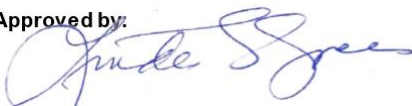


DCF	COMMONWEALTH OF MASSACHUSETTS ~ DEPARTMENT OF CHILDREN AND FAMILIES	
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DISABILITY POLICY

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I. POLICY

Child safety is the primary responsibility of the Department of Children and Families; it is the essential focus that informs and guides all decisions made from intake through case closure. Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act requires child welfare agencies to provide parent/caregivers with disabilities an equal opportunity to participate in and benefit from all child welfare programs and activities, including those services aimed at helping parent/caregivers preserve or reunify their families. By fulfilling these obligations, the Department increases the opportunities for children to be in safe and nurturing caregiving environments.

Accordingly, the Department is committed to ensuring that parent/caregivers with disabilities are treated as individuals, not on the basis of generalizations or stereotypes, and that they receive the supports and services they need to have an equal opportunity to preserve and reunify their families. Just as with any parent, a parent/caregiver with disabilities may need services and supports to help them effectively care for their children. Parents/caregivers with disabilities may also possess unique strengths and encounter unique circumstances which impact how they parent their children. The Department is committed to ensuring its clinical staff and the professionals providing services to families involved with the Department have the information and skills necessary to help parent/caregivers with disabilities maintain their children safely at home, or safely reunify with their children who have been placed out of the home.

Studies have found that children with disabilities are more likely to experience maltreatment. (See, The Risk and Prevention of Maltreatment of Children with Disabilities, Bulletin for Professionals, January 2018, Child Welfare Information Gateway). When the supports and services a parent/caregiver needs to meet the daily care and supervision of a child with a disability are lacking, a parent/caregiver may be more susceptible to physical, emotional, and economic stressors that can increase the likelihood of maltreatment. It is imperative that children with disabilities receive services tailored to their individual needs and that the Department assesses how the parent/caregiver and child relate to one another and form bonds, including understanding how disabilities can impact the parent-child relationship and family functioning.

In furtherance of the above commitments, this policy provides an overview of the Department's obligations under the ADA and Section 504 and addresses how these obligations influence specific aspects of the Department's work.

PROCEDURE

A. DEFINITION

Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973

(ADA/Section 504) - Title II of the ADA and Section 504, provide that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity or be subject to discrimination by such entity. The ADA applies to state government agencies, such as DCF. Throughout this policy, these laws are referred to as "the ADA."

ADA Meeting - A meeting held between Department staff and a parent (and their counsel if applicable) when necessary to discuss a parent's disability-related needs and requests for reasonable accommodation, or to review a disability-related complaint and discuss potential resolution. Depending upon the complexity of a requested accommodation, the ADA Meeting may consist only of the applicable Department staff and parent/caregiver and counsel or may include other parties whose interests may be impacted (such as child's counsel).

Auxiliary Aids and Services - Refers to methods of communicating with individuals with communication disabilities. These can include technological tools, such as assistive listening devices, real-time captioning, video remote interpreting, and screen reader software. These can also include people, such as sign-language interpreters and speech-to-speech transliterators, or other modifications such as

providing accessible formats, including electronic copies of documents, extra-large print materials, or the use of simpler language in a document, commonly referred to as “plain language documents.” The appropriate aid or service needed to communicate effectively will depend on the individual’s normal methods of communication and the nature, length, complexity, and context of the communication. Also known as communication aids and services.

Disability - A physical or mental impairment that substantially limits a major life activity. Major life activities are the kind of activities that you do every day, including your body’s own internal processes. Some examples include actions like eating, sleeping, speaking, and breathing; movements like walking, standing, lifting, and bending; cognitive functions like thinking, and concentrating sensory functions like seeing and hearing tasks like working, reading, learning, and communicating and the operation of major bodily functions like circulation, reproduction, and individual organs. A disability can be temporary or permanent, and a disability can be present at birth or acquired at any point during a person’s life.

A person is protected under the ADA if they have a disability that substantially limits a life activity when the condition is active, even if the condition is not active at all times. In addition, a person is protected under the ADA if they have a record of having a disability but no longer have it, or are regarded as having a disability, whether or not they actually have one. For example, an individual may have a record of a disability if they previously received treatment for substance use disorder or received special education services while in school. In addition, a companion with a disability, e.g., a grandparent who accompanies the parent/caregiver to meetings, is protected by the ADA and may be entitled to accommodations or auxiliary aids/services.

Direct Threat – A significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services. A determination that a parent/caregiver with a disability poses a direct threat to the health or safety of a child or others, must be based on an individualized assessment and objective facts, not on stereotypes or generalizations about persons with disabilities.

Interactive Process - A good faith effort between the Department and an individual with a disability (or representative) to determine whether there is a reasonable accommodation available to help a person with a disability access and participate in the Department’s activities, programs, and services available to non-disabled individuals. This process begins with a request for a particular accommodation, includes a meeting to discuss the specific request, and concludes with an offer by the Department to provide the requested accommodation or a reasonable alternative.

Reasonable Accommodation – A modification to a policy, practice, or procedure that is necessary to avoid discrimination on the basis of disability – in other words, a change to the way the Department or others typically operate so that a person with a disability can equally participate in and benefit from the Department’s program, services, and activities to the same extent as someone without a disability.

Resolution Notice – The document sent by the Department to notify a parent/caregiver regarding the Department’s decision on the parent/caregiver’s complaint of disability discrimination or request for accommodation. It includes an explanation of the Department’s decision and actions taken in response to the complaint or request, and an explanation of next steps, including timing, where applicable.

B. ROLES AND RESPONSIBILITIES

1. **Screener** is responsible for:
 - Gathering and documenting information regarding any disabilities, including a physical, developmental, or intellectual disability, including mental or behavioral health challenges or substance use disorder for parent(s) and child(ren).
2. **Response Worker** is responsible for:
 - Providing the parent with a copy of the Parents/Caregivers with Disabilities Notice.
 - Gathering and documenting information regarding any disabilities, including a physical, developmental, or intellectual disability, including mental or behavioral health challenges or substance use disorder for parent(s) and child(ren).
 - Arranging for auxiliary aids and services in a timely manner.
 - Working with parents in implement an accommodation if needed.
3. **Ongoing Social Worker** is responsible for:
 - Providing the parent with a copy of the Parents/Caregivers with Disabilities Notice, if it has not already been provided.
 - Working with the parent in a collaborative process to create an action plan that provides reasonable accommodations for any disability and provides supports and services appropriate to the individual parent.
 - Asking the parent if any accommodation previously granted are still working or needs to be changed.
 - Keeping service providers informed (with a parent's permission) of any reasonable accommodations required to be provided to the parent so the parent can continue to receive the accommodations while receiving the service.
 - Working with parent(s) of child(ren) with disabilities to identify any services and supports the parent need to provide for their child(ren)'s safety and wellbeing.
 - Attending meetings to discuss requested accommodations and auxiliary aids/services.
 - Documenting updated information regarding a parent's or child's disability.
 - Documenting requests and resolution of reasonable accommodation requests.
4. **Supervisor** is responsible for:
 - Supporting the social worker in working with parents and child(ren) with disabilities.
 - Assisting the Social Worker in identifying and obtaining accommodations, services, supports and auxiliary aids/services for a parent with a disability and services and supports for child(ren) with a disability.
 - Identifying the need for and assisting in consultations with disability specialist and Regional Disability Liaison.
 - Attending meetings to discuss requested accommodations and auxiliary aids/services, and document as needed.
5. **Area Program Manager** is responsible for:
 - Providing support and assistance to the Social Worker and Supervisor in working with parent(s) and child(ren) with disabilities.
 - Assisting in the identification of appropriate services, supports and auxiliary aids/services.
 - Assisting in consultations with the disability specialist and Regional Disability Liaison when needed.
 - Attending meetings to discuss requested accommodations and auxiliary aids/services, and document as needed.
6. **Regional Disability Liaison** is responsible for:
 - Providing consultation to the clinical teams when requested or required.
 - Assisting with and participating in meetings to discuss requested accommodations and auxiliary aids and services.
 - Receiving and resolving complaints of disability discrimination.

- Documenting discrimination complaints and resolution in the electronic record.

7. **Statewide Disability Coordinator** is responsible for:

- Providing consultation to the Department's staff when requested.
- Receiving and helping to resolve complaints of disability discrimination.

C. COMMUNICATION ASSISTANCE AND REASONABLE ACCOMODATIONS

The Department is committed to working with all families in a way that ensures the Department:

- Does not exclude parent/caregivers with disabilities from Department services, programs, or activities on the basis of their disability.
- Treats parent/caregivers with disabilities as individuals by focusing on each parent/caregiver's unique behaviors, abilities, and needs, rather than acting based on stereotypes or assumptions about what a parent/caregiver may or may not be capable of.
- Effectively communicates with parent/caregivers with disabilities, including by providing necessary auxiliary aids and services.
- Provides parent/caregivers with disabilities with the supports, services, and accommodations they need to have an equal opportunity to preserve or reunify their families.

Effectively Communicating with Individuals with Disabilities

In all aspects of the Department's work, the Department must communicate with people with disabilities in a way that will be effective for them. People with certain disabilities might communicate in different ways. The nature of communication will differ from situation to situation and effective solutions may differ too. Most of the time, the best way to ensure effective communication is to consult with the parent/caretaker to determine which communication method works best for them, and then, whenever possible, to use that method. This section addresses effective communication obligations and the steps the Department must take to satisfy those obligations.

Identifying a Need for Communication Assistance

1. When meeting with a family, if a Social Worker observes that a child or parent/caregiver is having difficulty communicating, the Social Worker should begin a conversation about the possible need for communication aids and services. An individual may need communication assistance because they have difficulty hearing, speaking, reading, or generally comprehending the information being shared with them.

Different Methods of Communication Assistance

2. An individual's communication needs may vary depending on the circumstances, including the nature, length, and complexity of the communication and the context in which it is taking place.

For example, a Social Worker may find that a parent/caregiver can communicate well in their own home, speaking with one other person. That same individual may have difficulty communicating in a large meeting held in a conference room where multiple people are speaking and occasionally speaking over each other.
3. To decide what aid or service is needed to communicate effectively, the Social Worker should consider the circumstances of the communication as well as the person with a disability's normal and preferred methods of communication. The Department must provide the appropriate type of aid or service to fit the particular circumstances.

4. In some instances, the Social Worker may be able to ensure effective communication assistance by making small adjustments to their usual practices. For example, by:
 - making sure their mouth and facial expressions are visible for a parent/caregiver who uses lip- or speech reading;
 - reviewing audiovisual training materials to ensure they can be provided in an accessible format;
 - sending email or text reminders of visits or other important information that a parent/caregiver has trouble processing or remembering when conveyed verbally, etc.

In such situations, the Social Worker must cooperate with the parent/caregiver in providing the needed assistance.

**Requesting
Communication
Aids and
Services**

5. Individuals with disabilities may request specific communication aids and services:
 - by speaking to the Social Worker, Supervisor or Manager;
 - by writing to the Social Worker, Supervisor or Manager (through email or regular mail);
 - by contacting the Regional Disability Liaison;
 - by contacting the Statewide Disability Coordinator; or
 - through their attorneys, if applicable, who can contact the Social Worker, Supervisor, Manager, Department Attorney, Regional Disability Liaison; or the Statewide Disability Coordinator.
6. When a parent/caregiver requests a specific communication aid or service, the Department will give primary consideration to that request. If the particular aid or service cannot be provided, the Social Worker will work with the parent/caregiver to try to identify an effective alternative. If the Social Worker cannot identify an effective alternative, the Social Worker will consult with a Disability Specialist or Regional Disability Liaison.

**Examples of
Communication
Aids and
Services**

7. The list below includes some examples of common communication aids or services. This is not an exhaustive list and is only meant to illustrate types of aids or services the Department may need to provide to ensure effective communication:
 - Providing ASL interpreters and CART services to individuals who are deaf or hard of hearing.
 - Using assistive technology like a video relay service to make contact.
 - Making sure materials provided electronically are compatible with screen readers used by individuals with vision disabilities (e.g., are in Microsoft Word format and have been checked for accessibility).
 - Scheduling longer meeting times for a parent/caregiver who uses a communication board to assist with speech.

- Note-taking during meetings.

Interpreters and Communication Specialists

8. The Department will secure interpreter services for parent/caregivers in a timely manner when needed. To secure services for Deaf and Hard of Hearing parent/caregivers, the Social Worker contacts the Department's identified contact with the Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH) who can make requests directly from MCDHH. [See Requesting ASL interpretive services tip sheet - Working with the Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH)]

Restrictions

9. The Social Worker, or other Department staff, will not require or suggest that a parent/caregiver with a disability bring their own interpreter or communication specialist to meetings. The Social Worker, or other Department staff, will not rely on an adult accompanying a parent/caregiver with a disability to interpret for the parent/caregiver UNLESS:
 - It is an emergency involving an imminent threat to the safety or welfare of an individual or the public and there is no other interpreter available; OR
 - The parent/caregiver specifically asks that the accompanying adult interpret or facilitate communication for them, the accompanying adult agrees to do so, and reliance on the adult is appropriate under the circumstances.
10. The Department will not rely on a child to interpret or facilitate communication for a parent/caregiver with a disability UNLESS it is an emergency involving an imminent threat to safety or welfare of an individual or the public and there is no other interpreter available.

Providing Reasonable Accommodations for Parent/Caregivers with Disabilities

The Department is required to provide reasonable accommodations to parent/caregivers with disabilities to ensure that they have meaningful access to the Department's programs and services. This obligation applies to all families with parent/caregivers with disabilities and at all stages of a family's involvement with the Department. This section details the process for responding to requests and providing accommodations to parent/caregivers with disabilities. The Department's approach is to collaborate with parent/caregivers to identify accommodations and then to provide those accommodations whenever possible.

Requesting a Reasonable Accommodations

1. Parent/caregivers may request reasonable accommodations and auxiliary aids/services:
 - by speaking to the Social Worker, Supervisor or Manager;
 - by writing to the Social Worker, Supervisor or Manager (through email or regular mail);
 - by contacting the Regional Disability Liaison for their particular region;
 - by contacting the Statewide Disability Coordinator; or
 - through their attorneys, if applicable, who can contact the Social Worker, Supervisor, Manager, Department Attorney, appropriate Regional Disability Liaison; or the Statewide Disability Coordinator.
2. A parent/caregiver or someone requesting an accommodation on their behalf is not required to use special language to request a reasonable accommodation. A parent/caregiver does not need to mention the ADA and they do not need to identify themselves as having a disability to be protected by the ADA.

**Identifying a
Need for a
Reasonable
Accommodation**

3. Some disabilities may be readily apparent when staff meet or interact with a parent/caregiver. In other cases, a Social Worker may not be able to tell if a parent/caregiver has a disability or needs an accommodation without more information. Some parent/caregivers also may be reluctant to self-identify as having a disability for fear that assumptions will be made about their parenting capacity that negatively impact their involvement with the Department.
4. If a Social Worker observes a characteristic or behavior that may indicate the presence of a disability, the Social Worker must take at least one of the following steps, but may take them all:
 - Ask the parent/caregiver if they would like an accommodation to assist with the observed behavior and explain what an accommodation is.
 - Consult with their Supervisor regarding the observation, what it could mean and potential next steps.
 - Consult with a Department specialist, including the Director of Disability Services, Disability Specialists, the Statewide Disability Coordinator, the Regional Disability Liaisons, or any of the Department's mental health, substance use/misuse, or medical specialists. For additional guidance, see EVALUATION section below.
5. The Department does not need to ask for verification of a disability to provide an accommodation and cannot ask for verification if a disability is obvious. If the disability is not obvious, the Department may ask the parent/caregiver for verification of a disability from a medical provider or other service professional. The verification from the medical provider should include that the parent/caregiver has a disability-based limitation and that the requested accommodation would help to mitigate the limitation.
6. The parent/caregiver's clinical team should not consider verification of a disability as a requirement a parent/caregiver must meet in order to receive an accommodation. Rather, the clinical team should consider it as a tool they can use to get better information about the parent/caregiver's disability and possible accommodations.

**How to Identify
an Appropriate
Reasonable
Accommodation:
The Interactive
Process**

7. The Social Worker, with the assistance of other clinical and legal staff when needed, must engage in an interactive process with the parent/caregiver to determine whether and how the Department can provide a specifically requested accommodation or a reasonable alternative.
8. The parent/caregiver can be helpful in determining what accommodation will work for them. People with disabilities are their own best experts, know who their service providers are, and what is most helpful to them. For example, the Social Worker can ask the parent/caregiver: "What would help you with this task?" and "Is there anyone who can help us understand what types of accommodations might be helpful for you?"
9. When determining what reasonable accommodation may be appropriate to use, the Social Worker may:
 - Ask questions of the parent/caregiver and their companions and gather more information from the parent/caregiver's medical and other providers, if necessary (as described above), to help identify an accommodation.
 - Consult with the Regional Disability Liaisons, the Director of Disability Services and Disability Coordinator.
 - Speak to their supervisors, and, as they do when finding resources to address any parent/caregiver need, brainstorm with their colleagues.

Evaluation

10. The Department does not diagnose disabilities. For that reason, the Department and the parent/caregiver may sometimes agree that an evaluation or test should be performed prior to discussing an accommodation to provide the parties with more information. While this may cause a delay in providing an accommodation, if the parties agree that this is the best course of action to identify appropriate accommodations for the parent/caregiver, the Social Worker and parent/caregiver should pursue it.
11. If such an evaluation is needed, the Social Worker will work with their Supervisor, a Disability Specialist, the Disability Coordinator, and any other necessary specialists, as well as the parent/caregiver and their counsel (if applicable) to find an appropriate evaluator. Once an evaluator is identified through this process, the Social Worker must make the referral promptly.
12. The Social Worker must upload any documents provided by a medical provider into the applicable section of the electronic case record.

Responding to Requests for Accommodations

13. When a request for a reasonable accommodation is received, the Department staff that received the request should immediately notify the assigned Social Worker and Supervisor and document the request in writing. If the case is court involved, the assigned Department Attorney and the Regional Disability Liaison should also be notified. The team will communicate with each other to determine who responds to the request and the next steps to resolve the request.
14. The Department's clinical or legal staff must respond in writing within 10 working days of receiving a request for a reasonable accommodation. The response should also be provided orally when necessary to ensure the parent/caregiver understands the Department's response.
15. The Department staff person identified to coordinate the request will communicate with the parent/caregiver or their representative in writing regarding the status of their request.
16. The response must indicate whether the Department is granting or denying the request. It must also describe the steps taken by the Department in response to the request (if applicable), and the next steps for the parent/caregiver either to access the accommodation or, in the case of a denial, to file a complaint (see section on complaints below).
 - If the Department determines an ADA meeting is required to discuss the accommodation request, the response must say that.
 - If the Department needs additional information to respond to the request, it must inform the parent/caregiver what additional information is needed, what steps the Department needs to take to get the information, and whether the parent/caregiver can provide any of the missing information. If the parties have agreed on the need for a further evaluation, the response can state this.
 - The response will also notify the parent/caregiver if the request has been referred to another Department staff person to coordinate the resolution and will identify who that person is.

Fulfilling Requests for Accommodations**(See Denials Below)**

17. Some requests for accommodations are straightforward to grant such as requests to schedule meetings at a particular time of day. These types of requests should be resolved as quickly as possible.
18. For simple requests, the Social Worker should confer with their Supervisor and Area Program Manager to determine whether to grant the request. If this group

has questions or cannot come to an agreement, the clinical team can consult with the Regional Disability Liaison and/or a Disability Specialist for further assistance.

19. Some requests for accommodations are more complex and may take additional time to resolve because they require input from multiple parties or access to services for which there is a waitlist.
20. For more complicated requests, the Social Worker, in consultation with their Supervisor and Area Program Manager, should determine who needs to be included in the decision whether to grant the request. Other persons to involve may include the Regional Disability Liaison, the Department's Attorney, the parent/caregiver, and their attorney, and, if the request involves the child, child's counsel. The Social Worker should schedule this meeting as quickly as possible with all necessary parties.
21. In most cases, the Social Worker, with other Department staff, will resolve requests within 30 days, but more complex requests that will require input from sources outside of the Department may take additional time. The parent/caregiver's clinical team will work diligently to gather that input and schedule any necessary meetings as expeditiously as possible. Any request for an accommodation that has not been resolved within 30 days will be referred to the Regional Disability Liaison for review. For requests that take more than 30 days to resolve, The Department staff person coordinating the request will provide the parent/caregiver with bi-weekly updates until the request is resolved.

**Examples of
Requests for
Reasonable
Accommodations**

22. Examples of reasonable accommodations include:
 - Changing the frequency, duration, or location of parent/caregiver-child visitation;
 - Arranging for hands-on learning during child medical or early intervention services appointments;
 - Tailoring parenting skills training to the needs of a parent/caretaker, such as increasing frequency or providing supplemental training, hands-on instruction, in-home demonstrations, audiovisual materials (e.g., step-by-step reminders);
 - Obtaining adaptive parenting equipment;
 - Providing more frequent support from a social worker;
 - Arranging for an assessment by an expert on working with parents with disabilities;
 - Using accessible spaces for family time in the community or the office;
 - Writing an action plan in language at an appropriate literacy level;
 - Allowing the parent/caregiver, or a companion, to take notes during meetings; and
 - Extending family time so a parent/caregiver has additional time to practice and demonstrate the parenting skills they have learned.

Additional Considerations Regarding Effective Communication and Reasonable Accommodations

The considerations below apply to how the Department responds to requests for and provides reasonable accommodations and auxiliary aids and services.

- | | |
|--|--|
| No Surcharges | 1. The Department may not charge the parent/caregiver for the provision of reasonable accommodations or auxiliary aids/services. |
| No Retaliation | 2. The Department may not coerce, intimidate, threaten, interfere, or engage in other retaliatory conduct against anyone because they requested a reasonable accommodation or communication aid, file a disability discrimination complaint, or otherwise attempt to access services or assert rights that are protected by federal law or identified in this policy. |
| Continuity of Accommodations and Services | <p>3. The Department's obligation to provide effective communication and reasonable accommodations to parent/caregivers with disabilities is ongoing throughout a family's involvement with the Department.</p> <p>4. Once the Department has agreed to provide a reasonable accommodation or auxiliary aid/service, the Social Worker must work with the parent/caregiver to ensure that the accommodation or aid is effective throughout the course of the parent/caregiver's involvement with the Department. As a family's needs change, the clinical team must respond to those needs with additional supports and services, if required.</p> <p>5. This obligation continues when the Department refers a parent/caregiver to a service provider, such as an organization that provides parenting classes. That is, the Social Worker, with the assistance of applicable staff, must inform the service provider, with the parent/caregiver's permission, of the parent/caregiver's accommodation need so that the service provider can continue to provide the accommodation while the parent/caregiver is receiving the service.</p> <p>6. The Social Worker should ask the parent/caregiver to sign a release of information to allow the Department to share information about the individual's disability and/or reasonable accommodation with the necessary service providers.</p> |
| Reasonable Efforts | 7. The Department's duty to make reasonable efforts to prevent removal of a child and achieve permanency for a child includes a requirement that the Department provide services to accommodate the needs of a parent/caregiver with disabilities. |
| Personal Items and Other Limitations | <p>8. The Department is not required to provide parent/caregivers with personal devices or devices that must be prescribed (e.g., wheelchairs, eyeglasses, or hearing aids) or substantial assistance of a personal nature (e.g., assistance dressing or using a toilet).</p> <p>9. If a parent/caregiver states that they need a personal item or personal assistance, the Social Worker should coordinate with other state agencies, community resources (e.g., community coalitions, family resource centers, medical providers, insurance companies) that may be able to provide such devices and services or make referrals to organizations that can do so. The Social Worker may work with the Regional Disability Liaisons, Director of Disability Services, Disability Coordinators, and medical social workers to help identify resources.</p> <p>10. The Department is not required to provide a requested accommodation or auxiliary aid or service if it would fundamentally alter the nature of the Department's services or programs or is unduly burdensome administratively or financially.</p> |

- A fundamental alteration is a change so significant that it alters the essential nature of the Department's service, program, or activity. Whether an accommodation would constitute a fundamental alteration is a fact specific inquiry and the Department bears the burden of establishing that a proposed action would fundamentally alter the service in question.
 - The Department also bears the burden of proving that a particular accommodation, aid, or service, would result in an undue financial or administration burden.
 - When considering whether an accommodation, aid, or service constitutes a fundamental alteration or undue burden, Department Staff should speak with members of the Department's legal team.
- Denying a Request for a Communication Aid or Reasonable Accommodation**
11. A Social Worker may not independently deny a request for an accommodation or aid as unreasonable without first consulting with their Supervisor and the Regional Disability Liaison.
 12. Only the Regional Disability Liaison or the Disability Coordinator, in consultation with Department legal staff, can determine that a particular accommodation, aid, or service would result in an undue burden or fundamental alteration.
 13. If a request for an accommodation or aid is denied as unreasonable, the denial must be accompanied by a written statement explaining the reasons for the Department's decision.
 14. Even where a parent/caregiver's initial request is determined to be unreasonable by the Regional Disability Liaison or Disability Coordinator, the Social Worker must engage with the parent/caregiver, and with other Department staff as needed, to try to find a reasonable alternative
- Documentation of Requests**
15. To help ensure that a parent/caregiver's accommodations and services are accurate and continuously provided, the Social Worker promptly records the following information in the electronic case record whenever a parent/caregiver requests an accommodation or an auxiliary aid or service:
 - The date the request was received;
 - A brief description of the request;
 - Whether the request was granted or denied (and the date of this decision); and
 - If the request was denied, an explanation of the alternative accommodation that was provided or the reason why no accommodation was provided.

D. CASE PRACTICE

Social Workers, Supervisors and Managers must be prepared to recognize disabilities, appropriately assess family needs related to disability, and provide appropriate services or accommodations to family members to address those needs, especially as they pertain to child safety. Recognizing a disability, whether in a parent/caregiver or a child, always includes a conversation with the family regarding their individual needs. It is important to ask questions for understanding and clarification and to remember that individuals with disabilities are often their own best experts in explaining how their disability impacts them and what their needs are. In all aspects of our work, Department staff should strive to be aware of how our own attitudes, values, reactions, conceptions of disability, and possible biases may affect our

assessment of a family that includes individuals with disabilities and in particular how we assess the parental capacity of a parent/caregiver with a disability. This section discusses disability-related considerations that are relevant to specific aspects of the Department's case practice.

Children with Disabilities

Children with disabilities can be more vulnerable to child maltreatment and therefore, the Department must take care to understand a child's individual vulnerabilities and adapt our practices of gathering information, making assessments, and safety decision making. Understanding how a child's disability affects their daily functioning enables parents, caregivers, and Social Workers to build on strengths, identify vulnerabilities, and connect children to appropriate supports, interventions, programming, and accommodations to ensure the child's safety and wellbeing.

Identification and Interactions

1. In situations where a child has a disability, the Social Worker and the child's parent/caregiver proactively take steps to ensure they fully understand the child's disability(ies) and disability-related needs.
2. To assist in understanding a child's disability(ies) and their corresponding needs, it is important for the Social Worker, in collaboration with the family, to:
 - Identify indicators and characteristics of disability, including identifying specific developmental, intellectual, or behavioral disorders which constitute a disability in children.
 - Gather information from the child, family members, medical providers, educational institutions, early intervention, or other collaterals, and through observations of the child.

Interviewing and Communicating with Children

3. If a Social Worker observes the child is having difficulty communicating at a developmentally appropriate level, the Social Worker should begin a conversation with the parent/caregiver about the possible need for communication aids. The Social Worker should ask the parent/caregiver whether their child has any disabilities and how the disability may impact the ability of the Social Worker to communicate and interact with the child. The Department must provide or utilize appropriate communication aids and services to ensure effective communication with the child. (See Section C).
4. Social Workers must make efforts to speak with children with disabilities regularly, and not rely on parents as the only source of information for a child. The Department makes efforts to ensure children with disabilities are fully able to participate in conversations with the Social Worker and in services through the use of communication aids and services. Some children may have difficulty communicating their experience of maltreatment due to their disability or because they are speaking with someone they may not know well. Offering multiple and varied opportunities to engage in discussion can assist children with disabilities in communicating their needs and any maltreatment they may have experienced.
5. The Social Worker should adjust their interviewing techniques depending on the child's disability in consultation with a specialist if needed. The Social Worker must utilize auxiliary aids or resources whenever appropriate to ensure that the child can participate in the interview process. For content to cover and standards for child contact see the [Protective Case Practice Policy](#).

Assessing Child Safety

6. The Social Worker's assessment of safety and risk includes identifying whether a child has a disability, and if so, whether the child's individual needs as a result of their disability impact their safety and well-being in the context of the caregiving relationship and home environment.
7. When a child has a disability, their parent/caregivers will often be experts on their child's needs. Parent/caregivers may also not fully acknowledge or understand a child's disability. In either situation, the assessment should consider the capacity of the child's parent/caregivers to meet the child's needs and whether there are additional supports, services, or accommodations that could increase that capacity.
8. Decisions about child safety, including the determination that a parent/caregiver's disability results in conduct that impacts the safety and well-being, must be based on objective facts and not on stereotypes or generalizations about individuals with disabilities. Such a determination must also include whether reasonable accommodations, or the provision of supports and services by the Department to the parent/caregiver could reduce or eliminate the risk. The Social Worker, Supervisor and Manager should consult with the Regional Disability Liaison when making this determination.

Considerations Specific to Casework**Intake/Screening**

1. During screening, whether protective or voluntary, the Screener gathers as much information as possible, including whether the parent/caregiver or child needs any communication aid or service or accommodation or services from the Department. Gathering information at this early stage allows the Department to identify and accommodate needs as quickly as possible.
2. The Screener is responsible for recording information available regarding any physical, developmental, or intellectual disability, including mental or behavioral health challenges or substance use disorder in the demographics section of the electronic case record.

Protective Response

3. The Response Worker should continue to gather information about whether a parent/caregiver or child has a disability and how that may impact their ability to communicate with the Department. This information may be important when interviewing the family and making a decision about the allegations. Any additional information that is gathered regarding a parent/caregiver or child's disability should be added to demographics section of the electronic case record. The Response Worker provides the parent/caregiver with a copy of the Parent/Caregivers with Disabilities Notice at the first in-person meeting during the response and reviews/explains the notice them. The Response Worker should be particularly attentive to any indication that a child or parent/caregiver might have a disability that impacts their ability to communicate with the Department. In such cases, the Response Worker should refer to Section C and provide or utilize appropriate communication aids and services during the response to ensure effective communication with the family.

Interviewing techniques may need to be modified based on a parent, caregiver, or child's unique needs. The Response Worker may consult with a specialist to determine how best to interview a child, parent, or caregiver with a disability.

4. When assessing child safety, the Response Worker must assess a parent/caregiver on an individualized basis. If a parent/caregiver has a disability, a determination that the parent/caregiver's disability impacts their ability to provide for and maintain child safety must be based on objective facts and not on stereotypes or generalizations about individuals with disabilities.

**Family
Assessment and
Action Planning**

5. When assessing child safety, the Response Worker must also consider the unique vulnerabilities of a child with a disability and assess how the parent/caregiver's protective capacity can meet the individual needs of the child.
6. When making reasonable efforts to prevent removal, the Response worker must consider whether the provision of reasonable accommodations or the provision of services to a parent/caregiver with a disability will reduce or eliminate the risk.
7. The Response Worker should consult with clinical specialists on substance use/misuse, mental/behavioral health, housing and health and medical services as needed. The Response worker can also consult with the Regional Disability Liaison, Director of Disability Services or Disability Specialists for assistance in interpreting observations and information, identifying needs, necessary accommodations, supports, and services.
8. The Social Worker will provide the parent/caregiver with a copy of the Parent/Caregivers with Disabilities Notice at the first in-person meeting during assessment unless a copy was provided to the parent/caregiver during a response.
9. During the assessment process, the Social Worker assesses each child and parent/caregiver through the use of protective factors that assess a parent/caregiver's capacities. See [Family Assessment and Action Planning Policy](#).

Title II of the ADA and Section 504 require that parent/caregivers with disabilities have a full and equal opportunity to participate in the Department's family assessment process. To have an equal opportunity to participate and benefit from this process, the Department must consider a parent/caregiver's disability, both in terms of its impact on a parent/caregiver's ability to participate in the assessment itself and its impact on the parent/caregiver's capacity to safely care for their child, including whether services and supports are needed to ensure their child's safety, permanency, and well-being. It also means that when assessing parental capacity, the Department may need to modify the assessment process for a parent/caregiver with a disability.

10. Social Workers should be mindful of communication aids or services necessary to ensure that a parent/caregiver can fully participate in the assessment process and that the assessment is effective. Parent/caregivers with disabilities will be assessed on an individualized basis. It must be a fact-specific inquiry that evaluates the strengths, needs, and capabilities of a parent/caregiver with a disability based on objective evidence, personal circumstances, demonstrated competencies. Determinations regarding their parental capacity must not be based on stereotypes or generalizations about individuals with disabilities.
11. It is important to evaluate a parent/caregiver's actual functioning as a parent, taking into account both the supports that a parent/caregiver may already have in place and potential new supports a parent/caregiver may need. The Social Worker may need to observe a parent/caregiver with a disability in their natural home environment over a period of time.

The Social Worker should also make note of any reasonable accommodations or communication aids the family may need if it remains involved with the Department.

Consult with DCF Specialists

12. In assessing parental capacity and attempting to determine how to mitigate any risk, staff should consult with the Department's regional clinical specialists on substance use/misuse, mental/behavioral health, housing and health and medical services as needed. Staff should also consult with the Regional Disability Liaison, Director of Disability Services and Disability Specialists for assistance in interpreting observations and information, and identifying needs and necessary accommodations, supports and services.

Action Planning, Services and Supports

13. Action planning should be a collaborative and interactive process done with the family. The Action Plan developed with a parent/caregiver with a disability, or a parent/caregiver of a child with a disability, is based on an individual assessment of what services and supports the family needs to provide for their child's safety and well-being. Action Planning for parent/caregivers with disabilities should be individually tailored to accommodate the parent/caregiver's disabilities and should include the provision of services and supports that meet the individual parent/caregiver's disability-related needs and enable them to succeed. (see Family Assessment and Action Planning Policy).
14. In working with parent/caregivers or children with disabilities, the Department will make referrals as needed to meet the Department's obligations to make reasonable efforts to prevent placement and to provide reasonable accommodations. Some referrals may include further assessments of a parent/caregiver or their child. Referrals may include, but are not limited to:
- Referral for parental capacity evaluation;
 - Referral for Department of Developmental Services programs or services for parent/caregiver or child;
 - Referral for Department of Mental Health programs or services for parent/caregiver or child;
 - Referral for evaluation by developmental pediatrician;
 - Referral for Early Intervention services for child; (see Early Intervention Policy)
 - Educational/688 transition planning (see Education Policy and 688 Transition Planning Policy);
 - Community based supports and services (including specialized services for children and families with disabilities from diverse backgrounds).

Identify Supports

15. If it is determined that a parent/caregiver's disability adversely affects their capacity to provide a safe and nurturing environment for their child, the Department must identify supports and services to help that parent/caregiver strengthen their capacity. Both the Department and service providers have a role in teaching and coaching the parent/caregiver in increasing the skills and capacity they need to successfully care for their child. Learning should always be paced at the parent/caregiver's ability to absorb the lessons and should occur in tandem with efforts to broaden caregiver supports.
16. Children with disabilities may receive appropriate individualized services from the Department as required.

Working with Collaterals, Services and Supports

17. Collaterals and service providers play an important role in helping the Social Worker understand child and parent/caregiver disabilities. They also help the Department determine the most effective way to work with a family and provide supportive services when a child and/or their parent/caregiver has a disability.
18. The Social Worker, with the assistance of their Supervisor, Manager and specialists when needed, will identify and access community resources,

accommodations and technology and make referrals to help connect families to them (See Section C).

19. The Social Worker's role is to collaborate with collaterals to help identify and understand disabilities, and then to recommend interventions, supports and accommodations for both the child and the parent/caregiver.

When the Social Worker identifies that a child has a disability, the Social Worker, or other Department staff as appropriate, will collaborate with the child's medical providers, treatment providers, Department specialists, and (when applicable) the child's attorney, Guardian Ad Litem, or Court Appointed Special Advocate to ensure coordinated planning and interventions.

Documentation – Demographic and Medical Information

20. The Social Worker updates the family's demographic information regularly in consultation with their Supervisor.
21. The Social Worker updates the electronic record to include any disability-related services, assistance, or accommodations (such as a parent aide or interpreter) that the Department is or should be providing to ensure that the parent/caregiver can fully and equally participate in the Department's family preservation and reunification services.
22. The Social Worker documents current, known, relevant medical and disability related information in the child's medical/behavioral profile. The Social Worker updates this information as it changes.

Supervision

23. Supervision is an important tool to help Social Workers, Supervisors and Managers understand how a specific family functions. Social Workers, Supervisors and Managers should utilize supervision to discuss issues related to working with parent/caregivers and children with disabilities.
24. Supervision is an important opportunity to check biases and confirm that case decisions are being made based on objective observations and not generalizations or stereotypes.
25. In reviewing information and observations to understand a parent/caregiver or child's disabilities and service needs, the Supervisor or Manager helps identify when additional consultation is needed with the Department's specialists or with other external resources.
26. In cases involving a child in placement, Supervision can be used to:
 - Ensure plans for reunification include acknowledgment of the particular vulnerabilities of a child with a disability and the unique stresses and circumstances that may be introduced into a household;
 - Ensure plans for reunification include any supports or accommodations a parent/caregiver needs as a result of their own or their child's disability. For example, this could include brainstorming how to provide parent/caregivers with accommodations related to family time (such as, better locations, extended hours, adaptive parenting equipment, etc.);
 - Schedule a consult, as needed, with a Department specialist, including the Director of Disability Services, Disability Specialists, the Statewide Disability Coordinator, the Regional Disability Liaisons or any of the Department's specialists.

Considerations Related to Removal, Families with Children in Foster Care, and Reunification

Considerations for Removal

1. The Department's obligation to make reasonable efforts to prevent removal, whether in emergency or non-emergency circumstances, includes the obligation to provide reasonable accommodations to a parent/caregiver with a disability. In

considering a removal of a child who has a disability or is in the care of a parent/caregiver with a disability, Social Workers, in consultation with their Supervisor, Manager, Department Attorney and disability specialist if needed, must address whether reasonable efforts to prevent the removal may be sufficient to mitigate the harm or risk of harm to the child. If the Social Worker, in conjunction with their Supervisor and Manager, determine that reasonable efforts (including reasonable accommodations) are not sufficient to mitigate the risk of harm to the children, removal may be necessary. The safety assessment tool may be helpful in supporting this determination.

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| Family Time | <p>2. Even if the Department determines that a child must be removed from the home, a parent/caretaker with a disability must still be permitted to participate in and benefit from Department services, programs, or activities, for which they are otherwise qualified as long as they do not pose a direct threat to the health or safety of others when participating.</p> <p>3. For children with disabilities, the foster home in which they are placed must have the capacity to meet their individual needs. The Department prioritizes placing with kin first. If the selected foster home needs support to meet the individual needs of a child with a disability, the Department will put services and supports in place to help them meet the individual needs of the child.</p> |
| Reunification | <p>4. Family Time is vitally important to keep parent/caregivers and children connected in cases involving removal. The Department must facilitate and encourage Family Time. In cases involving parent/caregivers or children with disabilities, Family Time may require accommodations, including communication aids and services; and or adjustments to meeting location or duration.</p> <p>5. Reunification efforts should always take into account a parent/caregiver's and/or child's disabilities and the supports and services that will continue to mitigate any risks as the family is reunified. The risk reassessment tool may be helpful in this planning process.</p> <p>6. These efforts to account for and accommodate a caregiver's or child's disabilities in the reunification process must be documented in the case record as noted above.</p> <p>7. A decision to reunify a child with their parent/caregiver will follow the process set out in the Reunification Policy. If either the parent/caregiver or the child has a disability, the tri-level meeting must include a consultation with a disability specialist or the Director of Disability.</p> |
| Transition Planning for Youth | <p>8. Youth with disabilities in the child welfare system face many additional barriers to a successful transition. To aid in the successful transition from the child welfare system to an adult serving system, Social Workers for youth must begin planning early, exploring what resources, benefits, and services are available in the adult system and how the youth will access them. Involving youth in their transition planning is critical. For additional information on transition planning for youth, see Permanency Planning Policy.</p> |

E. Complaints of Disability Discrimination

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| Complaints of Disability Discrimination | <p>1. Complaints of disability discrimination may be made by a parent/caregiver, or by their attorney, to the Department's Office of the General Counsel, the Statewide Disability Coordinator, the Regional Disability Liaisons, or the Office of the Ombudsman. The complaint may be made in writing, via email, or over the phone. (Contact information can be found on the Department's website.)</p> |
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Disability discrimination complaints on behalf of a child may be made by a parent/caregiver or child's counsel (if appointed) to the Office of the Ombudsman, through the Grievance process and directed to the appropriate Area Office.

2. Although complaints can take many forms, there are three common types of complaints:
 - (a) failure to provide a requested accommodation or auxiliary aid/service;
 - (b) discrimination on the basis of a disability; and
 - (c) failure to follow the policy.
3. The Department may require additional information from the parent/caregiver or their lawyer regarding the complaint to evaluate it fully. This may include a specific statement from the parent/caregiver about the nature of the discrimination alleged and the relief being sought.
4. Parent/caregivers with disabilities must have an opportunity to participate in the complaint resolution process. The Department will ensure that any communication aids or services parent/caregiver with a disability needs to communicate and participate in the process are provided

Initial Review

5. Upon receipt of a complaint, the Regional Disability Liaison and Statewide Disability Coordinator will review the complaint to determine whether it is a disability-related complaint, or whether it would be more appropriately handled by the Department's Office of the Ombudsman, or another state agency.
6. Within 10 working days of receiving the complaint, the Regional Disability Liaison will notify the parent/caregiver and their counsel (if applicable) if the complaint will be referred elsewhere to be resolved. The Regional Disability Liaison will also notify the parent/caregiver and their counsel if the complaint cannot be resolved by the Department.
7. If the Statewide Disability Coordinator determines that a complaint regarding a delay in the provision of a reasonable accommodation or service is the result of circumstances beyond the Department's control, the Regional Disability Liaison will notify the parent/caregiver and their counsel of the reasons for the delay. For example, when a third party fails to provide requested information to the Department or there is a waitlist for a required evaluation. When such a delay occurs:
 - The Department will work with the parent/caregiver to identify and provide an alternative service or accommodation that meets the parent/caregiver's stated needs and that is not dependent on third party action.
 - The Department will provide bi-weekly updates to the parent/caregiver and their counsel regarding the status of the requested accommodation or service that has been delayed.
 - The Department will also consider whether other case deadlines should be extended.

Full Review and Complaint Meeting

8. If the initial review determines that a complaint is disability-related, the Regional Disability Liaison will conduct a full review of the complaint and all relevant materials, including:
 - Information submitted by the parent/caregiver (and their counsel or other representatives as appropriate);
 - Information contained within the clinical and legal case record; and
 - Any assessments or evaluations of the parent.

As with all medical records it receives, the Department will maintain the confidentiality of any medical records provided in support of a disability-related complaint or a request for accommodation or auxiliary aid/service. Such information will only be shared to the extent allowed by law.

9. The Regional Disability Liaison will also meet with clinical staff to review the complaint and gather information.
10. After reviewing all the material gathered regarding the complaint, the Regional Disability Liaison will schedule an ADA meeting with the parent/caregiver, their counsel (if applicable), and appropriate clinical staff to review the complaint and the material gathered/provided and to discuss potential resolutions. This meeting will be scheduled as soon as all relevant materials and information have been obtained but, in any event, no later than 5 weeks from the receipt of the complaint. The Department is not responsible for scheduling delays caused by other parties.
 - If the Regional Disability Liaison believes a resolution to the complaint is possible without scheduling a formal meeting, they can reach out to the parent/caregiver or their counsel regarding the proposed resolution and the parties can work together to determine if a meeting is necessary.
 - As noted above, the failure of a third party to provide relevant information or take other necessary action should not prevent the Department from meeting and working with a parent/caregiver to resolve their complaint with whatever means are within the Department's control.
11. After the ADA meeting, the Regional Disability Liaison will make a determination regarding the complaint. The Regional Disability Liaison may work with the Statewide Disability Coordinator at any point during this review and decision-making process and must get approval from the Disability Coordinator before issuing a determination that:
 - Denies relief requested by the parent/caregiver in their complaint; and
 - Was not mutually agreed upon with the parent/caregiver and their counsel.
12. In reviewing complaints, the Regional Disability Liaison and Statewide Disability Coordinator may consult with the General Counsel, Deputy Commissioner and Commissioner as needed. However, disability-related complaints should be resolved as quickly as possible.

Resolution of the Complaint

13. Upon reaching a decision, the Regional Disability Liaison or Statewide Disability Coordinator will issue a resolution notice to the parent/caregiver and their counsel, explaining the outcome of the complaint, the actions taken by the Department in response to the complaint, and any next steps (including timing).
14. If the Department has decided to provide requested accommodations or to take other remedial actions in response to the complaint, the Regional Disability Liaison or Statewide Disability Coordinator will notify the parent/caregiver, their counsel (if applicable), and Department staff of its decision. All resolution notices will include, where applicable, a copy of any instructions to staff on providing accommodations and auxiliary aids/services or other remedial measures.

**Documentation
of Disability-
Related
Complaints**

14. The Regional Disability Liaison must input the following information in the electronic case record:
 - The date when the complaint was received;
 - The status of the complaint;
 - Bi-weekly status updates;
 - A complete copy of the resolution notice; and
 - Any accommodations or services the Department has agreed to provide, or actions it has agreed to take, and by what date if not recorded elsewhere in the electronic case record.