



OFFICE FOR CIVIL RIGHTS

Office for Civil Rights

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YOUR RIGHTS AS A PERSON WITH A DISABILITY IN THE CHILD WELFARE SYSTEM

What federal laws protect individuals from unlawful discrimination based on disability in the child welfare system?

Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits discrimination against qualified individuals with a disability in child welfare programs, services, and activities receiving Federal funds.

Title II of the Americans with Disabilities Act of 1990 (ADA) prohibits discrimination based on disability by public entities even if they do not receive Federal funds.

Who is protected from discrimination under these laws?

Section 504 and the ADA protect qualified individuals with disabilities from discrimination by child welfare agencies and state court systems. Qualified individuals with disabilities can include children, parents, legal guardians, relatives, other caretakers, foster and adoptive parents, and individuals seeking to become foster or adoptive parents.

The ADA also protects individuals or entities from being denied or excluded from child welfare services, programs or activities because of association with an individual with a disability.

Which child welfare services and programs must comply with Section 504 and the ADA?

All child welfare-related activities and programs of child welfare agencies and state court systems are covered, including, but not limited to:

- Investigations
- Assessments
- In- and out-of-home services
- Child removals
- Guardianship
- Foster care
- Adoption
- Parent-child visitation
- Prevention services
- Reunification services
- Hearings
- Counseling services
- Parenting skills courses
- Termination of parental rights

What must child welfare agencies and state court systems do?

- Ensure that their programs, activities and services are accessible to and usable by individuals with disabilities.
- Services must be adapted to meet the needs of a parent or prospective parent who has a disability to provide meaningful and equal access to the benefit.
- Ensure that child welfare assessments are “individualized,” taking into consideration the functional effects of the disability, but not based on stereotypes and generalizations about individuals with disabilities.
- Make reasonable modifications to policies, practices and procedures to avoid discrimination against individuals with disabilities.

Modifications may include:

- Providing respite care.
- Providing one-on-one parenting training.
- Providing adaptive equipment to care for infants or toddlers.
- Providing frequent parent-child visitation.
- Providing family reunification services.
- Providing transportation assistance.
- Providing auxiliary aids at no additional cost where doing so is necessary to ensure effective communication with individuals with hearing, vision or speech impairments.

Auxiliary aids include qualified interpreters on-site, video remote interpreting services, note-takers, assistive listening devices, television captioning, telecommunication products and systems, qualified readers, Brailled materials, and large print materials.

If you have questions, want additional information, or believe that a child welfare agency, adoption agency, or state court system is violating federal law:

- Visit us online at <http://www.hhs.gov/civil-rights/for-individuals/special-topics/adoption/index.html>;
- Call us toll-free at 1-800-368-1019 (TDD: 1-800-537-7697); or
- E-mail us at ocrmail@hhs.gov.

For more information about filing a complaint with OCR, visit <http://www.hhs.gov/civil-rights/filing-a-complaint>. Language assistance and auxiliary aids and services for OCR matters are available and provided free of charge. OCR services are accessible to persons with disabilities.