



A case record review of termination of parental rights cases involving parents with a disability



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ARTICLE INFO

Keywords:

Parent with a disability
Termination of parental rights
Case record review
Disability
Child welfare

1. Introduction

There has been increasing attention internationally to the disproportionate number of parents with disabilities involved in the child welfare system (Lightfoot & DeZelar, 2016; Llewellyn, McConnell, & Ferronato, 2003; McConnell, Feldman, Aunos, & Prasad, 2010). While there is a growing body of research focusing on prevalence, risk assessment and behavioral modifications of parents with disabilities (Azar, Maggi, & Proctor, 2013; Feldman & Tahir, 2016; Hodes, Meppelder, Moor, Kef, & Schuengel, 2017; Wade, Llewellyn, & Matthews, 2008; Wilson, McKenzie, Quayle, & Murray, 2014), there is little research into the experiences of parents with disabilities who are involved in the child welfare system. A report by the National Council on Disability (2012) has drawn attention to research on discriminatory child welfare practices in the United States, including discriminatory state child welfare statutes (Lightfoot & LaLiberte, 2011), and has called for further research into the specific services and service modifications that child protection agencies provide to parents with disabilities involved in the child welfare system. This study aims to increase our knowledge about the experiences of parents with disability involved in child welfare through a case record review of cases involving parents with disabilities who have had their parental rights terminated. The study specifically focused on how disability was identified in case records, the child welfare services and parental supports provided to parents with disabilities throughout their involvement in the child welfare system, and the disability related services and modifications that parents received.

2. Background

While it is clear that the number of parents with disabilities grew over the past century (Tymchuck, Llewellyn, & Feldman, 1999), our knowledge regarding the population of parents with disabilities is still quite limited. Currently, the best estimate of the population of parents with disabilities in the United States comes from a study by Anderson, Byun, Larson, and Lakin (2005) which uses the nearly twenty-five year old Disability Supplement of the National Health and Information Survey from 1994/1995 to estimate the number of mothers with disabilities. They found that there were approximately 1.35 million mothers with significant functional limitations, and an additional 175,000 mothers with intellectual or developmental disabilities. Despite our limited knowledge on the overall prevalence of parents with disabilities, there has been growing international concerns that parents with disabilities and their families are coming into contact with the child welfare system at high rates (National Council on Disability, 2012; Lightfoot, Hill, & LaLiberte, 2010). A recent study of the Adoption and Foster Care Reporting and Analysis System (AFCARS) found that at least 19% of children in foster care were removed, at least in part, in relation to a parent's disability (Lightfoot & DeZelar, 2016). Studies in England (Booth, Booth, & McConnell, 2005), Australia (Llewellyn et al., 2003), Canada (McConnell, Feldman, Aunos, & Prasad, 2011) and Norway (Tøssebro, Midjo, Paulsen, & Berg, 2017) have found that families headed by parents with disabilities are overrepresented in the child welfare system, more likely to have their children removed from their home, and more likely to lose their parental rights.

While there is growing knowledge of the increased involvement of parents with disabilities involved in the child welfare system, there is

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still only limited research into their experiences in the child welfare system, particularly in the United States. The majority of research on parents' experiences within child welfare has been conducted in Australia, Great Britain, and Canada. These studies have found that parents with disabilities face systematic bias within the child protection system, and this bias can lead to differential outcomes for parents with disabilities and their family (Booth et al., 2005; McConnell, Llewellyn, & Ferronato, 2002).

There are a number of factors that researchers have found that lead to systematic bias in the child welfare system towards parents with disabilities. First, researchers have identified bias that stems from child welfare worker preconceptions, misconceptions or generalizations about parenting by a person with a disability (McConnell & Llewellyn, 2002; McConnell, Llewellyn, & Ferronato, 2006; Tymchuk & Feldman, 1991). These preconceived notions about a parent with disability can lead to subtle differences in all aspects of the child protection process. Second, child welfare workers typically receive little training in working with parents with disabilities (LaLiberte, 2013; Lightfoot & LaLiberte, 2006). They often receive no school-based or on-the-job training about parental disability, and thus may have never been introduced to basic concepts of working with people with disabilities or disability rights under national laws. Third, assessments in child welfare, while often criticized as being of poor quality in general (Azar et al., 2013), are particularly poor in regards to parents with disabilities. Studies have found that caseworker stereotypes of disability can influence assessment (Proctor & Azar, 2013), that findings of abuse are often made without actually conducting a formal assessment (Alexius & Hollander, 2014), that the current ambiguity in defining "good enough" parenting can lead to systematic bias in assessing parents with disabilities (Choate & Engstrom, 2014), and that assessments are usually not modified to meet the needs of parents with disabilities (Azar et al., 2013; McConnell et al., 2006; Tymchuk & Feldman, 1991). Finally, there typically are not specialized services or formal supports available for many parents with disabilities through either the child welfare or disability services (IASSID Special Interest Research Group on Parents and Parenting with Intellectual Disabilities, 2008; Azar et al., 2013; McConnell et al., 2002). Child welfare services are typically short-term services that do not provide lifelong parental supports that some parents with disabilities need, while disability services typically do not provide services and supports for parenting activities, as they are designed and funded to be individual supports for a person with a disability (Lightfoot & LaLiberte, 2008).

Child welfare agencies are required under Title II of the Americans with Disabilities Act of 1990 to provide reasonable modifications to parents with disabilities in all aspects of child welfare services, ranging from investigation, assessment, service provision, case planning and out of home care. Due to the rising number of complaints of disability discrimination by child welfare agencies against parents with disabilities, the Department of Health and Human Services and the Department of Justice (2015) released a joint technical assistance document reiterating that child welfare agencies must not discriminate in providing the full range of child welfare services to parents with disabilities and must provide reasonable modifications to services. While these mandates are clear, there have not been any studies in the United States that document the types of services parents with disabilities do receive while in child welfare, nor how child welfare agencies are providing services to parents with disabilities.

The purpose of this study was to see how parental disability was identified and addressed in child welfare cases in which a parent with a disability has his or her parental rights terminated through an in depth case record review. In particular, this study seeks to answer:

1. How is parental disability identified by child welfare workers as noted in child welfare case records of parents with disabilities who have lost parental rights?
2. What types of child welfare services and parental supports are

provided to parents with disabilities as noted in child welfare case records of parents with disabilities who have lost parental rights?

3. What modifications are provided to child welfare services as noted in child welfare case records of parents with disabilities who have lost parental rights?

3. Methods

3.1. Research design and definitions

This study used a case record review of parents with disabilities who had a termination of parental rights to answer its research questions. As parents with disabilities might be less likely to be identified in the child welfare system, this study defined parents with disabilities as parents who had been identified as having a disability when they were in the education system, as schools are required to identify students with disabilities under the Individuals with Disabilities Education Act of 2004, and thus are more likely to have detailed disability information than child welfare agencies might have.

3.2. Participant identification and case selection

Secondary administrative data from the Minnesota-Linking Information for Kids (Minn-Link) project was used to identify participants for this study. The Minn-Link project synthesizes data from several Minnesota state agencies to provide information concerning child well-being in the state of Minnesota. This data is maintained through a data sharing agreement between the Minn-Link project at the University of Minnesota and participating state agencies. For this study, data from the Minnesota Department of Education and the Minnesota Department of Human Services were utilized to identify individuals with a disability who also had their parental rights terminated as a result of a child protection case. Participants who met the criteria for having a disability, which was having had an Individualized Education Plan (IEP) when they were in school, and had been the subject of a TPR as a parent, were eligible for inclusion in this study. To minimize the number of cases studied and to protect confidentiality, counties with 2 to 4 disability TPRs with disability rates of 60% or more of the total TPR cases, and counties with 5 or more cases were selected for final study resulting in the identification of 54 cases from 11 counties that met study criteria. Counties that met the criteria were contacted to participate in this project, and several of these counties chose not to participate. This study ultimately includes data from 31 cases across 4 counties. The cases represent a mainly urban population from inside counties in a large metropolitan area. All individuals within the study were assigned an independent study ID and all data identifiers were removed assuring participant and case confidentiality.

3.3. Data collection and analysis

Data was collected through a case record review using a 75-item multivariable instrument developed specifically for this study. The instrument was constructed over a period of several months and underwent extensive revision by a team of four researchers before usage in data collection. This instrument was designed to capture demographic and basic event data as well as to investigate disability-specific and case-specific indicators. The instrument captured, the type of parental supports or modifications needed by the subject and those actually implemented by the social services agency, and the way in which the subject's disability was identified and treated throughout the case. This study was not designed to be a comparative analysis between individuals with disabilities and those without disabilities whose cases end in a TPR, but rather to give extensive data concerning the influence, or lack of influence of the subject's disability within the case events.

To collect data, a primary reader was designated and trained by researchers. The primary reader was involved in the development of the

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