



Disability Rights

WASHINGTON

Washington's protection and advocacy system

January 20, 2017

Re: Rights of Parents with Disabilities

Dear Friends,

We are pleased to announce that Disability Rights Washington (DRW) has recently made a new priority to help parents with disabilities. As the “protection and advocacy system” for individuals with disabilities in our state, federal law requires DRW to set advocacy priorities through a public comment process. See 42 U.S.C. § 15043(2)(D). Earlier last year, DRW’s board decided to add a priority regarding parental rights based on public comment and consideration of the following national developments:

- The National Council on Disabilities (NCD) called upon Protection and Advocacy agencies like DRW, as well as other federal agencies, to enforce the rights parents with disabilities in its 2012 report, *Rocking The Cradle: Ensuring The Rights Of Parents With Disabilities And Their Children*, 1-352, 78 (2012) (available online at http://www.ncd.gov/sites/default/files/Documents/NCD_Parenting_508_0.pdf).
- The U.S. Department of Justice (DOJ) and U.S. Office Civil Rights for Health and Human Services (HHS) conducted a joint investigation to review child welfare agency’s actions towards a young mother with a disability in Massachusetts. The two federal agencies sent a “Letter of Finding” to the state Department Children and Families that said the agency was illegally discriminating against the mother in violation of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. See *Investigation by the U.S. Departments of Justice and Health and Human Services into the Massachusetts Department of Children and Families Pursuant to the Americans with Disabilities Act and Rehabilitation Act*, January 29, 2015) (available online at http://www.hhs.gov/sites/default/files/mass_lof.pdf).
- DOJ and HHS also issued their official opinions about the rights of parents with disabilities involved with state child and family agencies and court proceedings. See *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* (2015) (available online at http://www.ada.gov/doj_hhs_ta/child_welfare_ta.pdf).

You can read DRW’s full statement of this priority online at:

<http://www.disabilityrightswa.org/custodial-rights-parents-developmental-disabilities>.

If you are a parent with a disability, or you are supporting or representing a parent with a disability, please note that DRW provides free technical assistance as well as other advocacy services. If you have questions about your rights, or the rights of someone you are assisting, we would be happy to provide you with information about what DOJ and HHS have said about the rights of parents with disabilities, and discuss some advocacy options for you to consider.

We are interested in hearing about the experiences of parents with a disability, particularly if you believe you have encountered any of the following problems:

- You are afraid that you could lose custody of your child, or you have lost custody, because Child Protective Services (CPS) believes you cannot safely parent due to your disability;
- You have been or will be assessed by a parenting evaluator;
- You need support services or training to gain or practice parenting skills; or
- You are afraid your parental rights are going to be terminated because CPS believes you cannot learn to safely parent due to your disability.

If you are a parent who has a CPS case and an attorney representing you, please ask your attorney to contact DRW to discuss whether DRW may talk with you about your experience. We will not be able to discuss your case with you without your attorney's permission.

We can be reached at 206-324-1521 or 1-800-562-2702.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Kas". The signature is fluid and cursive, with a large initial "S" and "K".

Susan Kas

Associate Director of Legal Advocacy