The Effects on Foster Children of Using Parental Disability as a Removal Reason
Liz Lightfoot and Sharyn DeZelar
School of Social Work

The Adoption and Foster Care Analysis & Reporting System (AFCARS) 2012

• All states, DC and PR are required to collect and report case specific information biannually on all children within their jurisdiction’s foster care and child welfare system
• Two files: Foster Care and Adoption Files
• Data collected in Foster Care File: child demographics (age, gender, race, ethnicity, disability status and type), information about previous stays in foster care, number of days in care, availability for adoption, service goals, removal and discharge dates, and some minimal data about the biological and foster parents.

Removal Reasons
• Removal Reasons listed in the AFCARS Foster Care Code Book are: Physical Abuse, Sexual Abuse, neglect, Parental Alcohol Abuse, Parental Drug Abuse, Child Alcohol Abuse, Child Drug Abuse, Child Disability, Child Behavior Problem, Parental Death, Parental Incarceration, Caretaker Inability to Cope, Abandonment, Relinquishment, and Inadequate Housing.
• Caretaker Inability to Cope defined as “...physical or emotional illness or disabling condition adversely affecting the caretaker’s ability to care for the child.”

Purpose of the Study:
To examine how parental disability is used as a removal reason and its effects on children.

State Statute Language

The odds were 24% higher that parental disability would be used as a removal reason in states with parental disability as a statutory ground for TPR.

Parental Disability as ONE of the Removal Reasons
Mean use of parental disability as one removal reason was 19.0%.
• Very High Use (over 30%): 6 states
• Above Average Use (between 19% & 30%): 12 states
• Below Average Use (between 10% & 19%): 15 states
• Very Low Use (below 10%): 19 states

Parental Disability as the ONLY Removal Reason
Mean Use of Parental Disability as the only removal reason was 5.18%.
• Very High Use (over 10%): 5 states
• Above Average Use (between 5% & 10%): 4 states
• Below Average Use (between 1% & 5%): 26 states
• Very Low Use (below 1%): 16 states

Variations in States Use

When Parental Disability is a Removal Reason

Impact on Length of Stay
• Children who had parental disability as one of several removal reasons spent:
  • 100 more days in foster care since last removal
  • 39 more days in current foster care setting
  • 116 more total days in foster care
• Children who had parental disability as their only removal reason spent:
  • 205 more days in foster care since last removal
  • 78 more days in the current foster care setting
  • 240 more total days in foster care

Impact on Case Plans and Case Outcomes
Children with parental disability as AT LEAST ONE removal reason were:
• 22% lower odds to have a case plan goal of family reunification
• 53% lower odds to have a case plan goal of permanency
• 33% lower odds to be reunified with their parents upon discharge
• 27% lower odds to be discharged into permanency

When Parental Disability is a Removal Reason

Policy Recommendations

Remove Language from State Statutes Allowing Parental Disability as Factor in All Removal and Termination Decisions
Parental disability is a personal characteristic, not a behavior. It promotes discriminatory practices when used as grounds for removal and/or termination of parental rights.

Track Parental Disability as Demographic Information
Tracking information on parental disability is necessary to understand how children in foster care who have parents with disabilities fare. The parental disability removal reason variable is not adequate for tracking parental disability.

Provide Necessary Service Accommodations for Parents with Disabilities
Due to the differing case outcomes reported, parents with disabilities need appropriate service accommodations to support reunification goals.

Policy Change Success Stories

Some States have Recently Updated their TPR Statutes to Remove Parental Disability Language

• West Virginia: The West Virginia Child Welfare Act became operative September 1, 2015. In addition to removing all language regarding parental disability, requirements for ADA accommodations in services for parents are in place.
• South Carolina: Blind Persons Rights to Parent Act signed into law on June 2, 2014.
• Utah: Effective May 8, 2012, the “Rights of Parents and Children” bill modified previous statutes to affirm parental rights and amend procedures in the termination of parental rights.
• Idaho: The first state to update its TPR statutes to remove disability language and provide provisions allowing parents to show how supports could enable them to parent effectively (2002).