

Parents with Disabilities and Their Rights

A Guide for Child Welfare Providers

Understanding the rights of parents with disabilities will help you to promote equity, protect the rights of parents with disabilities, and provide resources for parents with disabilities to assist them in strengthening their families.

What laws are applicable?

Parents with disabilities are protected by state and federal laws, including:

- Section 504 of the Rehabilitation Act
- Americans with Disabilities Act
- SC's Persons with Disabilities Right to Parent Act.

What is required?

When working with parents with disabilities, it is the responsibility of SC case managers to:

- Give parents with disabilities an equal opportunity to participate in all programs & services.
- Provide help, when needed, to parents with disabilities.
- Make reasonable accommodations to eliminate accessibility barriers for parents with disabilities.

Examples:

- Ensuring reasonable efforts are made to prevent a child from being removed from their care.
- Providing individualized parenting services and supports **before** a child is removed.
- Ensuring reasonable efforts are made to reunite a parent with a disability and their child.
- Referrals for adaptive parenting equipment or techniques.

Remember: it is illegal to terminate the rights of a parent or legal guardian, or prevent a disabled person from adopting or fostering a child, solely on the basis of their disability.



Who is a parent with a disability?

Under SC's Persons with Disabilities Right to Parent Act, a person is protected if they are a person with a disability who is a:

- Biological parent
- Current or prospective adoptive parent
- Current or prospective foster parent
- Current or prospective guardian

A person with a disability includes a person with:

- Physical disabilities
- Intellectual disabilities
- Hearing/vision disabilities
- Mental health disabilities
- Sensory disabilities
- Neurological disabilities
- And more!

Current drug and/or alcohol abuse does not count as a disability.

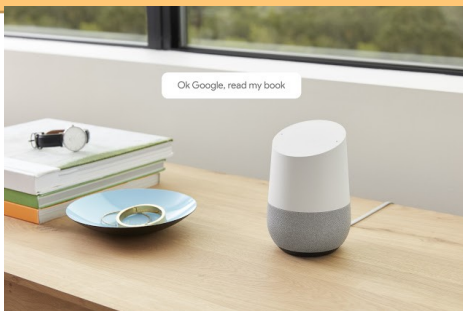
Tips for Working with Parents with Disabilities

- **Disability does not mean incompetence in parenting.** Remember that IQ level alone is not indicative of parenting skills!
- **Assess to determine** what, if any, reasonable accommodations are necessary. (For DSS staff, use DSS Form 2664)
- **Provide reasonable accommodations.** All accommodations must be individualized & document accommodation in the case dictation system.
- **Consider referral for adaptive parenting equipment and techniques,** such as adaptive strollers for parents using wheelchairs, talking thermometers for blind parents, smart home devices to remind parents with intellectual disabilities of parenting tasks. Find more equipment and ideas at <http://disabledparenting.com/>

Reasonable accommodations can include:

- Parenting classes taught in “plain language” for parents with intellectual disabilities
- Performing assessments at home instead of an unfamiliar environment
- Using service coordination to assist parents with cognitive disabilities
- Audio parenting books for parents with vision or learning disabilities
- Providing accessible transportation for parents with disabilities who cannot drive
- Connecting a parent with a disability with a co-parent or mentor
- Offering note-taking at meetings for parents with intellectual or memory disabilities
- Ensuring ASL interpreters are present at all trainings that Deaf parents attend

TIP: *Ask the parent with a disability if they have ideas on what accommodations or modifications they think would work best for them*



Need Help?

Still have questions? Check out the [Working with Parents & Prospective Parents Training!](#)

Want to chat? Email us at: advocacy@able-SC.org

able independent
SOUTH CAROLINA living for all