

Application of Section 504 and the ADA and in Child Welfare Settings at DCYF

2026 Children's Justice Conference

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2:45 p.m. – 4:15 p.m.

Today's Presenters

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Disclaimer

Opinions expressed during this presentation are those of the speakers and do not necessarily reflect the views of Washington's Department of Children, Youth, and Families. Nothing in this presentation shall be considered legal advice.

The opinions and viewpoints of the presenters are based on their own personal and professional experiences.

Case-specific information will not be discussed. All communication regarding specific DCYF matters needs to be discussed with the assigned DCYF caseworker.

Learning Objectives

- Section 504 of the Rehabilitation Act (504)
- The Americans with Disabilities Act, including ADAAA (ADA)
- Effective Communication in Child Welfare
- Reasonable Modifications in Child Welfare
- DCYF supports

Section 504 of the Rehabilitation Act of 1973

- 1st U.S. law.
- Federally financed programs and activities.
 - DCYF
- Pre-cursor to the ADA.





The Americans with Disabilities Act of 1990

- Five Titles
 1. Employment
 2. State & Local Gov't - DCYF
 3. Places of Public Accommodation
 4. Telecommunications (Relay)

1990: Capitol Crawl
#ADA31 #DisHist



Non-discrimination Requirements

- Individualized Treatment
- Full and Equal Opportunity
 - Integration
 - Eligibility Criteria
 - Reasonable Modifications
 - Physical access



ADA Administrative Requirements

1. ADA/504 Public Notice of Nondiscrimination (§35.106)
2. State and local governments with 50+ employees are required to (§35.107):
 - a) Identify ADA Coordinator (title not required);
and
 - b) Grievance/Complaint procedures.

Available on DCYF Website at www.dcyf.wa.gov/ada

DCYF 504/ADA Public Notice of Nondiscrimination

- Effective Communication
 - Aids and services
 - Alternate formats
- Reasonable Modifications to Policies and Procedures
 - Communicate with assigned DCYF caseworker
 - Request assigned caseworker connect with additional DCYF staff



Available on DCYF Website at www.dcyf.wa.gov/ada

Complaint or Modification Request?

Reasonable Modification

- An ask to change or modify policy, practices, services, etc. for a person with a disability
 - Includes a request to ensure effective communication
 - May require reasonable assurance

Complaint of disability discrimination

- Requests have been refused and/or not provided
- Connection is needed between an action or inaction and disability status.

ADA Communication Requirements

Types of aids or services:

- Qualified sign language interpreters
- Real-time captioning or Computer-aided real-time transcription services (CART)
- Braille materials
- Accessible electronic and information technology
- Note-takers
- Qualified readers
- And many more

- Be In-Person:
 - Unless individual requests otherwise, or
 - Attempts at locating in-person communication supports have failed
 - ADA Accessibility Program needs to be looped in

Staff connect with the ADA Accessibility Program by emailing dcyf.adaaccessibility@dcyf.wa.gov

Communication Supports in Child Welfare Settings

Reasonable Modifications: general information

Policies, practices, and procedures to ensure equal access.

- A change in the usual way of doing things.
 - Exception: Fundamental Alteration.

Determining appropriate reasonable modification:

- Nothing About Us Without Us
- Communication & Engagement is Key.
- A variety of modifications or adaptations can be considered.
- May need to periodically review.

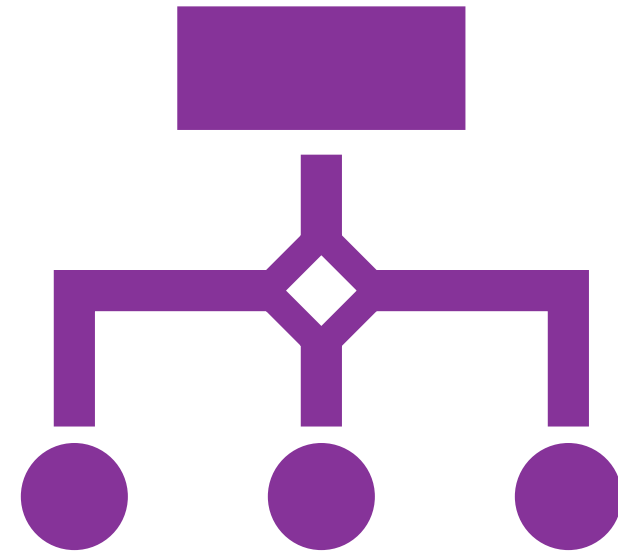
Helpful Info: How condition impact individual in conducting everyday life activities

- Request should be directed to the assigned DCYF caseworker, who then will need to connect with the ADA Accessibility Program.
- No special language needed
- No formal assessment, evaluation or form is required per the ADA
- May need to indicate that the “ask” is directly related to the existence of a disability.
- Reasonable assurances may be required.

Modification Request Process

DCYF Staff Supports

- Regional Leads
 - Technical assistance documents
 - Monthly workgroup
- 1:1 case consultation
- Staff education
 - Unit meetings
 - Monthly training series



Pop Quiz 1 - Language in Common Communication

- Pop quiz! Can you guess the approximate reading level of the following excerpt from a NW power company:
- *“Testing your carbon monoxide detector keeps your family safe. Frequent testing of your carbon monoxide detector is important to ensure your family’s safety. Refer to your detector’s manual to familiarize yourself with the different types of alarms. Commonly, a detector that is low on battery will likely emit a short chirp every minute. To warn of dangerous CO levels, most detectors will beep four or five times in a row, about every four seconds. If that happens, leave the area, and then call 911 or XXX at 1-888-123-4567.”*

Pop Quiz 2 - Language in Common Communication

- Pop quiz! Can you guess the approximate reading level of the following excerpt from a local newspaper
- *“Several vehicles plunged into a chilly river after a cargo ship crashed into the Francis Scott Key Bridge early this morning, collapsing it almost instantly and shutting down ship traffic at the Port of Baltimore. Video captures the disaster, which instantly created a logistical nightmare for the East Coast that will last for months, if not years.”*

The Importance of Communication

- 54% of adults 16 – 75 years of age lack “literacy proficiency”
 - 2020 U.S. Dept. of Education
- Takeaways from our exercise:
 - There is a disconnect in communication.
 - We need inclusive practices.
 - The way we communicate impacts those around us.

Why does language matter?

- Per RCW 44.04.280 and Executive Order 23-02

Current Disability Language Models and etiquette

- Person-first language
- Identity-first language

Ultimately, it is important to respect the individual's language choice and if you don't know, or are in doubt, just ask.

Language Matters

Ableism

- A form of discrimination which characterizes abled-body individuals as superior
- The medical model of disability teaches us to “fix” others
- Assumptions we are taught as children impact how we communicate and interact with individuals with disabilities as adults



Our approach

- Recognize uniqueness
- Disability and / or IQ \neq parenting capacity
- Check your biases, visit Project Implicit at:
implicit.harvard.edu/implicit/takeatest.html

General Modification Considerations

- Pace
- Clear and concise communication
- Respectful language
- Checking-in
- Taking breaks
- Learning styles
- Information overload

Additional Considerations

- Building rapport
- SMART goals
- Support connections
- Access to resources
- Positive reinforcement
- Prevalence of Trauma

- The Association for Successful Parenting
 - Website: achancetoparent.net
- The American Association on Intellectual and Developmental Disabilities
 - Website: aaid.org
- National Research Center for Parents with Disabilities
 - Website: heller.brandeis.edu/parents-with-disabilities

National Resources

State Resources

- Developmental Disabilities Community Services
 - Website: dshs.wa.gov/dda
- Home and Community Living Administration
 - Website: dshs.wa.gov/altsa/long-term-care-services-information
- Division of Vocational Rehabilitation
 - Website: dshs.wa.gov/dvr

Community Based Resources

- The ARC Washington State
 - Website: arcwa.org
- Centers for Independent Living (CILs) (wasilc.org)
 - Website: <https://www.wasilc.org/centers-for-independent-living>
- Family Connections
 - Website: amarafamily.org

Resources

- American Psychological Association. (2022) *APA Guidelines for Assessment and Intervention with Persons with Disabilities*. <https://www.apa.org/pi/disability/resources/assessment-disabilities>
- Azar, S. T., Stevenson, M. T., & Johnson, D. R. (2012). Intellectual Disabilities and Neglectful Parenting: Preliminary Findings on the Role of Cognition in Parenting Risk. *Journal of mental health research in intellectual disabilities*, 5(2), 94–129. <https://doi.org/10.1080/19315864.2011.615460>
- Benjet, C., Azar, S. T., & Kuersten-Hogan, R. (2003). Evaluating the parental fitness of psychiatrically diagnosed individuals: advocating a functional-contextual analysis of parenting. *Journal of family psychology : JFP : journal of the Division of Family Psychology of the American Psychological Association (Division 43)*, 17(2), 238–251. <https://doi.org/10.1037/0893-3200.17.2.238>
- Centers for Disease Control and Prevention, National Center on Birth Defects and Developmental Disabilities, Division of Human Development and Disability. Disability and Health Data System (DHDS) Data [online]. [accessed Mar 10, 2023]. URL: <https://dhds.cdc.gov>
- Rutgers. (2020) *Tips for working with different disabilities*. Access and Disability Resources. <https://radr.rutgers.edu/resource/tips-working-different-disabilities>



Thank you!

Questions or Comments, Contact:

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