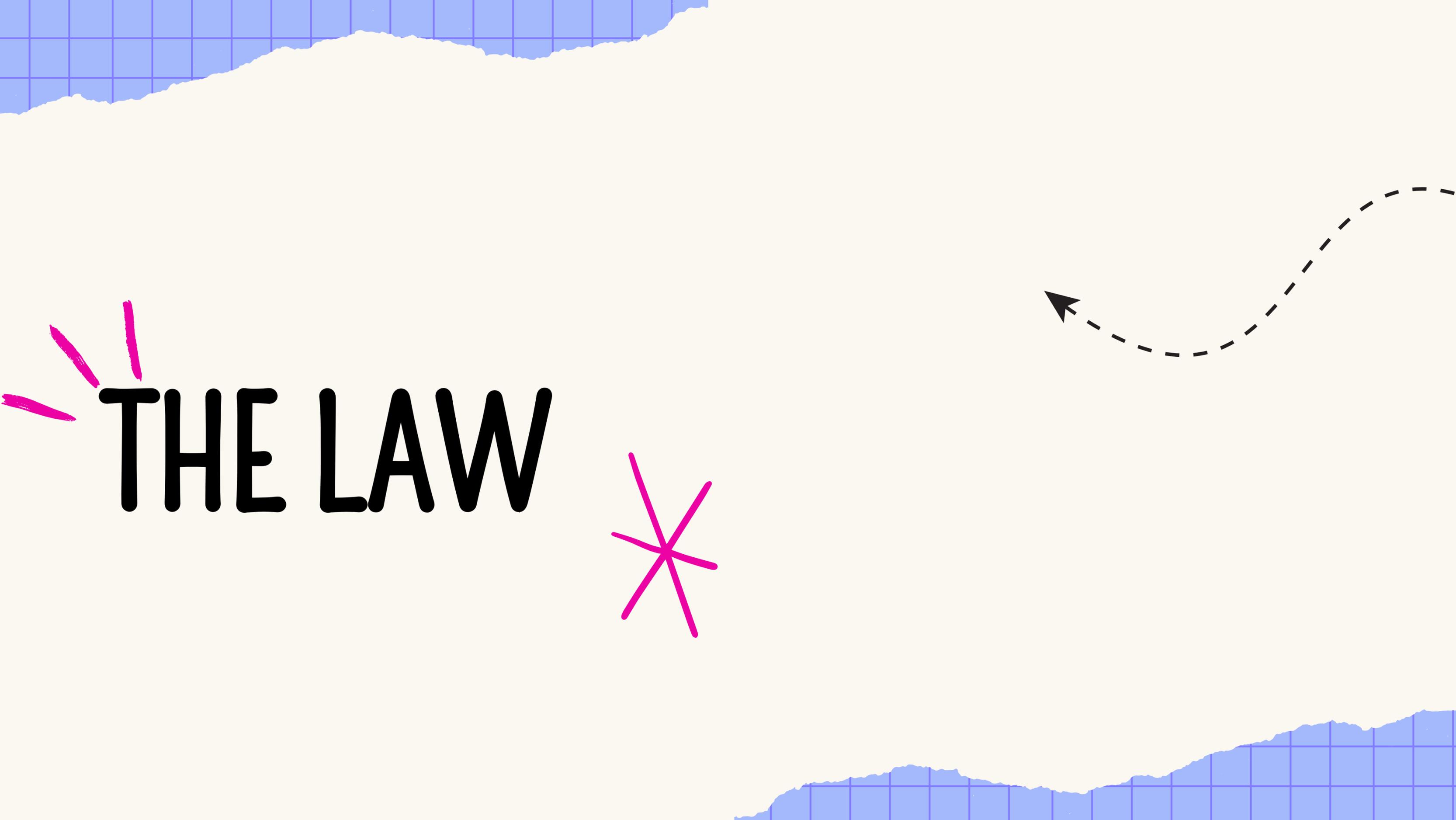
Kelli Nagel
She/Her
Carrie Ann Lucas Civil Rights Director
Colorado Office of Respondent Parent Counsel
Attorney
Social Work Student
Future Parent



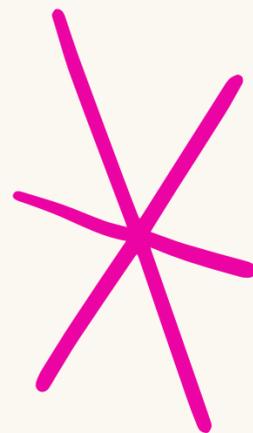


WHO IS HERE IN THE AUDIENCE?





THE LAW



APPLICABLE LAWS



- **AMERICANS WITH DISABILITIES ACT**

Prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and public/private places. It ensures equal opportunity, access, and participation, requiring reasonable accommodations in employment and accessibility in public facilities.

- **SECTION 504 OF REHABILITATION ACT**

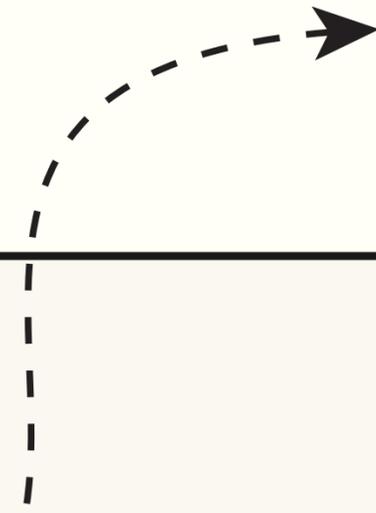
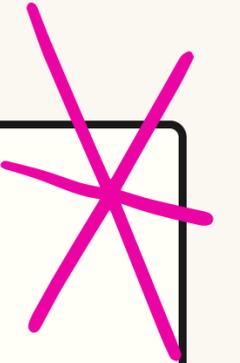
Prohibits discrimination on the basis of disability in programs conducted by federal agencies or receiving federal funds.

- **CARRIE ANN LUCAS PARENTAL RIGHTS FOR PEOPLE WITH DISABILITIES ACT**

Parental disability alone cannot serve as the basis for denial or restriction on a parents rights.

- **FEDERAL AND STATE CONSTITUTION**

The right to parent is protected by the 14th Amendment Due Process Clause of the federal constitution.



Americans with Disabilities Act

1 What is a disability under the ADA?

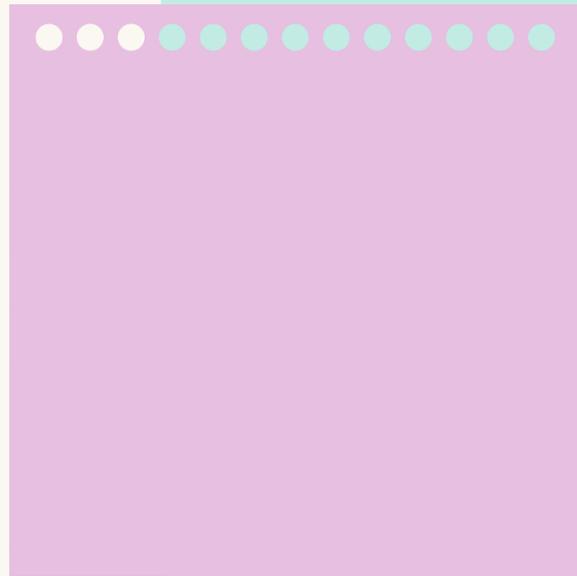
A physical or mental impairment that substantially limits one or more major life activities.

2

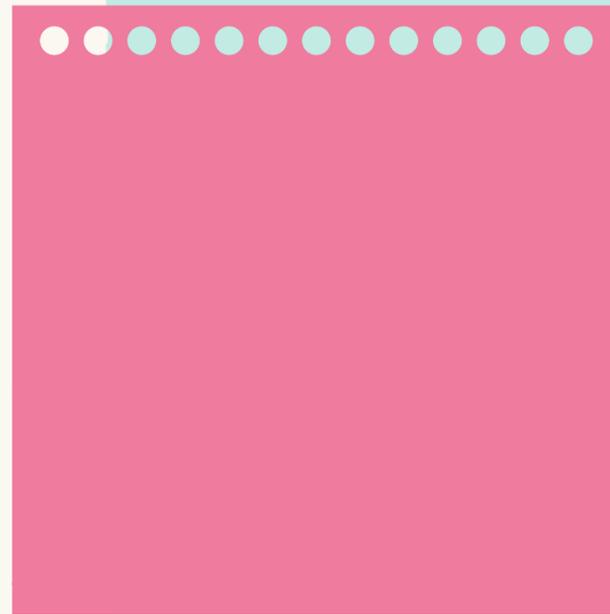
Where does the ADA apply?

In child welfare- to almost all people, places, and all of the time.

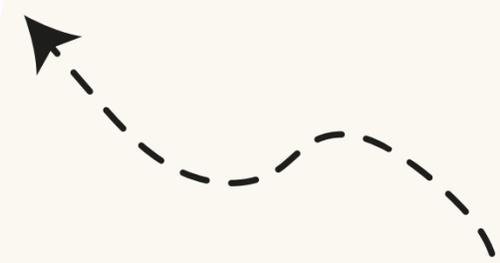
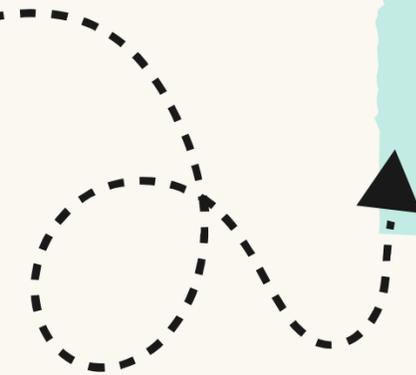
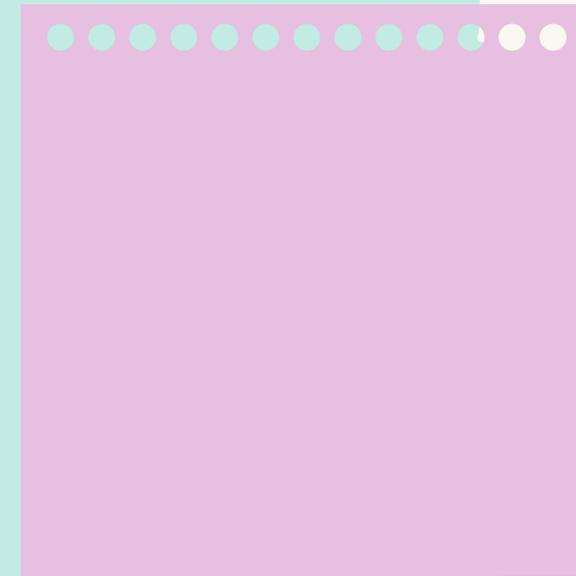
**Do not
Discriminate**



Individualize



**Reasonable
Accommodations**



UNITED STATES CONSTITUTION



- **DUE PROCESS
CLAUSE**

All parents have the same constitutional interests in the care, custody and control of their children,

Parents must have the opportunity to hear and understand testimony, respond to allegations, and communicate with counsel.

All parents have the right to substantive and procedural due process protections in child welfare legal proceedings

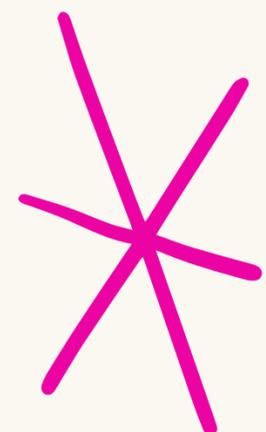
- **REASONABLE
EFFORTS**

Agencies must make reasonable efforts to reunify children and families.

Reasonable efforts need to match the requirements of a reunification plan so that the plan is feasible for the parent to complete.

Reasonable efforts require more than telling the parent the contents of a case plan





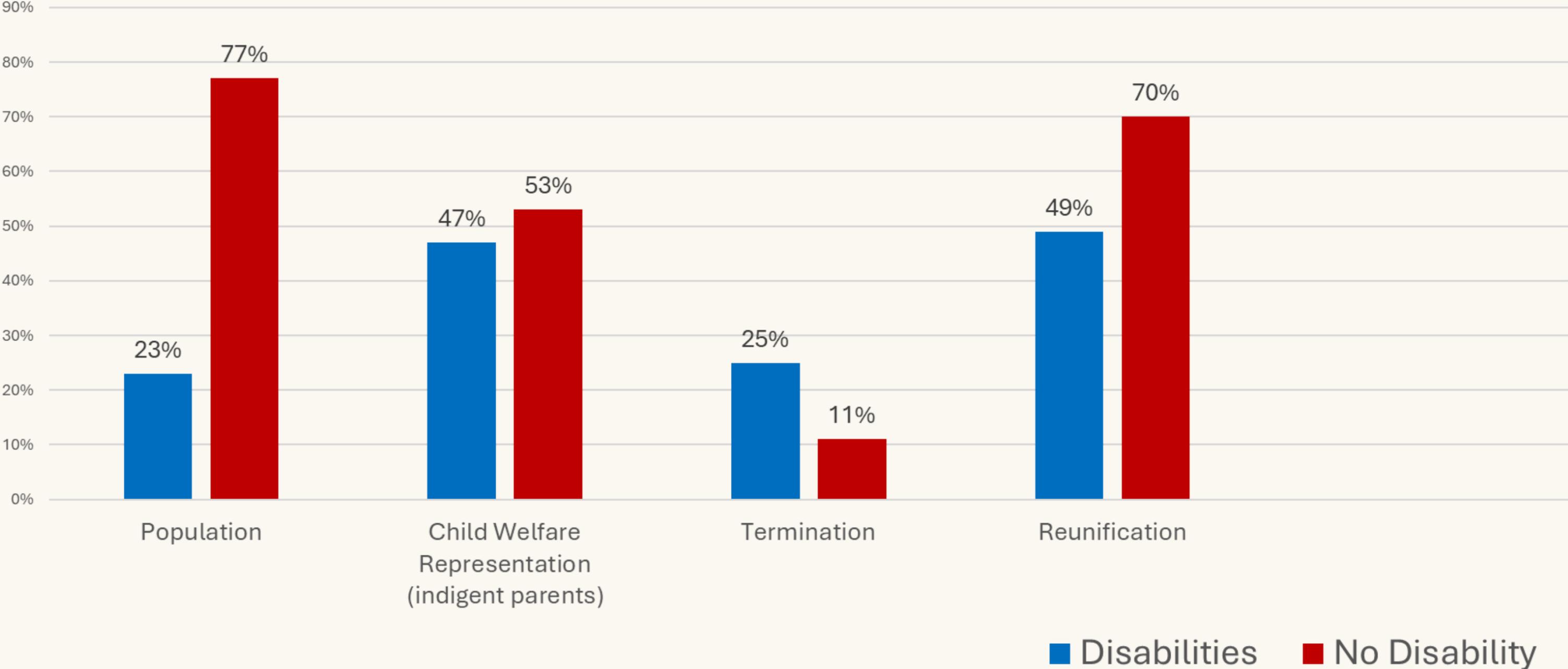
THE DISPARITIES

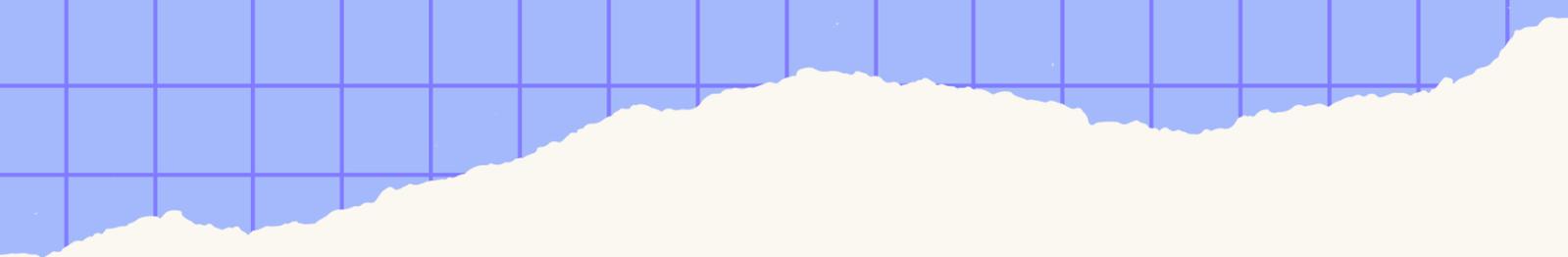
BIAS

Families with disabilities experience disparities at EVERY STAGE of the Child Welfare System

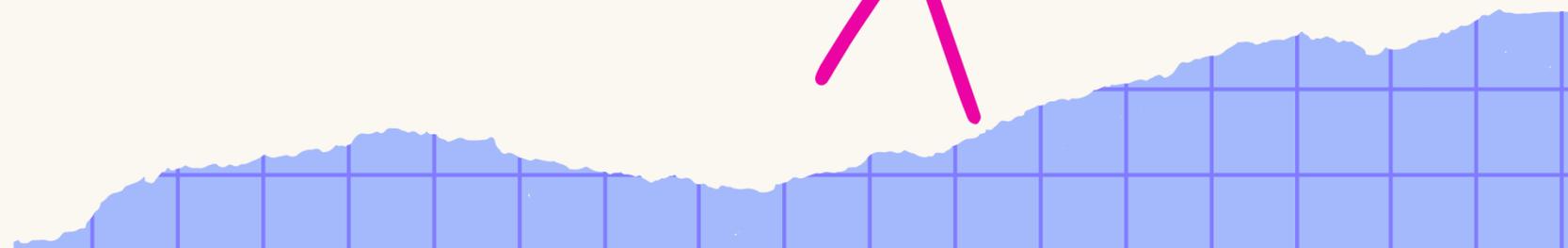
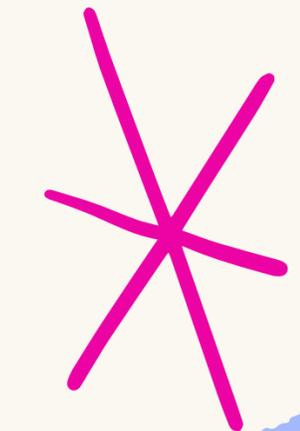
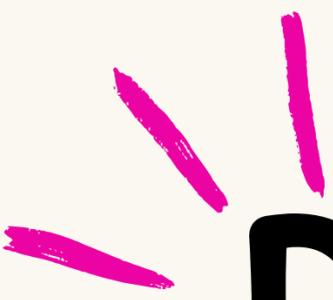


Colorado Disability and Child Welfare Data





DEMISTIFYING DISABILITY



How do you know if someone has a disability?

Apparent physical disabilities

- Client experiences difficulties with walking, seeing, hearing, or some other physical capability.

History of medical conditions

- Prior car wreck, traumatic brain injury, concussion, or other serious medical condition.

Mental Health Treatment

- Client receives treatment or therapy for a mental health condition such as depression, anxiety, PTSD, Bipolar disorder, or another condition.

School Records

- Client had an Individualized Education Plan (IEP, 504 Plan) or received special education services.

Disability Benefits

- Examples are social security disability (SSDI), Medicaid Waivers, or a DD Waiver.

Substance Misuse

- Client has a history of substance misuse. Note that substance misuse is only a qualifying disability if someone is in recovery and not actively using.

EXAMPLES OF DISABILITY

Substance use disorder

Alcohol use disorder

Intellectual disability (IDD)

Traumatic brain injury (TBI)

Diabetes

Autism

Blindness

Deafness

Major depressive disorder

Bipolar disorder

Post-traumatic stress disorder (PTSD)

Obsessive compulsive disorder

Schizophrenia

Cancer

Epilepsy

Dyslexia / other specific learning disability

Attention Deficit Hyperactivity Disorder (ADHD)



DOING THIS BETTER

DISCRIMINATION

Olmstead re
placement

Delays in
evaluating for
disabilities

Different
treatment (incl.
placement)

Failure to
accommodate

Misconstruing
behaviors

Over- & under-
identifying

Over-medicating

Educational
discrimination

Stereotypes to avoid when working with families with disabilities

People with IDD cannot learn.

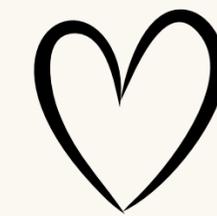
People with X disability are dangerous.

People with X disability cannot parent.

Disabilities are often faked.

People with disabilities live off the government.

Disability symptoms never change or fluctuate.

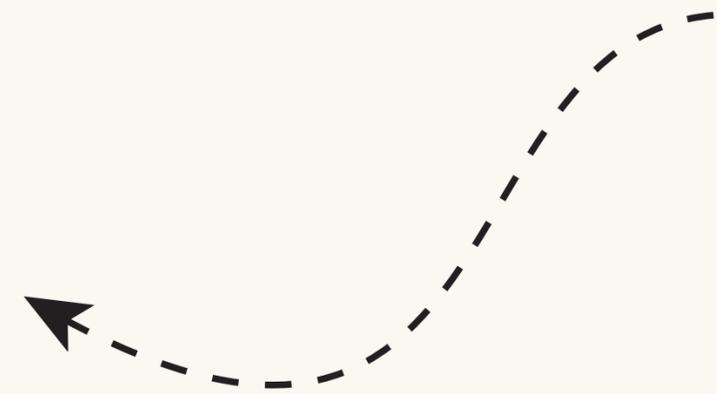


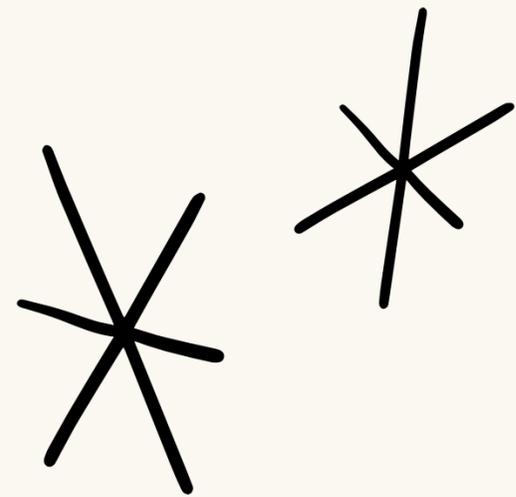
Elevating Lived Experience



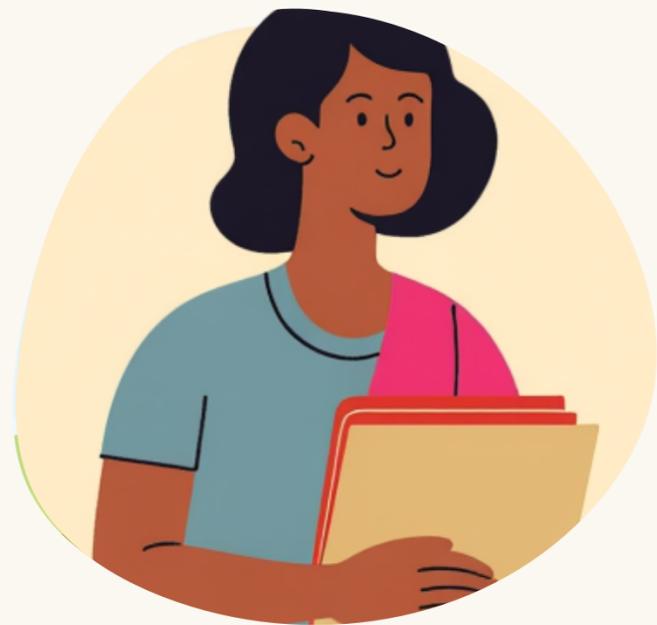
Possess a greater understanding of the unique challenges faced by parents experiencing the child welfare system.

PARENT ADVOCATES





Teamwork



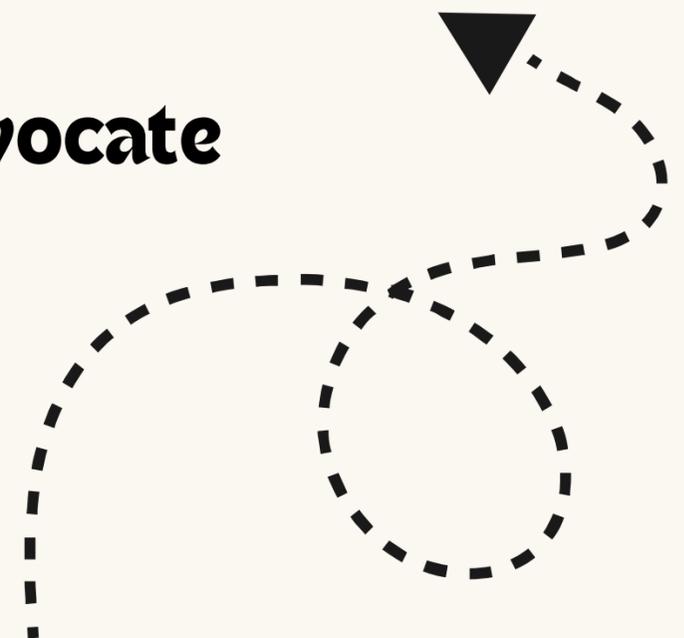
Social Worker



**Respondent Parent
Counsel**



Parent Advocate



2018 Study on the Effect of Interdisciplinary Law Office Representation

Attorney + Team v. Solo Attorney

**Reunification 43%
faster**

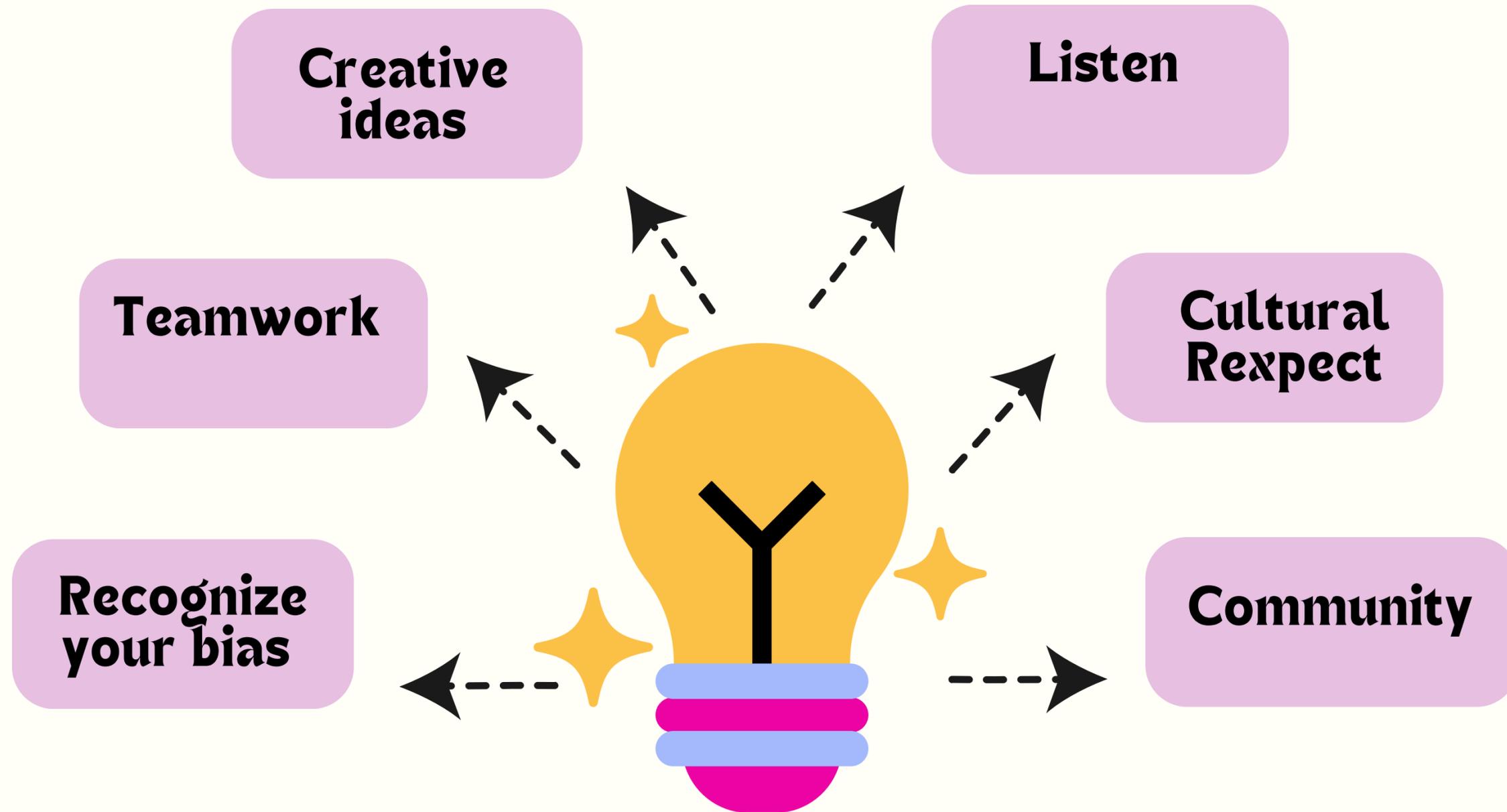
**118 fewer days in
foster care**

**No increased
safety risk for
children**

**Savings of up to
nearly \$40 million
in foster care costs
for NYC**

28,000 cases studied between 2007-2014

PRACTICE POINTERS



FAMILY TIME AND CULTURAL RESPECT

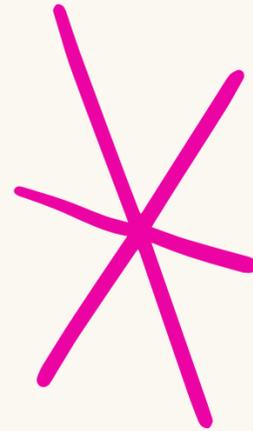


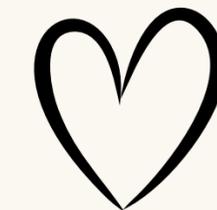
FAMILY TIME MAY LOOK DIFFERENT DEPENDING UPON A FAMILY'S HERITAGE, CULTURE, DISABILITIES, INCOME, TRAUMA, AND OTHER CHARACTERISTICS THAT IMPACT EACH FAMILY'S UNIQUE CHARACTERISTICS.





BRAINSTORM





Reasonable Accommodations



Hi there! I'm Paul!

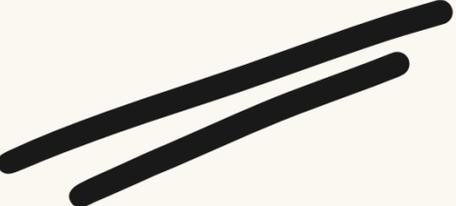
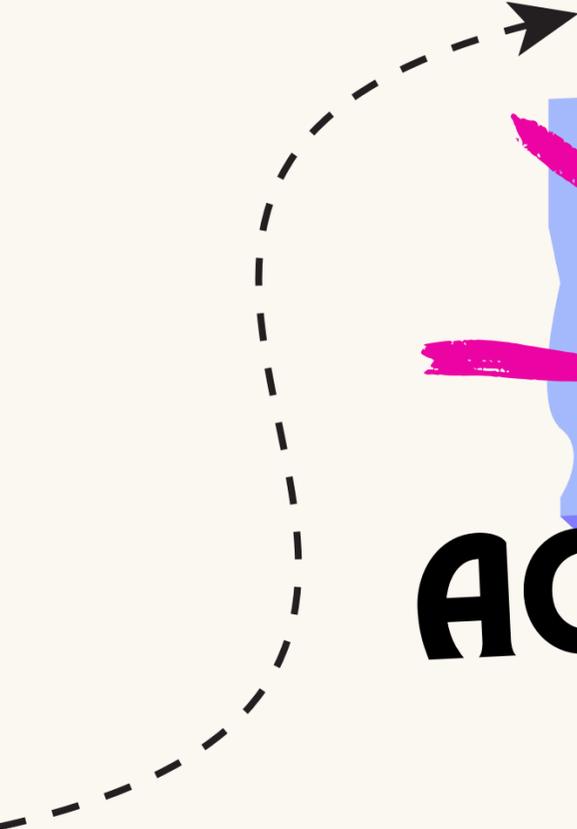


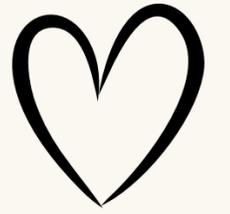
Paul is a dad with a learning disability. As part of his disability, Paul struggles to keep track of dates and times. Paul is court ordered to complete weekly individual therapy, parenting classes, and supervised family time with his son twice per week.





**WHAT ARE POTENTIAL
ACCOMMODATIONS THAT COULD
HELP PAUL?**



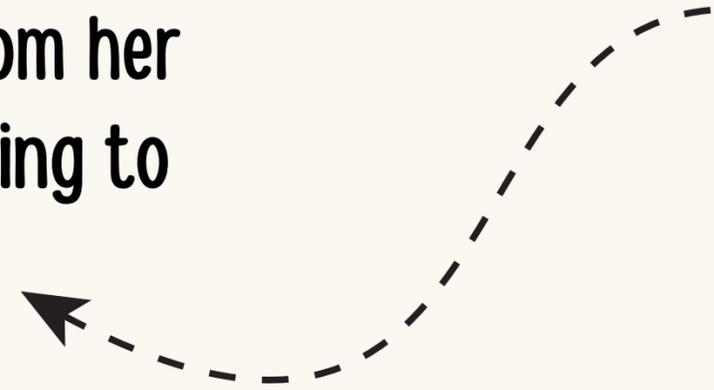


Reasonable efforts



Hi there! I'm Sarah!

Mom Sarah is required to do substance use testing as part of her treatment plan. Sarah uses a wheelchair, and she cannot drive. Public transportation is also not readily available in her neighborhood. The agency working with Sarah has told her that the only testing they can do is UAs 5 miles from her home, and she is responsible for getting to the testing site.





**IS THE AGENCY MAKING
REASONABLE EFFORTS?**

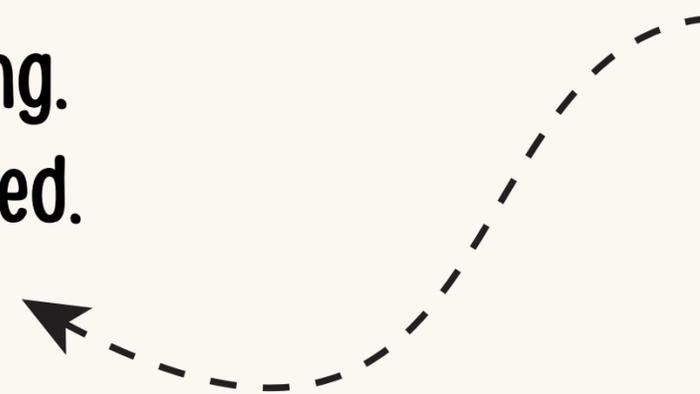


Reasonable Accommodations and Reasonable Efforts



Hi there! I'm Melissa.

Melissa is a Mom with Autism. Melissa has also been diagnosed with PTSD due to prior abuse she endured. Melissa struggles to read and write. Melissa recently qualified for a housing voucher. Her agency social worker gave Melissa a list of 30 possible apartments, but provided her no additional help in securing housing. Melissa feels scared and overwhelmed.

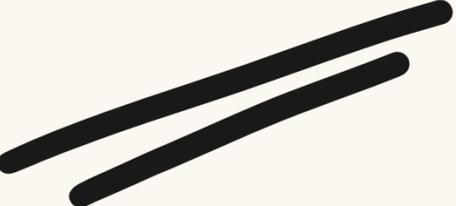
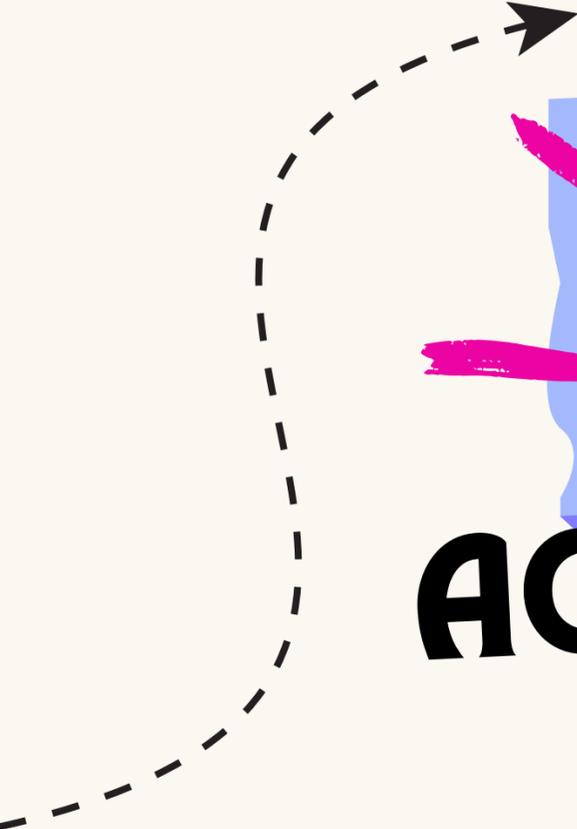




**IS THE AGENCY MAKING
REASONABLE EFFORTS?**

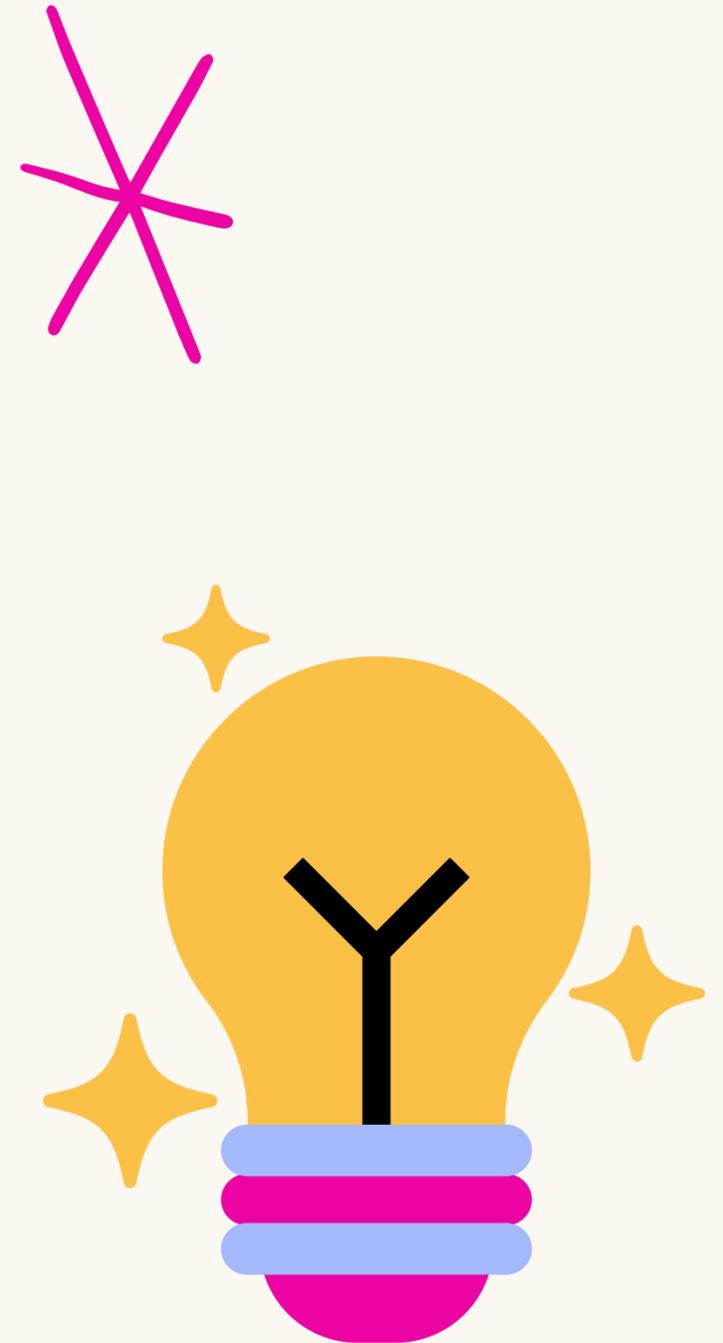


**WHAT ARE POTENTIAL
ACCOMMODATIONS THAT COULD
HELP MELISSA?**





**THANK
YOU!**



Kelli Nagel
Carrie Ann Lucas Civil Rights Director
knagel@coloradoorpc.org