

Tailored Services:

Maryland Strategies and Perspectives
for Representing Intellectually and
Developmentally Disabled Parents
in Child Welfare Cases



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Legal Concepts & Defense for Parents with IDD



- General State & Federal Child Welfare Law
- Specialized Legal Concepts for Parents with IDD
- Effective Defense Strategies using Law & Resources
- Assuring Safe Care from Parents

Support Services & Resources for Reunification



- Sharing Ideas on Support Provision
- Addressing Parent's Specific Needs
- Ensuring Child's Needs are Met
- Goal: Safe Return of Child to Parent's Care

Collaboration & Tailored Solutions



- Strategies for Effective Collaboration
- Tailoring Services to Individual Needs
- Building Strong Support Systems
- Achieving Positive Outcomes for Families

Child In Need Of Assistance (CINA)



As defined in Courts and Judicial Proceedings (CJP) **§ 3-801(f)**, CINA cases require court intervention when a child:

- Has been **abused or neglected, OR**
- Has a **developmental or mental disability, AND**

The child's caretaker is "**unable or unwilling to give proper care and attention to the child and the child's needs.**"



Overview of Child Dependency Law

Adoptions and Safe Families Act of 1997 (ASFA)



Reasonable Efforts

- Agency's duty to prevent removal or facilitate **reunification**



Permanency

- Goal of achieving a **permanent, safe home** for the child

The Evolution of the “Tailored Services” standard in Maryland:



*In Re Adoption/Guardianship
Nos. J9610436 and J9711031,
368 Md. 666, 669, 796 A.2d
778 (2002).*

(The Mr. F case)

Mr. F.



**Poverty
Issues**



**Literacy
Challenges**



**Stable
Employment**



**Support
System**

Mr. F.

Reasonable Efforts as argued by DSS :



Standard
parenting class



Referral to a
domestic violence
class



Referred for a
psychological
evaluation

Reasonable Efforts as argued by the Father:



Cookie cutter
parenting class



Domestic violence
course was not
equipped to meet
his literacy needs



Psychological
evaluation indicated
that he "may" not
be able to parent

The “Tailored Services” Standard



Intermediate Court
Upheld Trial Court
(Unreported)



Certiorari Filed to
Supreme Court of Maryland

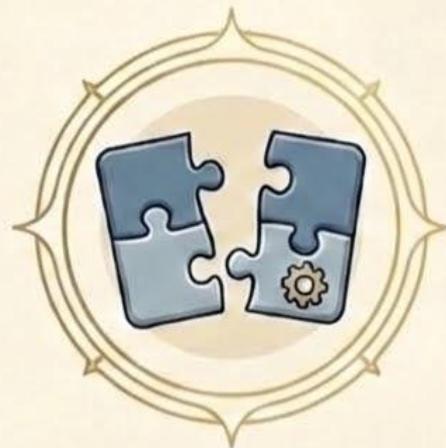


Supreme Court of Maryland
Reversed Lower Courts

Finding by the Supreme Court of Maryland:



DSS did not prove that Mr. F had a disability that rendered him unable to parent his sons.



DSS did not offer “tailored services” to Mr. F, therefore they failed to make reasonable efforts to reunify his sons with him.

Tailored Services for Mr. F.

Educational & Parenting Support



Literacy
classes



Special
parenting
classes- PACT

Vocational & Developmental Support



Melwood-
Vocational
support



ARC/UCP-
General supports for
Intellectual and
Developmental
Disabilities

TAILORED SERVICES “REFINED”:

In Re Shirley B., 191 Md. App.
678, 993 A.2d 675 (2010).



Shirley B.

Mother



Intellectual disabilities



Child with special need; sibling molestation



Violation of supervised visitation



Father



Substance abuse



Domestic violence



Violation of supervised visitation

Procedural History

Trial Court



Initially: Kept reunification plan (Mr. F case) for Mother to receive “tailored services”.

↳ **Ultimately:** Judge changed permanency plan from reunification to TPR/Adoption.

Testimony



Father: Testimony on domestic violence & substance abuse.



PGDSS: Attempted referrals for “tailored services”, but agencies unable to provide or funding unavailable.

Appellate Court ruling:

- Decision of the trial judge to change the plan to TPR/Adoption was upheld.
 - The attempt to locate tailored services for Ms. B were sufficient reasonable efforts as the department was not required to pay directly for services that it did not normally provide, or create services that did not exist.
- Additionally, the father's unresolved domestic violence and substance abuse issues, which Ms. B had either failed to protect against, possibly even facilitated, distinguished this case from the ruling in Mr. F's case.



Definition Of Disability Under ADA



Under Title II of the **ADA**, a **disability** is a **physical** or **mental impairment** that **substantially limits** one or more **major life activities**.

This includes individuals with a **record** of such an impairment or those **regarded as having** one.

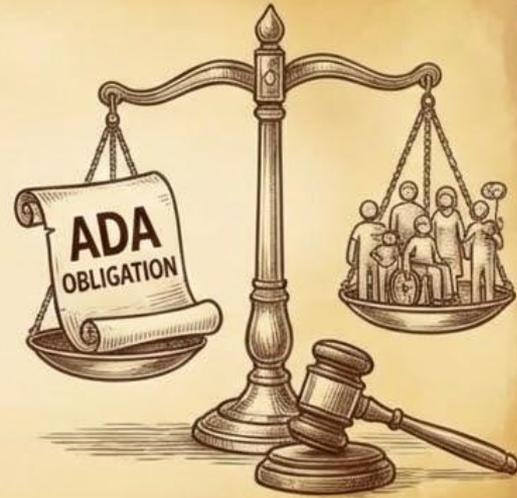




Obligation Under ADA

Department of Social Services (DSS)

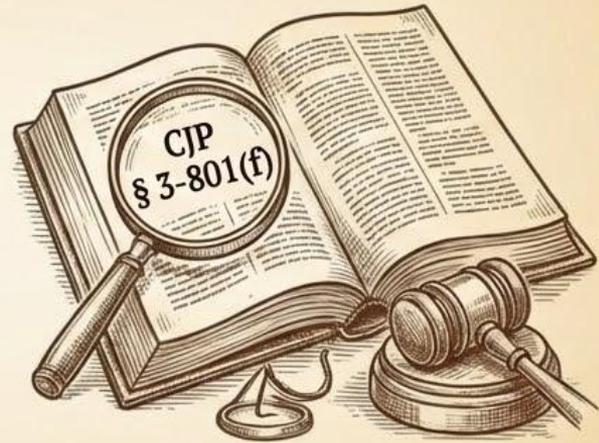
As a public entity, DSS must ensure that no qualified individual with a disability is excluded from services or subjected to discrimination.



Legal Standards in Maryland



Under CJP § 3-801(f), a parent pursuing an ADA claim must establish that they have a disability and that their requests for reasonable accommodations were denied.



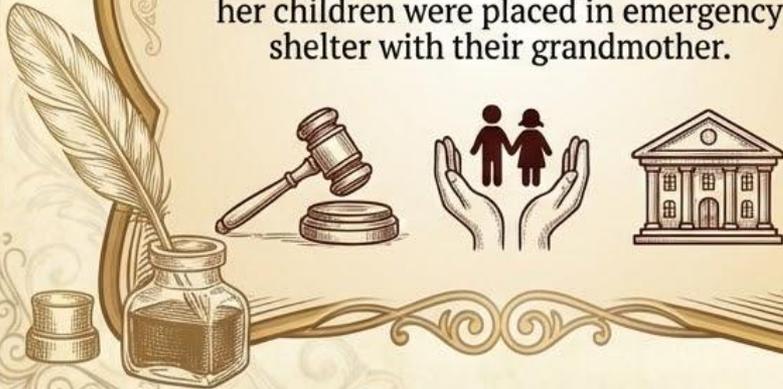


In Re: Z.F. & B.F. Reported in the Appellate Court of Maryland No. 1609, September Term 2024

Case Discussion

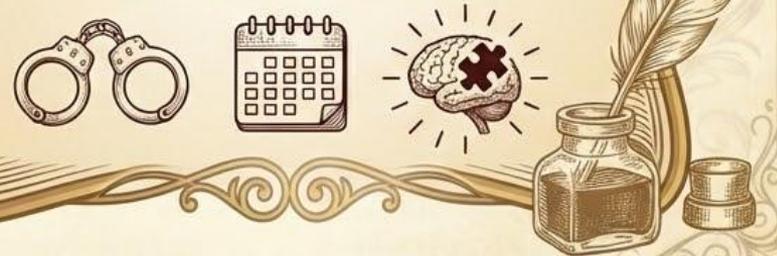
In this matter, Ms. F. had primary physical custody of her two children.

Following a psychiatric crisis in December 2022 and the subsequent injury of a third child (LR), Ms. F. was hospitalized, and her children were placed in emergency shelter with their grandmother.



Ms. F. was later arrested for the assault of LR. The criminal case was resolved in July 2023 with a one-year probation before judgment (PBJ).

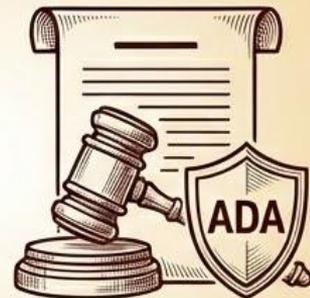
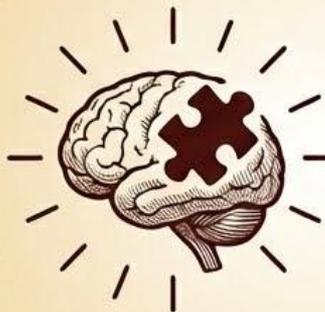
During a February 2023 hearing, Ms. F. agreed to a CINA finding. At that time, her counsel noted that she struggled with mental health and mentioned she was autistic, stating her sensory levels were overloaded.





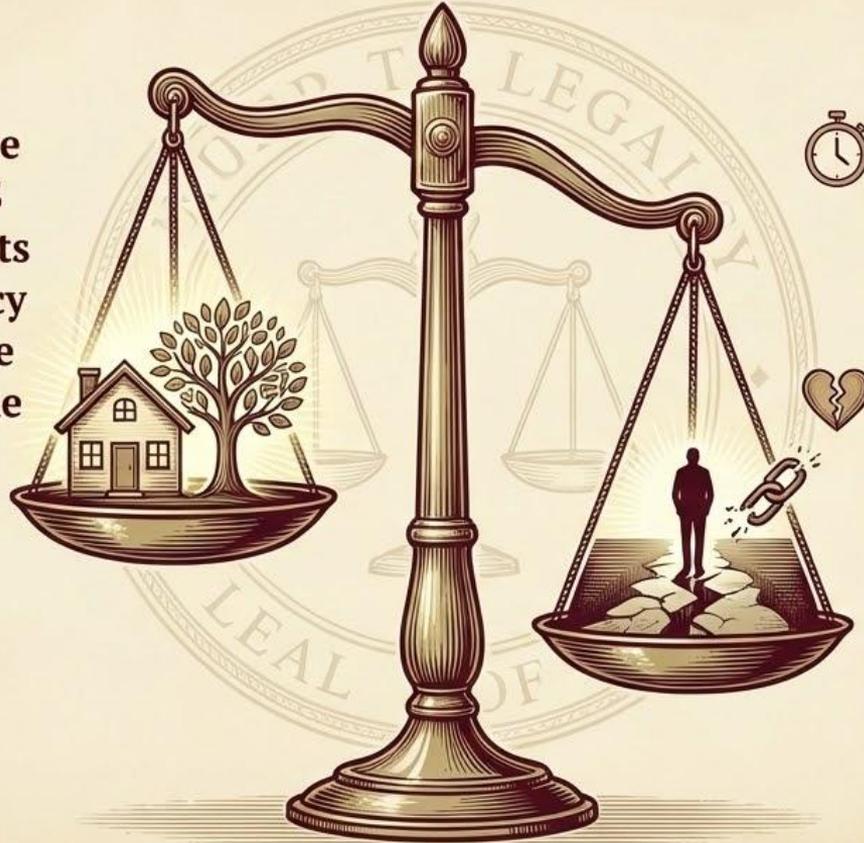
Ms. F's ADA Argument

Ms. F. argued that DSS failed to make reasonable efforts by not providing reasonable accommodations for her autism under the Americans with Disabilities Act.



Finding by the Supreme Court of Maryland:

In September 2024, the Court found that DSS made reasonable efforts toward the permanency plan and awarded sole care and custody to the grandparents.



Between June and December 2023, Ms. F. had almost no contact with her children and violated her probation.



Despite progress in housing and mental health treatment, Ms. F. failed to attend visitation consistently, attending only six of 26 scheduled visits between March and July 2025.



Making An ADA Claim



The party claiming an ADA violation bears the burden of requesting, identifying, or proposing a reasonable accommodation.

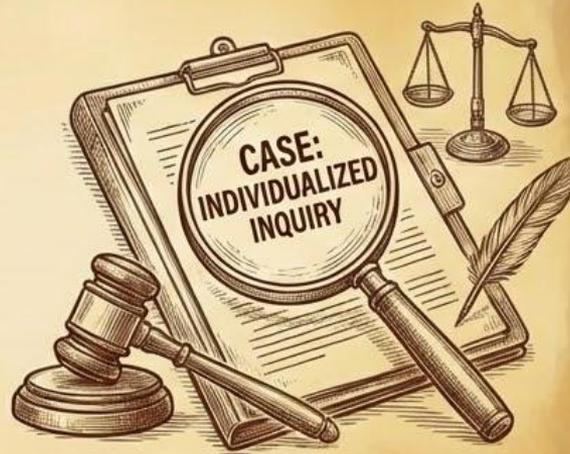
Because DSS is only required to accommodate known disabilities, you must ensure they are made aware of a client's specific needs.





Determining Whether An Accommodation Is Reasonable

Determining if an accommodation is required under the ADA is an individualized, fact-specific, case-by-case inquiry.

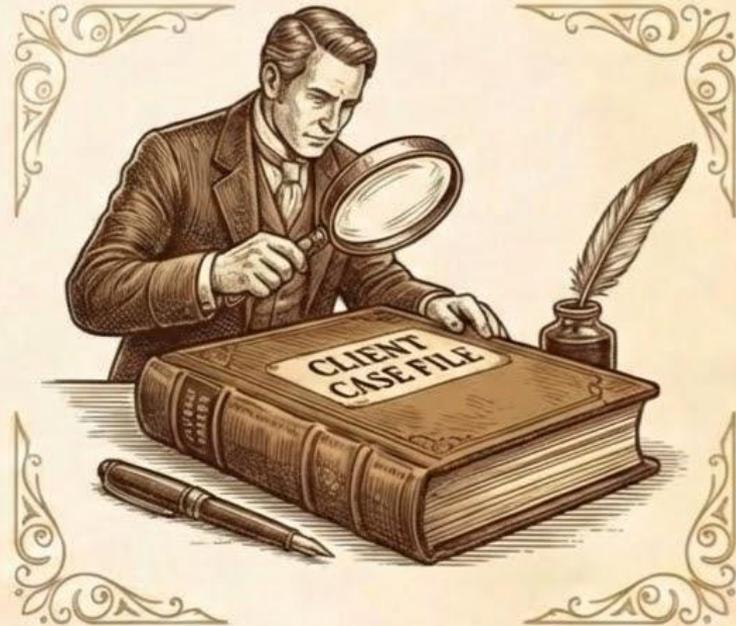




Defending an ADA Claim

1 Familiarize Yourself

To effectively handle an ADA claim, you must first identify your client's specific disability.





Defending an ADA Claim

2 Discussion with Client

Once a disability is identified, discuss the matter with your client to determine if they wish to raise these issues.



Recognize & Acknowledge Concerns



Discuss Ways to Minimize Concern



Be Honest About Legal Situation



Emphasize ADA Claim Benefit



Support Ultimate Decision



Defending an ADA Claim

3 Provide Notice

Provide adequate notice as soon as possible. Raise the issue early in meetings and court hearings rather than waiting for TPR hearings.



Defending an ADA Claim

4 Request Accommodation

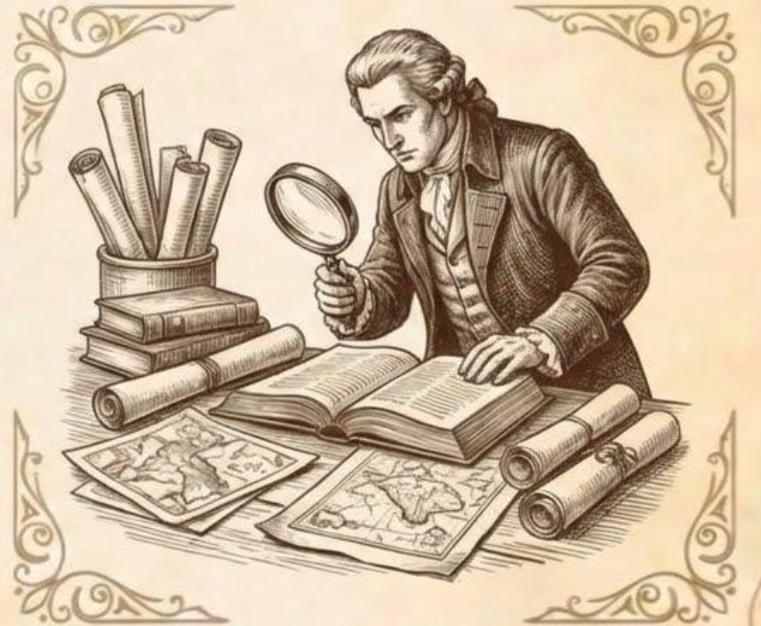
It is not enough to simply notify DSS of a disability; you must explicitly state what accommodation your client requires.



Defending an ADA Claim

5 Identify Services

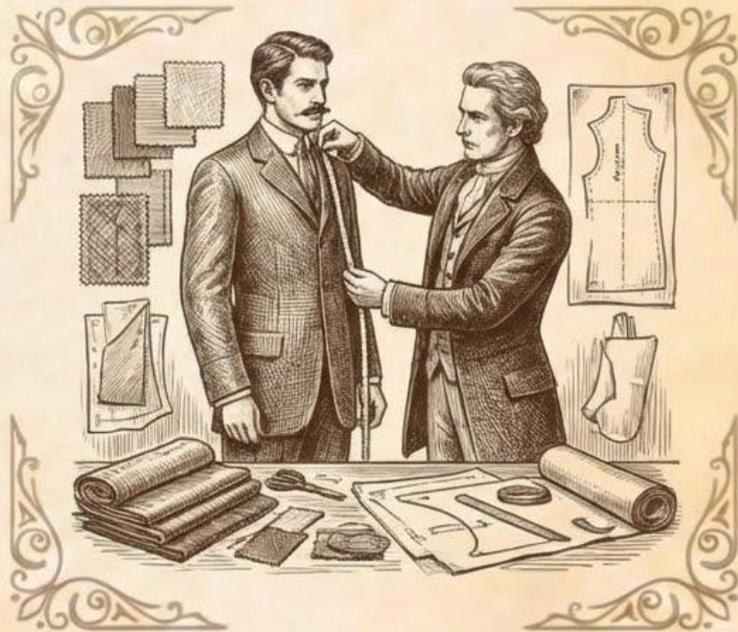
Do not rely solely on DSS to identify services for your clients. You should proactively research programs that fit their specific needs.



Defending an ADA Claim

6 Tailor Client Recommendations

Make sure that the services provided for your client fit your client's needs. Ensure all requested services are specific to your client's unique situation. Remember, one size does not fit all.



Defending an ADA Claim

7 Paper Trail

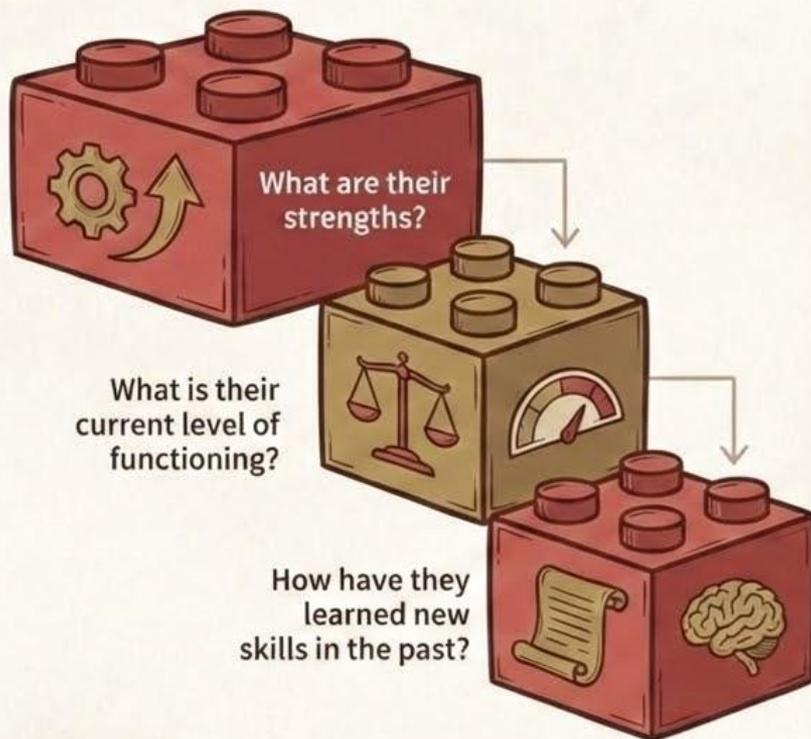
Maintain consistent email correspondence with opposing counsel and DSS regarding the disability and requested accommodations.



“...concluded that the [mother] is highly unlikely to successfully perform the duties associated with child rearing as well as to meet her own health-related needs.”

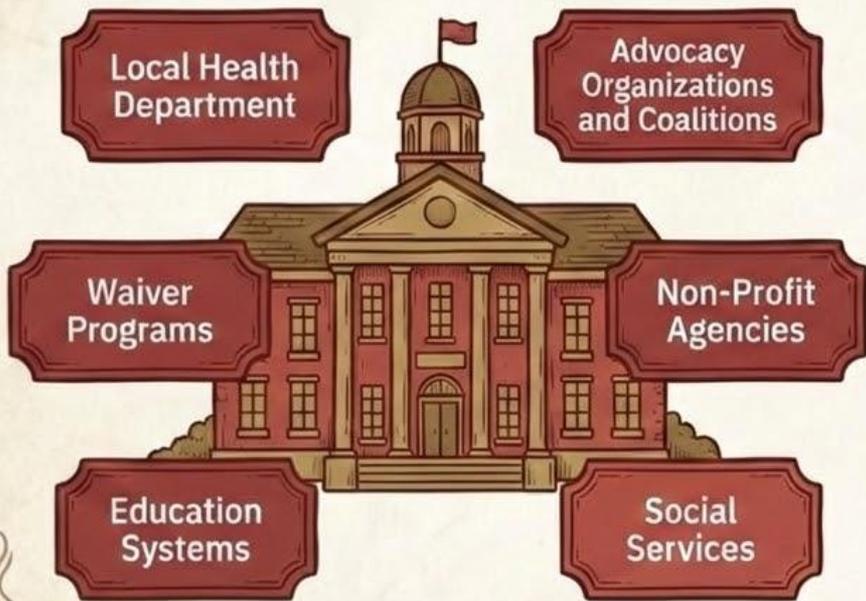


Identifying the Building Blocks

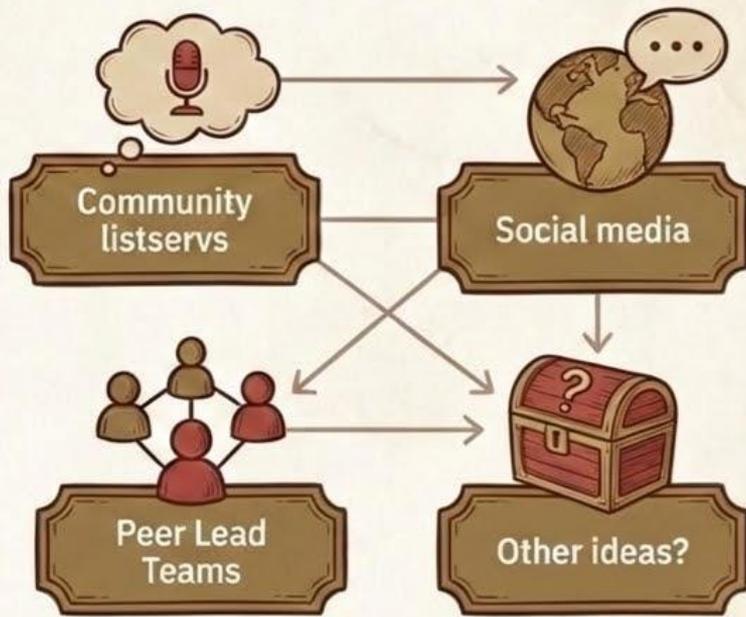


Where does help exist?!!

⚙️ Consider Starting With:



🍀 Try your luck with:



Beginning Service Exploration

1



Assess Collateral Resources

2



Request School Records

3



Prep Client for Interview

4



Refer for Evaluation

Allegations



Lack of Supervision



Unkempt Home



Sanitation Concerns



Illicit Substances

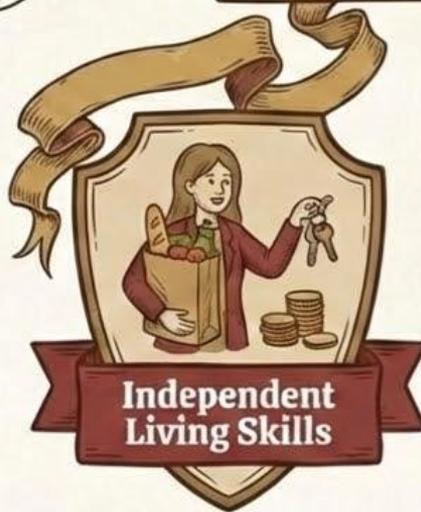
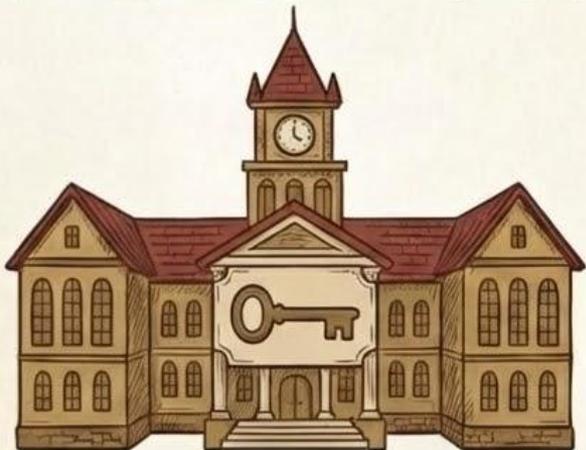


Special Needs Child

Tailored Services

**Developmental
Disabilities
Administration (DDA)**

Waiver Services



**Independent
Living Skills**



**Activities of
Daily Living**

Mental Health Supports

**Individual
Therapy**



**Individual
Therapy**

**Medication
management**



**Medication
management**

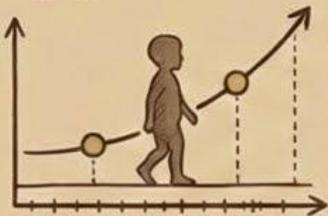
**Behavioral Health
Case Management**



**Behavioral Health
Case Management**

Parent Training

What do all parents need to know?



Information about developmental ages and stages

Social emotional supports for children.



What does this parent need to know?



Child-specific nuances

Helpful Resources!



<https://www.ada.gov/>



<https://health.maryland.gov/dda/Pages/Home.aspx>



<https://www.medicaid.gov/medicaid/section-1115-demo/demonstration-and-waiver-list>

Thanks for having us!

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