
CHILDREN WITH DISABILITIES

A. What Laws and Policies Protect Individuals with Disabilities?

A number of federal laws protect individuals with disabilities from discrimination in public and private settings. Some of these laws include:

- The Americans with Disabilities Act (ADA) [42 U.S. Code § 12101](#) et seq., which prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications;
- The [Rehabilitation Act of 1973](#), which prohibits discrimination by any entity that receives federal funds;
- The Individuals with Disabilities Education Act (IDEA) [20 U.S.C. § 1400](#), et. seq., which requires states to provide students with disabilities special education and related services;
- The Fair Housing Act [42 U.S.C. § 3601](#) et seq. which addresses discrimination in housing;
- And others. See: <https://www.ada.gov/cguide.htm> for a summary of federal laws.

B. Children with Disabilities in DFPS care

Children with disabilities in DFPS conservatorship must be provided with a placement and services to meet their needs. Relevant DFPS handbook policies include:

- [4117](#) Specific Placement Considerations for Children or Youth Who Have Primary Medical Needs
- [4118](#) Additional Actions for Placing Children with Intellectual or Developmental Disabilities
- [4131.1](#) Durable Medical Equipment
- [6237](#) Permanency Planning for Children with Intellectual or Developmental Disabilities in Institutional Settings
- [10340](#) Preparation for Long-Term Care or Support in Adulthood for Youth with Disabilities

For additional information, please see DFPS [Mental Health Resource Guide](#).

DFPS Developmental Disability Specialists are the main point of contact for information about serving children with disabilities in the child welfare system. Responsibilities for the Developmental Disability Specialist are outlined in the [CPS Policy Handbook § 6411.31 and 6411.4](#).

C. Parents and Other Adult Caregivers with Disabilities and Child Welfare

Federal law prohibits governmental agencies, including child welfare and court systems, from discriminating against people with disabilities in their services, programs, and activities. Agencies in

the child welfare system must provide accommodations to ensure persons with disabilities have equal opportunity to access services to ensure safety, permanency, and well-being for the children and families DFPS serves

See the [DFPS Resource Guide - Working with Persons with Disabilities](#) for information on working with persons with disabilities in the child welfare system, including specific suggestions for reasonable accommodations for a parent with a disability when child safety is involved.

D. What Resources are Available for Children and Adults with Disabilities?

- [Disability Rights Texas](#) (DRTX) provides legal representation and advocacy for individuals with disabilities.¹⁰² DRTX can help caregivers and caseworkers advocate for services for a child with disabilities in the school system or appeal denials of Medicaid services, may be appointed as a child’s ad litem or “surrogate parent,” or may advocate on behalf of parents or foster parents with disabilities.
- [EveryChild Inc.](#) provides assistance and support for children with disabilities to reside in a family setting.¹⁰³
- Texas Health and Human Services [Disability webpage](#) includes disability-related resources and information.¹⁰⁴
- [Home and Community-Based Services](#) (HCS) is a Medicaid waiver program that provides services and support for individuals with intellectual disabilities.¹⁰⁵
- The Judicial Commission on Mental Health [Texas Mental Health and Intellectual and Developmental Disabilities Law Bench Book](#) is a procedural guide for Texas judges hearing cases regarding persons with mental illness and/or intellectual and developmental disabilities (IDD).¹⁰⁶
- Local Intellectual and Developmental Disability Authorities (LIDDA) and Mental Health Authorities (MHA) support children and adults in crisis. Local LIDDA and MHA contacts are available on the Texas Health and Human Services webpage at [Contact HHS webpage](#).¹⁰⁷
- [Navigate Life Texas](#) is a website developed by HHS to explain resources for families with children who have disabilities and special health care needs.¹⁰⁸