

## Parent-Centered Planning: One Approach to Ending Ableism in the Child Welfare System

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### CREATING AN ANTI-ABLEIST CHILD WELFARE SYSTEM

#### Issue Statement

Parents with disabilities are disproportionately involved in the child welfare system. This is in violation of the Americans with Disabilities Act as well as the basic human rights of dignity and autonomy. Assessment tools and data collection systems currently utilized by the system fuel discrimination and provide inconsistent reporting. Minnesota needs to implement child welfare practices that center the goals of the parent, fully utilize informal and formal community supports, and make creative accommodations to reduce the number of children removed from their parents on the basis of ability. A lack of existing data indicates that more research is needed, particularly regarding the extent to which parents with disabilities who are also racial minorities are affected by the child welfare system.

#### The Need – Anti-Ableism in Child Welfare

“**Ableism** is discrimination against people with disabilities. The discrimination can be intentional or unintentional and is based on the belief that there is a correct way for bodies and minds to function and that anyone who deviates from that is inferior.”

A comprehensive study done by the [National Council on Disability](#) in 2010, estimated that there were 4.1 million parents with disabilities parenting at least 6.1 million children under 18 — 9.1 percent of all children in the United States. Disabled parents are at a higher risk of becoming entangled in the child welfare system.

Discrimination against parents with disabilities in our society is not a new phenomenon. As early as the 1900's, parenthood was denied to many people with disabilities through systemic practices of institutionalization and [forced sterilization](#). Today, discrimination is primarily demonstrated through two child welfare practices: **out-of-home placements (OHP)** and **termination of parental rights (TPR)**.

Studies have shown that parents with at least one disability were **3 times** more likely to experience a TPR and **2 times** more likely to have a child in OHP when compared with parents who do not have a [disability](#).

#### Disability Disproportionality in Child Welfare Cases in Minnesota

- Parents who had a disability label in school records are more than three times as likely to have termination of parental rights than parents without such a disability label
- Parents who had a disability label in their school records are more than twice as likely to have child welfare involvement than their peers without a disability label

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## Intersection of Disability and Cultural Diversity

There is a lack of services for parents with disabilities, and if we search for services for marginalized communities let alone, there are minimal to none culturally relevant or otherwise.

Native American parents and African American parents are more likely than all other U.S. groups to be investigated by child welfare, have allegations of abuse or neglect substantiated, and have their children removed and placed in foster care. Less is known about how cultural diversity by race/ethnicity intersects with disability.

We do know that child welfare removal rates are disproportionately high for parents with disabilities in the Native American community. In a 17-state survey, there was a 26.5 percent rate of disability among Native American caregivers from whom the child welfare system removed children.

African American parents are already disproportionately represented in the child welfare system. For African American disabled parents, who already navigate racist stereotypes regarding African American families and parenting, can experience further barriers and scrutiny due to common ableist misconceptions about who can become parents.

## Disability As Grounds for Removal

Disability of a parent can be used in determining the best interest of a child in all 50 states.

As recently as 2016, 35 states still said that if you had a disability, you could lose your right to be a parent, even if you didn't hurt or ignore your child. Nearly one-fifth of children who are removed from their parents are removed, at least partially, because of their caregiver's disability.

These are particularly troubling practices given the fact that disability is a parental characteristic, an inherent part of who they are. Whereas, all other factors considered in investigations and assessments, like substance use, domestic violence, and neglect, are parental behaviors.

Fortunately, Minnesota is not a state that includes "disability" as a reason for removal of a child from their parents' care.

## Child Welfare System Practices

The child welfare system perpetuates discrimination against parents with disabilities through an array of problematic practices.

- Lack of pre-service and in-service training about disability in general, and working with parents with disabilities and their children, in particular.
- Lack of flexibility in meeting the unique needs of parents with disabilities. Not utilizing a full array of formal and informal supports that can help disabled parents be effective.
- Failure to uphold the two principles fundamental to Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973: Individualized treatment and full/equal opportunity. Most courts hold that the ADA cannot be used in defense to termination of parental rights and shortened timelines for permanency set expectations that are not reasonable for parents with disabilities.

### Parents' Stories: Jennifer

Jennifer, a wheelchair user and mother of three children, told NCD that she is always afraid to ask for help as someone may view that as being unable to adequately care for her children and may report her to CPS.

## Policy Options – Approaches that Work

### Parent-Centered Planning

The Parent-Center Planning Model helps parents plan for achieving their parenting goals with the assistance of their closest friends and family members through the creation of a Parent Support Plan (PSP). The model has four phases described in the figure below. The aim is to ensure that Child Welfare agencies tailor their services to the individual needs of parents with disabilities, not on assessments. Rather than focus on weaknesses, the model builds on strengths. Parents are viewed as the experts on their lives and needs. Informal supports are tapped into with the aim of creating an expanded social network of supports.

Parent-Centered Planning Model Phases	
1: Preparation	Intake meeting with parents to explain process, collect background information, and current/potential support people to invite to phase 3.
2: Scheduling and Inviting	Facilitator scheduling and inviting parents supports to meeting which takes place in familiar location and informs supporters of their role in developing parents’ plan.
3: Parent-Centered Planning Meeting	Focus is intervention where the facilitator leads the parent and supporters through a series of exercises. Parent identifies future goals, vision, strengths, and challenges for his or her family. Facilitator helps develop attainable short-term goals with action steps, identify which current supports can assist in steps and possible additional supports. Finalize Parent Support Plan with specific actions for attendees
4: Transition	Facilitator conducts parent follow-up meetings to get updates on the parent’s progress, adjust goals or actions steps, and re-enlist or further commit support from supporters, before shifting away from the facilitator role. Facilitator doesn’t directly help parents with action of goals but assists in how to use their support team to achieve goals.

### Community Support

Informal networks are useful not only for helping parents learn parenting skills, but also for providing the practical supports that parents might need, such as childcare or respite.

Parents with disabilities benefit from an individualized mix of formal and informal supports. Formal supports include parenting classes, housing and financial assistance, or respite care, while informal supports include family, friends, neighbors, church members and others. A small study conducted with parents with disabilities found that participants preferred informal supports, which they felt more flexible compared to formal supports which they found to be overwhelming and confusing.

### Alternative Living Situations

Instead of terminating parental rights, providing an alternative living arrangement is an option for children of parents with disabilities. Many parents with disabilities can remain the primary caretaker if they receive the needed support or can aid another caretaker. The example from Delaware shows the benefits of pursuing an alternative living situation as an alternative to TPR.

#### An Alternative Success Story

A court in Delaware rejected a TPR for a mother with a disability of a 14-year-old child. Rather, supported the alternative permanent living plan for the child with the foster parent, with the birth mother aiding with transportation and other needs for the child. The Court recognized the child had a positive relationship with both the foster parent and the birth mother, and instead of terminating the mother’s parental rights and causing potential trauma to the mother and child, a plan was created that allowed the mother to continue caring for her child in an alternative and supported way.

## ADA Acknowledgement in State Statute

Several states have included language in child welfare statutes to address and acknowledge the ADA and rights of parents with disabilities. For example:

- [Arkansas](#) written the Americans with Disabilities Act into its child welfare statute, stating that child welfare services will make accommodations according to the ADA for parents with disabilities to ensure them “meaningful access to reunification and family preservation services”.
- The TPR statute in Idaho states that “a parent with a disability has the right to be able to offer evidence regarding how accommodating and adaptive services or equipment will allow the parent to accomplish their parental responsibilities”. Although, there are limitations to these rights. At least Idaho has acknowledged that there is a need to further explore reasonable accommodations at TPRs for parents with [disabilities](#).

## Policy Position Statement

Minnesota must no longer discriminate against parents with disabilities in the child welfare system. Minnesota needs to adopt new approaches and practices to eliminate bias and misconceptions among the professionals in the child welfare system working with parents with disabilities in order to best serve children and families within the child welfare system and the communities in which they live. Systems changes are needed to ensure that parents with disabilities receive fair and equitable services when in the child welfare system to ensure that all efforts are being made to support positive outcomes for children and their families.

### For these reasons, we recommend the following:

- Child welfare agencies utilize the Parent-Center Planning Model by focusing on the family’s strengths and providing services fitted to each individual family’s needs.
- Child welfare case managers incorporate community supports, formal and informal, into a family’s case plan.
- Child welfare agencies broaden the options to alternative living situations to parents with disabilities and their children.
- Minnesota mandate the inclusion of language from the Americans with Disabilities Act into child welfare statutes.
- Creation of better assessment tools and data collection systems of client demographics whether that is within SSIS or from intake processes (T. La Liberte, personal communication, March 7, 2022).
- Adequate training and education to social workers in child welfare agencies to be competent in their work to meet the needs of parents with disabilities (T. Reid, personal communication, March 14, 2022). Including types of disabilities, types of services, and how to support parents with disabilities during case management.

To access this and other policy advocacy briefs go to: <https://ahn.mnsu.edu/academic-programs/social-work/master-of-social-work/policy-briefs/>

## References

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