

Disability Accommodation and Prohibition of Disability Discrimination for DCF Clients

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Purpose

In accordance with the requirements of the Americans with Disabilities Act of 1990 (ADA), the Rehabilitation Act, and Connecticut Law, the Department of Children and Families (DCF) shall not discriminate against a qualified individual with a disability on the basis of the disability in its services, programs or activities.

Legal references: 42 U.S.C. section 12132, C.G.S. section 46a-71

Definitions

The ADA and Rehabilitation Act defines a person with a disability as someone who:

- has a physical or mental impairment that substantially limits one or more major life activities or
- has a record or history of such an impairment or
- is perceived or regarded as having such impairment.

Major life activities include but are not limited to caring for oneself, walking, seeing, hearing, speaking, breathing, learning, working, and performing manual tasks.

The definition of an "individual with a disability" in Connecticut statute is more expansive than the ADA's definition and includes the following:

1. an individual with a physical disability is any individual who has any chronic physical handicap, infirmity or impairment, whether congenital or resulting from bodily injury, organic processes or changes or from illness, including, but not limited to, epilepsy, deafness or being hard of hearing or reliance on a wheelchair or other remedial appliance or device;
2. an individual with a learning disability is an individual who exhibits a severe discrepancy between educational performance and measured intellectual ability and who exhibits a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in a diminished ability to listen, speak, read, write, spell or to do mathematical calculations;

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Definitions,
continued

3. an individual with a mental disability is an individual who has a record of, or is regarded as having one or more mental disorders, as defined in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders.
4. an individual with an intellectual disability is an individual with significant limitation in intellectual functioning existing concurrently with deficits in adaptive behavior that originated during the developmental period before eighteen years of age.

Legal references: 42 U.S.C. section 12102, C.G.S. section 46a-51

Effective Communication

DCF shall provide aids and services when needed to communicate effectively with qualified individuals who have a disability affecting their communication.

Reasonable Accommodations

For qualified individuals with a disability who are involved in child protection matters, DCF shall conduct an individual assessment of their needs and provide full and equal access to opportunities to benefit from and participate in child welfare programs, services and activities that are equal to those extended to persons without disabilities.

DCF shall reasonably accommodate the known physical and mental limitations of an otherwise qualified individual with a disability unless the accommodation would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden on DCF. DCF, in its discretion, may require the individual to provide additional information about their disability or limitations and the need for the accommodation.

DCF shall impose legitimate safety requirements for the safe operation of its services, programs or activities. DCF shall not consider placing a child with a proposed placement resource with a disability if he or she poses a significant risk to the health or safety of the child that cannot be eliminated by a reasonable accommodation.

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Provision of Accommodations Qualified individuals shall contact their assigned social work staff to request a reasonable accommodation.

Staff have an affirmative obligation to assist clients in obtaining all reasonable accommodations that can be granted even if not specifically requested by the qualified individual if and when a disability becomes known.

Complaints Individuals receiving services from DCF who believe the ADA accommodations they receive are insufficient to meet their need or were denied an accommodation, may request a meeting with the area office or facility team involved with their family to resolve the matter.

If resolution is not achieved at the local office/facility level, the individual may contact DCF's Office of Community Relations at (860) 550-6301.

Documentation DCF staff shall document in the uniform case record any requests for accommodations, the individualized assessment that occurred to determine whether a reasonable accommodation could be provided, and the outcome of the request.

Retaliation Agents of DCF shall not retaliate against, coerce, intimidate, threaten, harass or interfere with any individual exercising or enjoying his or her rights under the ADA or Connecticut law or because an individual aided or encouraged another individual in the exercise of their rights granted or protected by the ADA or Connecticut law.

Legal reference: 28 CFR 35.134

Training All new-hire employees are required to receive ADA training within the first six months from the date of hire.
