

CVS Vera Institute of Justice
Preserving the Right to Parent: Custody Issues for Survivors with
Disabilities

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>> JEANNETTE BRICKMAN: Good afternoon, everyone. This is Jeanette Brickman with the Vera Institute of Justice. The webinar will begin in five minutes. If you have a question or need any assistance, please send us a message in the Q&A pod to the right of the PowerPoint. Also, if you would like to download a copy of the PowerPoint, you can do so by clicking on the file you wish to download in the Webinar Downloads box and then clicking "download file." I'm Jeannette Brickman with the Center for

>> JEANNETTE BRICKMAN: Good afternoon, everyone! Thank you for joining our webinar today. I'm Jeannette Brickman with the Center for Victimization and Safety at the Vera Institute of Justice. I would like to welcome you to today's webinar where we will be discussing how to best serve parents with disabilities who are survivors of domestic and sexual violence. We are pleased to bring you this as part of our 2019 End Abuse of People with Disabilities webinar series.

We have just a few quick logistical items to go over before we begin today.

There are two ways to communicate with myself and my Vera colleagues, presenters and other webinar participants today. First, the chat pod. The chat pod is used to communicate with the presenter and other attendees. You may use the chat box to introduce yourself and answer any questions the presenter may pose to the audience. In addition to the chat box, there is a Q&A pod, which is used to communicate directly and privately with myself and my Vera colleagues. If you have technical difficulties or a question for the presenter, please post in the Q&A pod. If you post about a technical issue in the chat pod, my Vera colleagues providing technical support may not see your post. You may also post questions about the presentation in the Q&A pod.

Next, we'd like your assistance in testing the features of this webinar. First, let's test the captioning pod. The captioning pod is located in the bottom left-hand corner of your screen directly below the PowerPoint presentation. The words I am speaking should appear in the captioning pod. If you can see the captioning, please raise your virtual hand which can be found at the top of your screen.

Okay, great. Please note that if you are using the mobile app on your smartphone or tablet, you will be unable to see the captioning pod. Instead, you will see a message that says "unsupported content." If you are on a computer and cannot see the captioning, please send us a message in the Q&A pod so that myself and my Vera colleagues can assist you.

Next, in the pod to the right of the presentation you should see our American Sign Language interpreter. How is the light? Can you clearly see the interpreter? If you can clearly see the interpreter and the lighting is good, please raise your virtual hand. If you can't clearly see them or the lighting is too dim to see, please use the Q&A pod to contact us.

I will now pause for a moment to see if anyone needs assistance and to allow time for our interpreters to make those adjustments. Great. I'm not seeing any requests for adjustments.

If, at any time, you have difficulty seeing the interpreter, please contact us in the Q&A pod.

Please note that we value complete access during our webinars. This means that we will ensure the complete functionality of our captioning pod and interpreters before moving forward. Due to the nature of technology, we may experience technical difficulties. If we do experience a technical challenge, you will see a message on your screen which reads "We are experiencing technical difficulties - please stand by." If the issue cannot be resolved, we may have to cancel the webinar. If this happens,

we will send a follow-up email providing additional information to all attendees. I do want to make sure that Pauline can see the captioning. If somebody could just alert me to that. Pauline, if you can raise your hand if you can see the captioning pod now. She still doesn't see it. Leslie, I'm sure, is working to address that. I'm going to continue with this and I'll circle back around.

Participants are in listen-only mode, which means we are not able to hear you, but you should be able to hear us. If you cannot hear the presenters speaking, if you are having difficulties with the captioning, or any other technical difficulties during the presentation, please enter a message in the Q&A pod, to the bottom right of the PowerPoint. This is the best way to communicate with me or my Vera colleagues who are providing technical support throughout the webinar today.

>> It says click the link in the chat box, but I don't see a link.

>> If you could mute and use the captioning pod, that would be great. Pauline has it. Great.

We plan to have time after the presentation for questions and comments. That if you don't want to lose a question or comment during the presentation, please feel free to go ahead and enter it in the Q&A pod and we will hold onto your questions until the end. Please do not put questions in the chat pod. We don't want to lose them.

If you would like to download a copy of today's presentation, you can do so by going to the pod in the bottom right-hand corner of the screen. Select the document and click the "download file" button.

We will be recording today's webinar. A link to the recording, as well as the PowerPoint, transcript and ending survey, will be emailed to all participants following the webinar. The webinar recording will also be posted on the End Abuse of People with Disabilities website.

Our presenter today is Robyn Powell. Robyn Powell, MA, JD, is a 5th year Ph.D. candidate at The Heller School for Social Policy and Management at Brandeis University as well as a research associate at the Lurie Institute for Disability Policy. As a disabled woman, her research interests include disability law and policy, particularly the needs, experiences, and rights of parents with disabilities and their children. Most recently, Ms. Powell served as an Attorney Advisor at the National Council On Disability, an independent federal agency that advises the President and Congress on matters concerning people with disabilities.

Robyn's dissertation will explore the intersection of the child welfare system and disability law. She is especially interested in ensuring that parents with disabilities receive the appropriate supports so that their

families thrive.

Robyn holds a Bachelor of Science degree in social work from Bridgewater State University, a juris doctor from Suffolk University Law School, and a Masters of Arts in social policy from Brandeis University.

Thank you, Robyn, for being with us today and I will now turn the presentation over to you.

>> ROBYN POWELL: Thank you very much for inviting me here today to speak. As you mentioned, I will be here today to discuss preserving the right to parent and specifically issues for survivors with disabilities.

So I want to just begin my presentation by mentioning Carrie Ann Lucas whose photo is on the slight. Carrie Ann was an attorney as well as a disabled mother of four disabled children who she adopted out of foster care, and unfortunately Carrie Ann passed away a little over a month ago, and I mention Carrie Ann because she really was the person who led the movement around parents with disabilities, and anything I've learned, I've learned from her. She is an attorney who dedicated a significant amount of her career to ensuring that parents with disabilities rights were protected. So I dedicate today's presentation and all of my work to Carrie Ann.

As Jeannette mentioned, I am an attorney and researcher at Brandeis University and specifically one of the projects I work is called the National Research Center on Parents with Disabilities and Their Families and our program is called Parents Empowering Parents, PEP, and we are a cross-disability initiative. We are really guided by the disability community's mantra "nothing about us without us," and to that end we are driven by our advisory board, which includes parents with disability whose come from a diverse group of backgrounds and have a diverse group of disabilities and our program which was federally funded provides services, research and advocacy and we focus on instruction and information about the health in parenting services of parents with disabilities and their families. So today some of what I present on will be directly a result of this project.

As I mentioned, we are funded by the federal government, specifically the National Institute for Disability, Independent Living and Rehabilitation Research, or NIDILRR, which is within the U.S. Department of Health and Human Services, as well as from the Lurie Institute for Disability Policy, but the opinions and conclusions that I present today are solely mine and are not at all representing the sponsors.

So just to give you a brief overview of my presentation today, I'm going to begin by discussing parenting with a disability, path and present.

So I will be providing overview of history around parenting rights of parents with disabilities. Next I will discuss violence against people with disabilities. Thereafter I will discuss the rights of parents with disabilities. I will then follow up with strategies for working with parents with disabilities and then discuss a few resources that are available and then, as Jeannette mention, I will conclude with a question and answer session. So as we move along, please do include any questions you have in the Q&A box and we will get to them at the end.

I think when you are learning about parents with disabilities, it's really important to look at it from a historical perspective. Specifically around the eugenics movement, which led to the involuntary sterilization of women and men with disabilities. In fact, 30 states legalized sterilization of those perceived socially inadequate. Again these were people with disabilities, may have been people perceived as having disabilities, people living in poverty, then as well as people of color and other minorities. In 1927 the United States Supreme Court actually sanctioned this sterilization of woman named Carrie Buck in the Buck v. Bell case and the Supreme Court did say it was constitutional to involuntarily sterilize women with disabilities. And by 1970, more than 65,000 Americans were sterilized. That number, I would presume, is greatly underestimated because I don't think that many were collecting data on this at that point.

In addition to involuntary sterilization, we also saw a number of restrictions on marriage. In 1974, for instance, one study found that 40 states had laws that forbid people with disabilities, primarily people with intellectual or psychiatric disabilities, from being married. As of 1997, 33 states still had statutes that limited or restricted people with intellectual or psychiatric disabilities from marrying. I think it's important to understand this historical context because there is a connection between ableism and violence against people with disabilities, and we can see historically people with disabilities have been perceived as really less than, inferior to non-disabled people, and this carries forward when we are looking at custody issues. So it's not just that there is this perception parents with disabilities are bad parents but also they are inferior or less than.

And there were three primary overarching rationalizations for the eugenics movement. These are three reasons that were traditionally used to justify either involuntary sterilization or restricting marriage amongst people with disabilities. The first was that children must be protected. So we needed to protect children from possibly being raised by people with disabilities. The second was that people with disabilities must be protected. And the third was society-at-large must be protected in that in

other words, that if people with disabilities had children, they would become a burden on society. And as we move forward in today's presentation, I think it's really important that we remember those three justifications, because they continue to rear their ugly head in custody matters facing people with disabilities even today almost 100 years since Buck v. Bell.

So, here we are today, almost 29 years after the passage of the ADA, it will be 29 years in July. Buck v. Bell, the case I mentioned earlier, which involved the involuntary sterilization of Carrie Buck, a woman perceived to have an intellectual disability, that case has never been overturned, which means that it is still considered good law.

Several states today still have some form of involuntary sterilization laws on their books. This number is relatively small, but it's still a handful of states.

Today women with disabilities also really face coercive tactics designed to encourage sterilization or abortions because they are deemed not fit for motherhood. We see this when women with disabilities go to accessory productive healthcare and they are often encouraged to become sterilized, terminate their pregnancies, and really healthcare providers are not supporting women with disabilities in their decisions to have children.

And we have to remember that all of this discrimination of people with disabilities face [INAUDIBLE] because by the time they come to some of you they have already faced a history of discrimination on their choice to become parents.

There's also this pervasive myth that people with disabilities are either sexually unwilling or unable. Again, this leads to inadequate reproductive healthcare and support around parenting with disabilities.

Today a number of parents with disabilities contend with the risk of losing custody of their children. For instance, studies indicate that parents who have a psychiatric disability or mental health disability experience removal rates as high as 70 to 80%.

Removal rates of parents who have intellectual disabilities have been found to be as high as 80% also in studies.

There's also extremely high removal rates and loss of parental rights for parents who have sensory disabilities. So that would be parents who, for instance, are blind or Deaf.

There's a number of reasons for this discrimination, many of which we discussed a few minutes ago. Another reason, though, is that more than two-thirds of state child welfare laws actually include disability as grounds for termination of parental rights. So every state has the tendency statutes which are just the child welfare laws in their states, and more than

two-thirds of these states still include disability as a reason to terminate someone's parental rights.

Also, in every state sustainability may be considered when determining the best interests of a child for the purposes of a determination in family or dependency court. So any time you have a child welfare matter or a custody determination or even [INAUDIBLE] courts will consider the best interest of the child and almost nearly always disability is considered when looking at the best interest of the child and it's considered something that may be detrimental to the best interests of the child.

So who are parents with disabilities and their children? Estimates really do vary. A study in 2012 estimated that there was roughly 4.1 million parents in the United States, or 6.2% of all parents in the U.S., who had a disability. That same study found that there were 6.1 million children in the U.S., or 10% of all children in the U.S., who had a parent with a disability. Again, estimates do vary.

Another study recently found that there were 2.9 million parents in the United States who had a disability, and yet another study from 2018 found that 10.3% of parents in the U.S. had some form of a disability. As you can see, the estimates do vary. And then finally, I think it's important to recognize that disability is inclusive of all types. So a recent study from 2016 noted that 2.7 million parents had a serious mental illness and 12.8 million parents have some type of mental illness. So when we're talking about parental disability, we're not just talking about physical disabilities. We're also talking about intellectual and psychiatric or mental health, we're talking about sensory opinion so today we're going to be using a very broad definition of disability. And while the estimates continue to vary, what we do know is that parents with disabilities exist in substantial numbers and that a growing number of people with disabilities are becoming parents, particularly as people with disabilities enjoy more opportunities to live and work in their communities.

Unfortunately violence against people with disabilities is a significant problem. A number of studies have documented this, and I want to just briefly describe some of these. The first study has found that disabled people have a higher lifetime prevalence of experiencing abuse than people without disabilities. A study from 2015 found that disabled people were 2.5 times more likely to experience violent victimization and three times more likely to experience serious violent crimes, such as sexual assault, aggravated assault and robbery. Another study from 2018 found that women with intellectual disabilities were seven times more likely to experience sexual assault and people with intellectual disabilities as a

whole, both men and women, were 12 times more likely to experience sexual assault, and those numbers come from a series done on NPR last year. You should check it out. It's on NPR's website. It's really important that we understand the issues.

A few more studies, just to give you an understanding of how prevalent is abuse against people with disabilities, according to the APA, disabled women have a 40% greater chance of experiencing intimate partner violence. The Department of Justice found that people -- rather, police are less likely to respond to reported violence against victims with a disability. And finally, a study found that disabled people encounter significant difficulties when trying to access appropriate, accessible services if they have experienced intimate partner violence. So we know that this is a significant problem for people with disabilities and we also know that services continue to be largely inaccessible to people with disabilities.

There are a number of ways in which people with disabilities experience domestic violence, and I just want to quickly go through some examples. So the first is that people with disabilities may encounter verbal or sexual -- rather verbal and psychological abuse. They may also experience physical violence, unwanted sexual contact, threats and intimidation, neglect -- so someone not caring for them. They may encounter caregivers who withhold medications from them. Some people with disabilities have reported that domestic violence included physically harming their service animal so a partner was physically harming a service animal. Also isolation is a common problem for people with disabilities who are experiencing domestic violence. People with disabilities sometimes experience the deprivation of necessary physical accommodations. So their partner and abuser will deprive them of any sort of physical accommodations they may need. The abuser may also withhold or destroy assistive devices. This may include things such as wheelchairs.

We're going to now quickly pause because we think that some people may be having issues seeing the sign language interpreter. I'm going to turn this over to Jeannette.

>> Thank you. Is anybody -- does anybody need some technical assistance or do we need to adjust lighting? I'm not seeing any on this side. People are saying it looks good. Okay. I think we can go forward. Okay. We're good.

>> ROBYN POWELL: Perfect. Thank you.

So the last example of ways in which people with disabilities experience domestic violence is financial exploitation or misuse of their

money. So, again, we know that people with disabilities are more likely to experience sexual assault and domestic violence, and there are a number of examples of ways that are both specific to people with disabilities and just general.

Unfortunately, this experience of domestic violence is particularly prevalent for parents with disabilities and can have significant impacts on their custody of their children. So I want to go through just a few points that I hope folks will take away from this today.

One is that a study from 2014 found that parents with disabilities who were involved with a child welfare system were 1.5 times more likely to have witnessed violence between their parents as a child and 1.6 times more likely to have experienced abuse themselves as a child. And so we see here that parents with disabilities find themselves involved with child welfare system often have experienced violence as a child and they have a history, and we need to be making sure that we're supporting them through this.

Another recent study found that parents with intellectual disabilities who were involved with the child welfare system were less likely to be referred to domestic violence services despite it being a risk factor of child maltreatment. So we know that parents with intellectual disabilities were facing higher rates of domestic violence and yet they were less likely to be referred to services when they were involved with the child welfare system, and that's alarming.

We also know that women with disabilities are significantly more likely than those without disabilities to stay in a bad and dangerous marriage out of fear of losing their children. Earlier I discussed the startling statistics related to custody amongst parents with disabilities and custody loss, and parents with disabilities are well aware of these facts and, unfortunately, many will choose to stay in really dangerous and violent situations because they fear that if they leave a situation that is dangerous they will lose custody of their children. So they choose to put their family ahead of their own safety. Of course, this can be dangerous. It can also be used against people with disabilities if and when they find themselves involved in custody issues. Courts will often cite a failure to protect as a reason for removal of a child. So they will say that the parent failed to protect the child from an abuser, and, therefore, it would be used against them. So we really need to encourage people with disabilities to leave dangerous situations. We need to make sure that we are providing the right support so that they may do so.

There are a number of ways that disability can be used against a

parent. Here's three different quotes that really demonstrate that. So one is really "She is incapable of taking care of our own children because..." and this is something the other parent may say to a judge. "She is incapable of taking care of our children because she has a disability, because she uses a wheelchair, because she is blind," et cetera, et cetera. Are.

The other parent may also tell the court "She's crazy, she just can't be trusted to take care of kids." These examples come from actual cases.

And here you'll see that the other parent is using one's mental health against them.

And the last thing is "She allowed her children to be exposed to violence." This is that failure to protect issue. It's used against a person with a disability. Courts will say, "Look it, she failed to even take her children out of the situation," not considering why she failed to take the children out. She may have not felt like she could leave the situation. But this failure to protect is often used directly against a parent with a disability.

So fortunately parents with disabilities have a number of rights under federal law, and it's really important that we understand these rights, whether we're working with parents with disabilities or we are ourselves parents with disabilities. So first, both the ADA, the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act apply to the rights of disabilities parents. And it depends on the situation which parts of these laws are applicable. So the ADA applies to public and private entities, whereas Section 504 of the Rehab Act only applies to agencies that are receiving federal funding. An example would be a child welfare agency. We know that the ADA was passed with the intent of ensuring "full and equal opportunity" for Americans with disabilities. And undoubtedly, full and equal opportunity must include the right to parent. Nonetheless, nearly every case out there has found that the ADA is not a defense for termination of parental rights and this has been a historical issue. Fortunately in the last few years there have been some changes in case law. We're starting to see that the ADA is being recognized as important for protecting rights of parents with disabilities, including termination of parental rights. And because the ADA has been found to not be a defense to termination of parental rights there seems to be a misconception that the ADA does not apply to any area of child welfare practice and that is simply not true. As we'll discuss in a few minutes, the ADA applies to every aspect of the child welfare system, as well as the court system. So these agencies absolutely have to make sure they are complying with the laws.

So I want to offer some strategies for working with parents with

disabilities. The first is that it is important that all staff that work with survivors with disabilities be trained on this matter. Unfortunately, far too few people have a strong understanding of the issues facing both survivors with disabilities as well as survivors who are also parents with disabilities. So understanding that is critical to truly supporting these families.

It's also important that everyone be screened for disability. Historically we often have considered disability just to be people who have visible disabilities. So if someone uses a wheelchair we'll say, oh, yeah, they have a disability, but disability is often invisible and sometimes people with disabilities may not identify as having a disability right away. It's really important that we try to screen folks to determine if they have a disability because if they do have a disability then they have a number of federal laws that can protect them. So when you're screening for disability, you can, of course, begin by asking someone if they have a disability, but that's not where it should end. You should ask questions such as did the person receive special education services when they were in school? Did they have an IEP? Do they receive SSI or SSDI, which is Social Security benefits? If they receive either of those, they have a disability. If you ask individuals if they have difficulty with completing physical tasks, if they have difficulty learning, if they take any sort of medication for mental health conditions. So these are some of the ways that you really want to make sure that we are screening people to determine if they have a disability. Once we know that we are working with someone who does have a disability, it's really important that they be connected to disability organizations. Every state has an Independent Living center -- or rather a number of Independent Living Centers, and it's really important people with disabilities be linked up to these systems. They can provide peer support. They can assist with housing, benefits, employment and much, much more. They're all free services. So the first thing should be connecting the individual with your local Independent Living center.

If they have an intellectual disability, it would be good to connect them with their local Arc organization. We can also connect them with mental health services if they need that, Deaf services, services for people with who are blind or have low vision. So, really, just connecting them with the appropriate supports is the first step and this includes connecting them with disability organizations and organizations led by people with disabilities.

It's also important that we ensure that people with disabilities are actually being screened for domestic violence and sexual assault. Often people with disabilities are not asked if they are safe, if they are

experiencing these types of abuse. So making sure that they're all being screened. And this is particularly important for disability organizations and folks who work with disabilities. You need to make sure that you're continuously screening people you work with to determine whether they are experiencing any sort of domestic violence.

Also it's important that you recognize the signs of domestic violence among people with disabilities and then respond appropriately.

Other strategies involve first ensuring accessibility. So making sure that people with disabilities have access to services. This includes not just physical access but also programmatic and communication access. Are we providing interpreters to people who are Deaf or hard of hearing? Are we providing our materials in large print or Braille for someone who is low vision or blind? Are we providing any sort of accommodation for people who have mental health disabilities or intellectual disabilities?

Again, it's not just a matter of building a ramp, but what are we doing once people enter the building to ensure that programs are fully accessible to people with disabilities?

We also need to really and truly understand the experiences of parents with disabilities, including the discrimination in custody matters that they face.

Another important strategy is ensuring that the rights of disabled parents are not being violated, that they're not having their disability used against them in custody matters, that they are not facing child welfare system involvement simply because they have a disability.

It's also crucial that you ensure that parents with disability are being appropriately represented by attorneys who are trained in disabilities as well as that they are being properly assessed. Often in custody and child welfare disputes parents will undergo parenting assessments where they will be evaluated on their parenting capabilities, and you need to ensure that whoever is doing the evaluation is fully trained on how to evaluate a parent with a disability.

So there are a number of ways to support parents and ensure that they are able to retain custody, and that is by providing the support and services they need to be successful, and here are a few examples of that. I want to begin, though, by emphasizing that every parent with a disability is different, and they will all need different supports, and it's crucial that you ask the parent specifically what they need. So here are some examples, however. Personal care attendant services, or PCA services, are really helpful for a number of parents with disabilities. They're offered in almost every state. So ensuring the person has these services will allow them to

receive in-home care and this is with Independent Living tasks as well as personal care tasks.

Making sure if they need housing assistance, Section 8 vouchers, making sure parents have these services available. Making sure they have access to transportation is really important. Most states have paratransit services. So making sure the parent is linked up to the paratransit service is really important. Peer support is another critical area, especially for parents with disabilities. Unlike non-disabled parents who have a number of people they can look to learn how to parent, people with disabilities don't have as many mentors or models. So really ensuring they are linked up with other parents with disabilities so they can get the peer support is so important. Parents with disabilities who have experienced any sort of violence need healing services to address the violence. They need services for their disabilities, they need services to support their parenting role and they also need services to address their history of violence.

Some parents with disabilities may need parenting skills classes, and with parenting skills classes, it's important that these classes be fully accessible to the parent. Parents with disabilities have different learning styles. So making sure that they ask for services from a trainer who is trained in teaching a parent with a disability is so important.

Now I want to open up a hypothetical. I am going to read a hypothetical and then I would love in the chat box just to get some input from folks who are attending today's webinar. The hypothetical is actually based on a real case. Julia is a 29-year-old mother of a 3-year-old. She used a wheelchair and has been diagnosed with bipolar disorder. She filed for a protection order against her husband, who physically assaulted her and took her wheelchair from her several times. In his response, he claims that she is "making things up" and "crazy" and "unable to take care of a toddler." He wants full custody of their daughter. The court seems to agree with his argument, but Julia says that with support she can easily care for their daughter. So the questions are: What supports can you explore that could help Julia? And what are some strategies you can use when working with Julia? So I would love to just -- see what you have to say. If you could give me some responses in the chat box.

I see a number of people typing.

>> I'm starting to see some answers. People are saying things such as explore support systems, some as aides and personal care assistants, family members, friends, local disability centers. Those are all great ideas. Informal supports such as family members and neighbors are really important. It's also important to ensure that the person has access to, as I

mentioned, personal care assistants, and someone says they would explore what services her insurance may provide. She should be referred to a counseling service and/or an advocate. Absolutely. She does need a legal advocate for the protection order. Someone said they would reach out to disability organizations and see what may be available to help her with her parenting skills. So, again, figuring out what she needs to support her had as a parent, and find out what supports she field will help her. I want to emphasize that. Find out what she feels will help her. That is so important. People often forget to ask the parent what they need. Someone pointed out that there's different programs across the country that actually provide technical assistance and support to parents such as parents with intellectual disabilities, and someone put a link to a group in Massachusetts that provides one of those programs. She definitely, absolutely, needs legal services for both the protective order and custody issues. And she should be evaluated by an advocate as well as mental health services. I would also add that she needs an adaptive parenting assessment. She needs to be evaluated by someone who is familiar with evaluating parents with disabilities. Someone said, ask if she needs services to support her mobility. Making sure she had adequate mental health services. DV support groups for trauma counseling and, of course, legal aid. The issues here are really multi-faceted. How do we ensure she is receiving the disability services she needs, how do we ensure that she has all of -- the assistance she needs to fulfill her role as a mother. And this is often completed through both disability services but also informal services. So can her family help her? Can her neighbors help her? Can church groups involve her? Whatever she is involved with, how can we get their help. Then we need to deal with the legal issues. Did she have access to legal representation who is skilled in issues around protective orders, custody matters and around disability. That's often hard to find attorneys trained in all of those areas. And so this will require a lot of work, but we need to make sure that Julia is best prepared to go into court saying, look it, I am a very equipped parent, these are the supports I need, these are the supports I have, this is what the evaluator said I can do. I clearly can care for my child and, you know, I'm most capable of taking care of my child. So we need to make sure she is supported in all of these roles. So making sure she has all these different types of disability services.

>> Can I pop in. There was a question that I think was pertinent to this that was put in the Q&A pod. Can you address what is an adaptive parenting assessment?

>> ROBYN POWELL: Absolutely. I didn't even explain that. Earlier I

mentioned it's really important that parents with disabilities are evaluated by someone who is skilled at evaluating parents with disabilities. So often in custody disputes and almost always in child welfare matters a parent will be sent to some sort of evaluator or assessor who is a psychologist and they will be asked to evaluate the person and determine if they are capable of caring for the child. Unfortunately, many of these people are not skilled in evaluating people with disabilities. So ensuring that they receive an adaptive parenting assessment is really -- making sure that the person that is evaluating the person knows how to evaluate parents with disabilities. And there are actually only a few people in the country who are trained and equipped to do this. So, again, don't just allow the person to get evaluated by anyone, but make sure that they are being evaluated by someone who knows how to do these evaluations. I see another questioner asking, how do you find an evaluator. That is a great question. There are folks out there that do these evaluations. You can actually email me afterwards. I'm happy to provide some contacts. But one of the things I often will encourage folks to do is just ask the evaluator, "Have you evaluated people with disabilities in the past? What is your training around evaluating parents with disabilities? Are you aware of the American psychological association guidelines on evaluating people with disabilities?" These are good signs the person is or is not equipped to do this. Then as far as making them accessible, it depends on the person. A person who is Deaf or hard of hearing may need to have communication access to really successfully be evaluated. Someone who has an intellectual disability will have their own set of needs. One of the things research has shown consistently is that these parenting assessments are best done in the person's natural environment, in their home, which is already adapted for their needs. So that's one of the best things, making sure that they are being evaluated in their home where they already are familiar and comfortable and that they have everything set up they need so they can most successfully care for their children.

I think that many of the ideas many of you all shared were great ones, and I would have suggested all the same ones.

So a few more things I want to mention before we open it up for questions and answers. In 2015 the Department of Justice and the department of Health and Human Services investigated a case involving a mother with an intellectual disability. She was a young mom. She had lost custody of her newborn in the hospital on day two. The nurses in the hospital called the child welfare system, which is known as DCF in Massachusetts, department of children and families. The hospital indicated

that they had some concerns because the mother had an intellectual disability. And, unfortunately, this set into motion a process where the child was immediately removed and put into foster care. The agencies, DOJ and HHS, investigated. They found the state violated both the ADA and Section 504 of the Rehabilitation Act by discriminating against the parent with a disability and not allowing the parent to show that she could care for her children. The state didn't provide appropriate support and they did not allow her the opportunity to demonstrate her fitness. And the DOJ and HHS said these actions actually violated the ADA and Section 504 of the Rehabilitation Act. This letter of finding is available on the ADA.gov website and there is a link on the PowerPoint as well, and I encourage you to check this out. It does provide a good overview what the agencies are required to do. Fortunately for this family they were reunited after two years, three months and 12 days, but that's two years, three months and 12 days they didn't need to be separated. They didn't need to be discriminated against and they didn't need all of this involvement. So while it has a happy ending, it has a tragic journey to that ending.

The other thing I want to mention briefly is that a few months after this letter of finding the Department of Justice and HHS also issued technical assistance. This technical assistance provides an overview of the issues to both the application of the ADA and Section 504 to the child welfare system. It answers specific questions and examples for child welfare agencies as well as supports and provides resources for additional information. Again, the link is on the PowerPoint. It's on the ADA.gov website and this technical assistance is often cited in court cases by attorneys and I'm starting to see judges refer to it in their decisions. So this is a really great and strong technical tip and I would encourage folks to check it out.

If you feel as a parent as though someone you are working is being discriminated against, people can file complaints with both DOJ and HHS. That case I mentioned two minutes ago came about, the mother filed complaints with both DOJ and HHS. So you can do that online. ADA.gov as well as on HHS's website their Office for Civil Rights. So if you feel there has been any sort of discrimination, particularly in the child welfare court system, parents can file complaints. They don't even need attorneys to do this.

I want to just end with a few additional resources that can be helpful as you work with parents with disabilities. The first is our website which is the National Research Center for Parents with Disabilities, centerforparentswithdisabilities.org. We have a number of resources

available for attorneys, child welfare workers and parents and prospective parents with disabilities.

The National Disability Rights Network which also an important website. Every state has a protection and advocacy agency which provides free legal representation and advice to people with disabilities and you can find your local agency through the website NDRN.org.

Another important website is the Association for Successful Parenting, or achancetoparent.org. This is an organization for parents with intellectual disabilities. If you are working with individuals with those disabilities, and they have resources for adaptive parenting.

If you haven't already seen it, I would encourage you to look at the "Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and Their Children" report issued by the national council on disabilities in 2012. It's a little old at this point but it's still very relevant. The report is long, but it is divided into chapters. So there are chapters on child welfare system involvement, a chapter on family law issues, so custody and visitation, there's a chapter on reproductive healthcare for parents and prospective parents with disabilities. There's also a chapter on adaptive parenting and how to evaluate parents with disabilities, how to provide them the right support and parenting services. So, again, this is a great resource, and I would encourage folks to look at it. It's available for free on NCD's website which is ncd.gov. And here just the centerforparentswithdisabilities website. We have information for parents, prospective parents as well as social workers, researchers and legal professionals. We also have webinars and so forth.

I'm now going to open it up to questions, and I believe Jeannette is going to read them. So if you have questions, please put them in the Q&A box.

>> Thank you so much, Robyn. We have one that is a pretty immediate follow-up to some of the complaint web sites that you noted. One of the questions is: Does the case have to be closed in order to file those complaints?

>> ROBYN POWELL: It does not. You can file them simultaneously as you are going through the proceedings. That's what happened with the Sara Gordon, actually. She had had her child removed for a few months before the DOJ got involved. So the termination of parental rights case was going forward as the DOJ was investigating her matter.

>> Great. There were a couple immediate follow-up. Would that hurt the case --

>> ROBYN POWELL: I did not question a lot -- it didn't in this matter.

I think it's something that you have to consider when you're working with a parent. In this case I think it probably helped, but it will be very fact-dependent. But the DOJ and HHS is specifically going to be looking at were there violations of the ADA and 504. So they're not going to make a determination over whether a parent should or should not have custody of their children but just whether there were violations of the federal law.

>> Great. There were other questions that had come in throughout. One saying that people were wondering is there anything being done on a national level to address the police? That was what was written. I don't know if it was policy. I'm assuming, did you mean, Howard, police or policy?

>> Police he says. So what is being done on a national level to deal with issues surrounding people with disabilities and the police system, I think is the question.

>> That would be the question, yes.

>> ROBYN POWELL: That's not an area I actually do a lot of work on, but I know there is a big push to have police trained on how to work with people with disabilities, particularly, but not limited to, mental health disabilities. So there are trainings available. Some states are implementing these trainings. There was an NPR story that came out around this issue and there are different advocates working on these issues, but I don't want to say too much because I'm not involved specifically in that area. There is more work to be done in this area.

>> Great. Another question is: Do you have suggestions or resources for how to screen for domestic or sexual violence with people with cognitive disabilities?

>> ROBYN POWELL: That's a really good question. There are some resources. If the person emails me I can try to get them. But the first thing I would encourage you honestly to do is look at that NPR series I mentioned because they do get into some of these matters. There are other resources available but I just don't have them readily available at the moment. But there are some available.

>> Okay. Great. I believe that was Erin. You can reach out to Robyn directly and she can get you some resources.

A third question that came in was related to your custody evaluator section. What if there is a CFI, which I believe is a child and family investigator, already involved in a case who is being more than unhelpful -- that's an interesting way of putting it -- how do you kind of maneuver through that?

>> ROBYN POWELL: I know that some attorneys who work on these

cases will go and try to get another independent evaluation done. I think that's one of the more helpful, to use that word, strategies. Also, you know, just trying to show that the evaluator is not credible, that they are not trained on how to work with people with disabilities. One of the easiest ways is to ask them if they are familiar with the APA, American psychological association, guidelines on evaluating people with disabilities. If they're not, I think you may have already proved that from they may not be a credible evaluator. There are, I believe, 20 or so guidelines the person evaluating must be aware of those guidelines. So anything you can do to show that the person is not credible and well trained.

>> There was a follow-up question about: Do you have any anecdotes or examples where the disability is a result of the abuse?

>> ROBYN POWELL: Huh, that is a really good question. I do not have any, although I can imagine that to be a case. There are countless examples of cases where the disability is used against a parent and the children will sometimes even end up in the abuser's home -- the abuser will end up getting custody. It's the parent's disability being used against them. The message I think I want to get across here is being a survivor doesn't preclude one parenting -- one's parenting ability, nor does disability, but yet both of those things are often used against the person.

>> Right. We have another question: What are the recommended trainings to train law enforcement/police on how to work with individuals with disabilities?

>> ROBYN POWELL: I think that every area is doing their own sort of training. I'm not sure at this point there is a national training. I think the ARC of the United States may be doing some training but police training is not an area I do training in so I wouldn't be able to speak to that.

>> Okay. I think for right now, let's give it a minute or two to let any additional questions -- somebody is asking: Can you forward a link to the APA guidelines?

>> ROBYN POWELL: If you email me I can send you the link. I wouldn't be able to forward it right now. It's also mention in the Rocking the cradle report if you go to that. It was done by Joe Shapiro and it was a multi-episode series. If you type in NPR, sexual assaults, intellectual disabilities I'm sure you will find it. But it was done by the journalist Joe Shapiro and it was, as I said, a multi-episode series. It's all around sexual assault against people with intellectual disabilities.

Are there any other questions?

>> We'll give it a minute or two in case somebody has an additional question that's coming to mind.

I'm not seeing any come through. I imagine, Robyn, if I might say, since you have included your email here that if people do have questions that come to mind later is it okay for them to email you?

>> ROBYN POWELL: Yes, feel free to email me any time. My email address is available on the slide. It is rpowell@brandeis.EDU. And I'm happy to discuss any matters you have questions about. And I try to respond relatively quickly.

>> Perfect.

Thank you, Robyn. At this time we would like to open it up for questions. If you have a We do ask that you complete a brief evaluation by going to the link in the pod on your screen that says "webinar survey -- webinar evaluation link." Click on the word "sir vie" in the white box and collision on "browse." We would appreciate if you would share your thoughts with us so we can continue to work to meet your needs. A PDF copy of the PowerPoint as well as a record of attendance are available in the files pod at the bottom right of your screen. And for those of you who are interested in downloading a transcript of the webinar, you can do so by going to the captioning pod at the bottom of the screen and clicking on the button that says "save." We will leave the webinar open for a few minutes to give you time to download this. Otherwise, thank you all very much and have a wonderful afternoon.