

Parents & Parenting with a Disability

Rights & Supportive Services

August 1, 2023



Who's here?

Introduce yourself in the chat

- Name
- Role
- Where you're joining us from
- One thing you hope to learn or hear about today

Today



Closed Captions



Use the Chat



Certificates



Recording

Learning Objectives

After completing this training, attendees will:

- Gain an understanding of the lived experiences of parents with disabilities.
- Recognize how individual and systemic ableism impacts parents with disabilities and their families.
- Identify resources and services to expand their own knowledge and better support parents with disabilities and their families.

How did we get here?

- Nationwide trends, settlement agreements, legislation
- ODH response to stakeholder concern
 - Pulled in other agencies
 - Looked at data, research, curriculum, resources
 - Met with National Research Center
- Senate Bill 202

Parents with Disabilities in Ohio

Kara Ayers, PhD





Kara Ayers, PhD

- Professor and researcher
- Trained as a clinical psychologist
- National Research Center for Parents with Disabilities
- National Center for Disability and Pregnancy Research
- No disclosures for this talk



What we can learn from research:

- The number of families headed by a parent with a disability has increased significantly.
- The majority of states still include parents' disabilities as grounds for Termination of Parental Rights (TPR).
- Ohio ranked highest in its % of use of parental disability as reason for removal.

DeZelar, S., & Lightfoot, E. (2018). Use of parental disability as a removal reason for children in foster care in the US. *Children and Youth Services Review*, 86, 128-134.

54%

**Parental disability as at least
one removal reason**

20%

**Parental disability as the sole
removal reason**

DeZelar, S., & Lightfoot, E. (2018). Use of parental disability as a removal reason for children in foster care in the US. *Children and Youth Services Review*, 86, 128-134.



NORMAL

Ableism is:

- a false belief that people with disabilities are inferior
- discrimination against people with disabilities
- a set of taught practices and beliefs, which assume nondisabled-ness is the norm .



**Ableism can
be covert but
is still
poisonous.**

MICROAGGRESSIONS EXPERIENCED BY DISABLED PARENTS

Type	Description	Example
Invasion of privacy	People may invade personal space and ask personal questions because you have a disability.	"What happened to you?" "Oh here let me pick her up for you." (Picking up child without asking.)
Helplessness	People may frantically try to help and treat you like a child.	"Oh let me do that for you!" Running to open doors.
Patronization	People praising you for almost anything and finding it surprising you do ordinary things.	"It is so good to see you out and about!"
Denial of disability	Disability is ignored-or claimed to be ignored.	"I don't even think of you as having a disability"
Questioning our children	People may ask children personal questions about their parents or how their family works.	"You are so kind to help your parents." "Who takes out the trash in your house?"

Adapted from Disability Affirmative Therapy by Rhoda Olkin (2017)

Are you a parent with a disability?

Join UCCEDD and May We Help to brainstorm and dream about **what devices or tools would help you and your family.**

May We Help is a volunteer organization of engineers and innovators who design custom devices for people with disabilities. Everyone is welcome to attend. This event is free.

Tuesday, August 1 at 2pm EST on Zoom

REGISTER NOW



UCCEDD
University of Cincinnati Center for
Excellence in Developmental Disabilities

Are you a pregnant person with a disability who would like support developing an **Accessible Pregnancy Action Plan** ?

Our research team is working to develop a tool, which we call the **Accessible Pregnancy Action Plan**. This tool would help pregnant people with disabilities think about what they need during pregnancy, during birth, and after having their baby.

▶▶ We are looking for:

- Pregnant people with disabilities, who are ...
- between 12 and 36 weeks pregnant with their first child, and who ...
- speak English or use ASL to communicate.

Participants will work on their Action Plan with a peer facilitator, who is also a parent with a disability. These meetings will take place over Zoom. There will be between 2 and 4 meetings.

Most participants will complete the intervention in two sessions. They will be paid \$50 per session. Participants who complete the program will also be compensated an additional \$50.



If you have questions, please contact kara.ayers@cchmc.org.



If you'd like to participate, please complete this survey:

<https://redcap.link/caka65t0>



How you can reach me:



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[@DrKaraAyers](https://twitter.com/DrKaraAyers)



[@KaraAyers](https://www.instagram.com/KaraAyers)



My Google Scholar Profile to
read my work.

Parental Rights and Disability

Ohio's New Law

Katherine Hunt Thomas
Attorney and Director of Advocacy

Outline of the New Parenting Law

Outline of the Law

R.C. 2131.03-
2131.036

- Definitions
- Prohibition on Discrimination
- Requirement for Services and reasonable modifications
- Appeals Process



Definitions

§ 2131.03 Definitions

As used in sections 2131.03 to 2131.036 of the **Revised Code**:

- (A) “Disability” has the same meaning as in the “Americans with Disabilities Act of 1990,” 42 U.S.C. 12102;
- (B) “Supportive services” means any service provided through a program or agency at the federal, state, or local level that is intended to assist a person with a disability with day-to-day responsibilities and activities, including those associated with the care and supervision of a minor.



Definition of Disability – 42 U.S.C. 12102

- (1) Disability. The term “disability” means, with respect to an individual—
- (A) a physical or mental impairment that substantially limits one or more major life activities of such individual;
- (B) a record of such an impairment; or
- (C) being regarded as having such an impairment (as described in paragraph (3)).

- major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
- a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.



Definitions

Specific Disabilities Mentioned:

Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine;

Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability.

Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

Specifically Excluded:

Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

Compulsive gambling, kleptomania, or pyromania; or

Psychoactive substance use disorders resulting from current illegal use of drugs.



Prohibition on Discrimination



R.C. 2131.031

- (A) No court, public children services agency, private child placing agency, or private noncustodial agency shall deny or limit a person from any of the following solely on the basis that the person has a disability:
- (1) Exercising custody, parenting time, or visitation rights with a minor;
 - (2) Adopting a minor;
 - (3) Serving as a foster caregiver for a minor;
 - (4) Appointment as a guardian for a minor.
- (B) Division (A) of this section shall not be construed to guarantee or grant a person with a disability a right to conduct activities or exercise authority as described in that division.

Where does this law apply?

Who?

- A Court;
- Public Childrens' Service Agency;
- Private Child Placing Agency;
- Private Non- Custodial Agency.

What?

- Custody, parenting time, visitation;
- Adoption;
- Guardianship of a Minor.



Determination on Reasonable Modifications and Supportive Services

§ 2131.032 Determinations necessary for granting motions.

- (A) A court, public children services agency, private child placing agency, or private noncustodial agency, when determining whether to grant a person with a disability the right to conduct activities or exercise authority as described in division (A) of section 2131.031 of the Revised Code, shall determine whether modifications or supportive services designed to assist the person regarding the activities or authority are necessary and reasonable.
- (B) A public children services agency, private child placing agency, or private noncustodial agency shall provide its reasons for a determination under division (A) of this section.
- (C) A court shall make specific written findings of fact and conclusions of law providing the basis for its determination under division (A) of this section.



Reasonable:

- Undue cost or administrative burden;
- Fundamental alteration of the program. (*TN v. Lane*, 541 U.S.509(2004)).

Necessary:

- Nexus between disability and services.



Modifications and Supportive Services

- Public Transit Services;
- Family Support;
- Medicaid or HCBS Waiver Support;
- Subsidized Housing;
- Medication;
- Assistive Technology;
- Durable Medical Equipment;
- Accessible Housing;
- Personal Care Aids;
- Service animals;
- Anything else that may assist the person.



§ 2131.033 Modifications and supportive services

If modifications and supportive services are determined to be necessary and reasonable under section 2131.032 of the Revised Code, the court, public children services agency, private child placing agency, or private noncustodial agency that made the determination may require the modifications or services to be implemented to assist the person with a disability to conduct the activities or exercise the authority as described in division (A) of section 2131.031 of the Revised Code. The court, public children services agency, private child placing agency, or private noncustodial agency imposing the modifications or services shall review their continued necessity and reasonableness after a reasonable amount of time



§ 2131.034 Unreasonable modifications and supportive services.

If modifications and supportive services are not determined reasonable under section 2131.032 of the Revised Code, the court, public children services agency, private child placing agency, or private noncustodial agency that made the determination shall deny or limit conduct of activities or exercise of authority described under division (A) of section 2131.031 of the Revised Code by the person with a disability.



Method of Review

§ 2131.035 Challenging determination by persons with a disability.

A person with a disability may bring an action or, in the case of a court determination, file a motion, to challenge either of the following:

- (A) The modifications or supportive services required under section 2131.033 of the Revised Code;
- (B) The limitation or denial under section 2131.034 of the Revised Code.



§ 2131.036 Action or motion to be made by court

A court shall do one of the following regarding an action or motion under section 2131.035 of the Revised Code:

- (A) Affirm the modifications or supportive services required under section 2131.033 of the Revised Code or limitation or denial under section 2131.034 of the Revised Code and make specific written findings of fact and conclusions of law providing the basis for its decision as to why reasonable modifications or supportive services are necessary in order to conduct the activity or exercise the authority in question or insufficient to alleviate any concerns. With regard to a motion to challenge a court determination, the court shall consider, and address in its decision, any new arguments or evidence provided with the motion.
- (B) Rescind the modifications or supportive services or limitation or denial and grant the person the right to conduct activities or exercise authority described in section 2131.031 of the Revised Code, with or without reasonable modifications or support services.



Limits

Does every parent with a disability get a free pass?



- **No, the decision has to be solely made on the basis of a person's disability;**
- **Supportive Services and Reasonable Modifications must be reasonable and necessary;**
- **"Best interests of the child" or other applicable legal standard still exists.**

Education

- Our project now is to educate Ohio's decision makers on the new law
- There will be a series of webinars around the state aimed at different audiences
- Track implementation and see how it affects the landscape of parents with disabilities in Ohio

Independence Questions?

Equity

Inclusion

Education

Community

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