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**Report to**  
**The Vermont Legislature**

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# **Serving People with Disabilities**

**In Accordance with H.615: No. 185 AN ACT RELATING TO  
JUVENILE JUDICIAL PROCEEDINGS**

**Submitted to: Legislative General Assembly**

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**Report Date: March 2009**



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## **Purpose**

As part of Act 185, An Act Relating to Judicial Proceedings, the Department for Children and Families was asked to “report to the general assembly on the following:

- Procedures used to identify parents with disabilities.
- Procedures used to assess family strengths and weaknesses as they relate to children and parents with disabilities.
- Procedures for modifying case plans to include the use of adaptive equipment and supports.
- The state’s ability to accommodate the court related needs of children and parents with disabilities as they relate to juvenile judicial proceedings.

In preparation of the report the Department was required to consult with the Family Support Project at the University of Vermont, the Vermont Judiciary, the Office of the Defender General and the Department of Disabilities, Aging and Independent Living.

People contributing to this report include: Parents with disabilities; Dr. Susan Yuan, College of Education and Social Services, University of Vermont; Lindy Boudreau, Family Services, MSW student; Kathleen Holsopple, Vermont Federation of Families for Children’s Mental Health; Anna Saxman, Office of Defender General; Amy Roth, the Department of Disabilities, Aging and Independent Living; Renny Perry, Vermont Judiciary; Karen Schwartz, Vermont Developmental Disabilities Council; Barbara Prine, Disability Law Project of Vermont Legal Aid; Gale Burford, Department of Social Work, University of Vermont; Rita Phelps, Vermont Communication Support Project.

## **Introduction**

The Department for Children and Families, Family Services Division, does not discriminate against people with disabilities; we must comply with the Americans with Disability Act. Upon request, we provide reasonable accommodations while promoting the safety, stability and well-being of children and families.

We believe the intent of this report was to identify current practice in Family Services as related to working with children and parents with developmental disabilities and to identify preliminary recommendations for increasing disability awareness and responsivity in child welfare professionals and their community partners.

## **Background**

Child welfare workers serve children and families from a wide range of ethnic and racial backgrounds, socioeconomic rankings and levels of cognitive and physical disabilities.

There are general estimates of the number of children with disabilities who experience child abuse and/or neglect. Reports from Crosse et al. (1993) indicated that the overall incidence of abuse and/or neglect of children with disabilities is between 1.7 to 1.9 times that of children without disabilities. Sullivan et al. (1997) supports this with further data reporting that 64% of the maltreated children in a large scale archival and retrospective survey had some type of impairment or disability<sup>1</sup>.

In addition, the number of parents with disabilities has been growing in recent years. As this rate has increased, more children of parents with disabilities have entered the child welfare system. It has been estimated that 40-60% of parents who have a developmental or cognitive disability have their children removed from their home at some point during child-rearing (Muenzer-Doy & Anderson, 1998). These high rates of both parents with disabilities and children with disabilities in the child welfare system require a system that is aware of and responsive to disability issues<sup>2</sup>.

## **Training**

### **Current Practice**

Two trainings that teach professionals how to better support parents with disabilities have been conducted for Family Services and court related staff. Supporting Parents with Disabilities, previously offered by the Center on Disability and Community Inclusion (CDCI) focuses on:

- Identifying federal and state laws that relate to parents with disabilities;
- Implementation of legislative mandates for child protection and disability rights;
- Identifying potential accommodations;

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<sup>1</sup> Managing Child Protection Cases Involving People with Disabilities, Center for Advanced Studies in Child Welfare, School of Social Work, College of Education and Human development, University of Minnesota

<sup>2</sup> Managing Child Protection Cases Involving People with Disabilities, Center for Advanced Studies in Child Welfare, School of Social Work, College of Education and Human development, University of Minnesota

- Identifying local resources;
- Identifying parent support strategies;
- Identifying indicators of progress; and
- Developing a coordinated plan for integrated services.

This training has been conducted in 10 of the 12 Family Services districts and is no longer offered through CDCI. The final two trainings are being scheduled and will be funded through an Agency of Human Services Family Support 360 grant.

A comparable training, with more of a legal focus, entitled Juvenile Defender Training on Representing Parents with Disabilities is offered by the Disability Law Project of Vermont Legal Aid. The Defender General's office has offered this training for contracted attorneys who represent parents and children involved with DCF.

### **Recommendations**

Ongoing training to create and sustain disability awareness is vital for child welfare staff as well as for other professionals who have contact with parents and who determine compliance with services. Suggested participants include case workers, supervisors, judges, attorneys, guardians ad litem and contracted staff that provide parent education and support services.

Supporting Parents with Disabilities costs approximately \$1,350 per session. The Juvenile Defender Training on Representing Parents with Disabilities is funded by Vermont Legal Aid. Both of these trainings may be in jeopardy due to decreases in funding. However, it is possible that these trainings qualify for Title IV-E reimbursement when at least some of the participants are child welfare staff and/or court and related personnel.

## **Parenting Assessments**

### **Current Practice**

Currently, there is no systematic way for Family Services staff to assess parents or children with developmental disabilities for potential accommodations. Once a disability is known, whether by self identification or some other way, Family Services staff oftentimes makes referrals for a parenting assessment by experts in the field.

Many of these assessments have been completed by an assessment service formally associated with the Center on Disability and Community Inclusion (CDCI) or by designated community agencies who assess adults to determine eligibility for services through the Department of Disabilities, Aging and Independent Living (DAIL).

Referrals for the parenting assessment, formerly associated with CDCI, are now triaged through an independent consulting firm named Sage Haven Center. This parent assessment service provides:

- Assessments of parent awareness using a nationally recognized tool;
- Structured observations with written reports of parenting skills in their home and community;
- Identification of formal and informal supports;
- Recommendations and suggestions for realistic strategies and support services for parents; and
- Documentation acceptable for court proceedings.

The cost for a single parent family assessment is \$2,500; the cost for a two parent family assessment is \$3,500.

DAIL's Developmental Disability Service system does not have an assessment procedure at the state level to identify parents with disabilities. Individuals apply for services at the designated agency in their region and must meet eligibility criteria and a funding priority in order to access funds.

Individuals who do not meet the criteria for having a developmental disability or a pervasive developmental disorder, along with substantial deficits in adaptive functioning occurring before the age of 18, fall outside of the purview of the Developmental Services system.

### **Recommendations**

Oftentimes, Family Services and court related staff refers clients to regional peer navigators for support, system navigation and further screening. Peer navigators have the experience to determine if parents or children could benefit from further assessment, support and/or other accommodations.

If parenting assessments are necessary, it is important to ensure that they are conducted by people that are knowledgeable in parenting skills and disability accommodations. The assessment service team associated with Sage Haven Center, has more than 50 years of combined experience in the field of developmental disabilities.

## **Accommodations**

### **Current Practice**

Parents with disabilities receiving services from the Agency of Human Services can access support through the Vermont Family Support 360 Project. A significant component of this project is the peer navigator support. Peer navigators work with parents who are disabled to assist in maintaining children with or without disabilities in the home and in the community.

Current data shows that the support being provided by peer navigators is allowing more families to stay intact.

Prior to the Vermont 360 Project, Vermont did not look at disability status in relation to termination of parental rights. However, since the Project began, the data shows that less than 2% of the 655 parents served by the Vermont 360 Project have had their parental rights terminated<sup>3</sup>. As stated earlier in this document, national estimates show that 40 to 60% of parents with developmental disabilities lose custody of their children. Family Services and the Defender General's office both make referrals to the peer navigators.

In addition, the Courts, the Defender General's office and Family Services staff access the service of the Vermont Communication Support Project (VCSP), which is currently funded by a Byrne grant through the Bureau of Justice Assistance, until June 2010.

VCSP serves people with disabilities whose communication problems prevent them from participating fully in specific court and agency proceedings. They assist people with disabilities in communicating with the judge, court staff, attorney or state agency staff. While a communication specialist is not an advocate, they can:

- Assess the communication strengths/weaknesses of the person with a disability;
- Determine what accommodations the person needs to communicate meaningfully in the proceedings;
- Assist in requesting the necessary accommodations;
- Implement the accommodation by providing communication support in the administrative or court proceeding;
- Model effective communication techniques for other individuals in the proceeding; and
- Provide feedback to ensure that the person understand the proceedings.

The Defender General's office is required to comply with the Americans with Disabilities Act. They file motions for accommodations that enable parents to participate in the court process as well as accommodations necessary to enable them to parent effectively in their homes; oftentimes parents can benefit from parent training programs.

Traditional family preservation and parent education services tend to be less effective for parents with developmental disabilities. Learning and support needs to be long term, specific, situational and structured if parents are to integrate

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<sup>3</sup> Dr. Susan Yuan, College of Education and Social Services, University of Vermont.

necessary strategies that enable them to parent effectively. In VT, opportunities to attend these types of parent training programs are very limited.

One mother, who has a developmental disability, said she didn't know she wasn't passing the parenting class because she understood some of it and that's how it has always been for her. She found out that she "failed" the class when the Termination of Parental Rights petition quoted the parent education teacher as saying that the mother wasn't capable of parenting her children.

If a person meets the eligibility criteria for services through DAIL, the individual and their team members draft an Individual Support Agreement, which is reviewed annually and describes supports and services and how the agency will assist in meeting individual goals.

Any accommodations that are needed for the client are incorporated in the Individual Support Agreement. DAIL has limited resources specific to parents with disabilities; however there is a funding priority to address "support needed for parents with developmental disabilities to provide training in parenting skills to help keep a child under 18 at home. Services may not substitute for regular role and expenses of parenting; maximum amount of \$7,800/ year."<sup>4</sup> To meet this funding priority, the individual has been assessed by the Designated Agency to need support for learning parenting skills.

Children with disabilities generally have access to an array of supports through their school. DAIL administers the Children's Personal Care Program for Medicaid-eligible children with developmental disabilities and other health conditions that substantially impact their care giving needs or the development of self care skills. This service is available up to age 21.

### **Recommendations**

The peer navigator service is seen as a valuable asset to agencies delivering services to parents and or children with disabilities. The Vermont Family 360 Support Project, the grant that funds the peer navigators, is adequately funded to last until June 2010.

The Vermont Communication Support Project, another valuable service, is funded by a Byrne grant through the Bureau of Justice Assistance, until June 2010.

The principles of DAIL's Developmental Services promote the values of ensuring health and safety, community inclusion and participation, responsiveness to individual needs and supporting the dignity and independence of individuals to

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<sup>4</sup> Vermont State System of Care Plan for Developmental Disability Services, FY2008-FY2010, The Division of Disability and Aging Services, Department of Disabilities, Aging and Independent Living, Agency of Human Services, page 71.

the maximum extent<sup>5</sup>. Disability Services supports are generally long term – often across the lifespan and maintaining these principles within a high quality community based system of supports requires consistent commitment of funds.

It was difficult for parents and experts in the disability field who were consulted for this report to offer suggestions on modifying Family Services documents such as case plans, disposition reports, etc without careful review and discussion of such documents. It was recommended that the Division convene a panel of experts on parents with disabilities, including some parents with disabilities to review current Family Services documents for modification recommendations.

It will be important for Family Services to work with their contracted partners to clarify the contractual obligation to provide reasonable accommodations to parents referred for services.

## **Conclusion**

A considerable amount of collaboration and system navigation is required to successfully manage child protection cases involving a person with a disability. While child protection workers are skilled in many areas, they must rely on non-child protection professionals to complete screenings and assessments with accommodation recommendations and to deliver parent training and support services.

Vermont has been engaged in long term efforts to build the capacity across public and private systems to support parents and children with disabilities. Several individual components, when considered together, make up a solid framework for achieving these efforts. These components include:

- Training on Disability Awareness
- Parenting Skills Assessment
- Parent Training Programs
- Peer Navigators
- Communication Specialists
- DAIL Priority F Funding

Recommendations in this report include continued support or expansion of these components which will put Vermont in the forefront nationwide in supporting parents and children with disabilities.

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<sup>5</sup> Vermont State System of Care Plan for Developmental Disability Services, FY2008-FY2010, The Division of Disability and Aging Services, Department of Disabilities, Aging and Independent Living, Agency of Human Services, page 3.