



February 12, 2019

To: Sen. Gelser, Chair, Senate Committee on Human Services, and Committee Members

From: Katie Rose, Chair, Oregon Developmental Disabilities Coalition

RE: Support for SB 492 – Equal Opportunity for Parents or Guardians with Disabilities

---

Sen. Gelser and Members of the Committee:

The Oregon Developmental Disabilities Coalition (DD Coalition) is a group of approximately 36 organizations across Oregon that promote quality services, equality and community integration for Oregonians with intellectual and developmental disabilities (IDD) and their families. We also have individual members who are self-advocates and family members.

Oregon is strongest when we support families to stay together. The DD Coalition supported legislation that was passed during the 2018 Regular Legislative Session that put in place additional protections around the rights of parents with disabilities, because a person's ability to parent should not be questioned solely because they have a disability.

The DD Coalition also supports **SB 492** because it memorializes in state statute the following two important additional policies pertaining to supports the state is required to provide to parents or guardians with disabilities:

1. Parents or guardians with disabilities shall be provided with opportunities to benefit from or participate in reunification services that are *equal to* those extended to individuals without disabilities.
2. The state shall provide aids, benefits and services different from those provided to parents and guardians without disabilities, when necessary to ensure that parents and guardians with disabilities are provided with an *equal opportunity* under this subsection (emphasis added).

These important policies will ensure that decisions about the welfare of children and families are made in such a way as to also protect the civil rights of parents with disabilities under Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

In August 2015, the United States Department of Health and Human Services (HHS) and the United States Department of Justice (DOJ) issued a technical assistance document on "Protecting the Rights of Parents and Prospective Parents with Disabilities" (hereinafter referred to as



“Technical Assistance Document”). In discussing the “equal opportunity” requirement, it states that in many instances, providing the same services and resources to an individual with a disability that are provided to individuals without disabilities will not be sufficient to provide an equal opportunity to an individual with a disability.

“Where this is the case, Title II and Section 504 may require agencies to provide ***additional, individually tailored services and resources to meet the requirement to provide an equal opportunity to participate in and benefit from the program.*** For example, when providing training to parents, agencies should consider the individual learning techniques of persons with disabilities and may need to incorporate the use of visual modeling or other individualized techniques to ensure equal opportunity to participate in and benefit from the training (emphasis added).” Technical Assistance Document, Questions and Answers, Question #11.

The DD Coalition urges your support of SB 492 because it makes it clear that providing an “equal opportunity” is not simply providing the same opportunity to everyone. It is an individualized process that should be based on the needs of each individual, and it may require the provision of different aids, benefits and services to parents who experience disability in order to ensure that they are truly granted an equal opportunity to participate in reunification services and other aspects of the child welfare system.