



State of South Carolina

Department of Social Services

Child Welfare Policies and Procedures: Persons with Disabilities Right to Parent Act

Subject:	1620 Protection for the Parenting Rights of People with Disabilities
Authority:	South Carolina Code of Laws 63-21-10; 63-21-20; 63-21-30
Application:	All Child Welfare Staff
Policy Statement:	South Carolina Department of Social Services (SCDSS) must give parents with disabilities an equal opportunity to take part in all programs, services, or activities available to non-disabled parents. DSS must provide help when needed to assist people with disabilities understand what is being said or done. DSS must make accommodations to eliminate barriers that create inaccessibility.
Purpose:	DSS is required by the law to establish policies and safeguards applicable in child custody, child protection, and probate guardianship proceedings that protect persons with disabilities from being denied the right to parent or to have custody of or visitation with a child because of a disability. Child placing agencies and adoption service providers are prohibited from denying persons with a disability the right to access services. The law prohibits termination of parental rights solely on the basis of a disability.
Definitions:	1. Disability: a physical or mental impairment that substantially limits one or more of the major life activities of an individual, a record of an impairment, or being regarded as having an impairment, consistent with the Americans with Disabilities Act, as amended, and as interpreted broadly under that act. An individual who is currently engaging in the illegal use of drugs or the abuse of alcohol, drugs or other substances is not an individual with a 'disability' for the purposes of this policy. 2. Prospective Parent: includes prospective biological, foster, and adoptive parents. 3. Caregiver: any individual in loco parentis of the child including kin or fictive kin 4. Adaptive Parenting Equipment: equipment or any other item that is used to increase, maintain, or improve the parenting capabilities of a person with a disability. 5. Adaptive Parenting Techniques: strategies for accomplishing childcare and other parenting tasks that enable a person with a disability to execute a task

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safely for themselves and their children alone, or in conjunction with adaptive parenting equipment.

6. **Supportive Services:** services that help a person with a disability compensate for those aspects of the disability that affect the ability to care for a child and that enables the person to fulfill parental responsibilities including, but not limited to, specialized or adapted training, evaluations, and assistance with effective use of adaptive equipment, and accommodations that enable a person with a disability to benefit from other services, such as braille, text, or sign language interpretation.

Procedures:

A. Individualized Treatment

1. If a parent is identified as having a disability, case manager must utilize Part II, Section F of the Investigative Assessment in CAPSS and the Child and Family Assessment Services Plan (CFASP) to determine parent functioning related to safety and protection of the child.
2. Case managers must make reasonable efforts, which are individualized and based upon a parent's or legal guardian's specific disability, to avoid the removal of a child from the home.
3. All reasonable efforts must be made prior to the removal of a child from the home. Reasonable efforts include:
 - a. Referrals for access to adaptive parenting equipment
 - b. Referrals for instruction on adaptive parenting techniques
 - c. Reasonable accommodations regarding accessing services that are otherwise made available to a parent or legal guardian who does not have a disability

B. Prospective Parent	1. Case managers must consider prospective parents and/or caregivers as placement options without regard to disability. 2. If a disability is present, the case manager must assess the prospective parent and/or caregiver to identify accommodations required to support the placement of the child. 3. Once the child is placed with a parent or caregiver with a disability, reasonable efforts must be made to provide needed accommodations. Reasonable efforts include: a. Referrals for access to adaptive parenting equipment b. Referrals for instruction on adaptive parenting techniques c. Reasonable accommodations about accessing services that are otherwise made available to a parent or caregiver who does not have a disability.
C. Reasonable Efforts & Modifications	1. Auxiliary aids must be furnished for meetings involving parent, prospective parent, caregiver, or prospective caregiver with a disability affecting communication. a. Examples include, but are not limited to: qualified interpreters, note takers, accessible electronic and information technology, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, and telecommunications devices for deaf persons (TDD's). See the Civil Rights Toolkit located on the Unite site. 2. Case managers must provide referrals for adaptive parenting equipment. a. Examples include, but are not limited to: adapted holding, carrying, and transfer devices; mobility aids for vision needs; adapted vehicle for driving; adapted stroller, etc. 3. Case managers must provide referrals for instruction on adaptive parenting techniques. See "Resources" section.

Forms:	DSS Form 2664: Accommodations Assessment DSS Form 30212: Assessing the Protective Capacity and Kinship Caregiver Site
Resources:	• Civil Rights Toolkit • Center for Independent Living (CIL): consumer-controlled, community-based, cross-disability nonprofit agency operated by individuals with disabilities and providing an array of independent living services. CILs in South Carolina: ○ Able South Carolina http://www.able-sc.org/ ■ South Carolina's State Affiliate of the Southeast ADA Center ■ Lead agency in enacting the Persons with Disabilities Right to Parent Act ○ AccessAbility http://www.abilitysc.org/ ○ Walton Options https://www.waltonoptions.org/ • Protection & Advocacy for People with Disabilities, Inc.: An independent, statewide, non-profit corporation that protects and advances the legal rights of people with disabilities. https://www.pandasc.org/ • South Carolina Assistive Technology Program (SCATP): Technology-related assistance program that provides the devices that increase, maintain or improve functional capabilities. http://scatp.med.sc.edu/ • Disabled Parenting Project: an online space for sharing experiences, advice, and conversations among disabled parents as well as those considering parenthood. http://www.disabledparenting.com/ • Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and Their Children: https://www.ncd.gov/publications/2012/Sep272012 • 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: https://www.ada.gov/doj_hhs_ta/child_welfare_ta.html • Assistive Technology for Parents with Disabilities: A

	Handbook for Parents, Families, and Caregivers http://idahoat.org/Portals/60/Documents/Services/Resources/AT_ParentsHandbook.pdf ● Auxiliary aids: qualified interpreters on-site or through video remote interpreting (VRI) services; ● Note takers; ● real-time computer-aided transcription services; ● written materials; exchange of written notes; ● telephone handset amplifiers; ● assistive listening devices; ● assistive listening systems; ● telephones compatible with hearing aids; ● closed caption decoders; ● open and closed captioning, including real-time captioning; ● voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; ● videotext displays; ● accessible electronic and information technology; ● or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing: • qualified readers; • taped texts; • audio recordings; • Brailled materials and displays; • screen reader software; • magnification software; • optical readers; • secondary auditory programs (SAP); • large print materials; • accessible electronic and information technology; • or other effective methods of making visually delivered materials available to individuals who are blind or have low vision.
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