

Civil Rights for Child Welfare Professionals

LEARNING OBJECTIVES

By the end of this course, you will be able to:

- * Identify what civil rights are.
- * Identify what legally protected characteristics are protected by civil rights.
- * Differentiate between Discrimination and Bias
- * Identify Federal Civil Rights Laws that pertain to child welfare work.
- * Identify examples of discrimination in child welfare work

WHAT ARE CIVIL RIGHTS?

Course Focus: Civil Rights protected by federal law that pertain to service delivery

Civil rights are personal rights guaranteed and protected by the _____ and by subsequent acts of _____.

All persons in the United States have a right to receive services in a nondiscriminatory manner from federal, _____ and _____ social, health, and other service agencies receiving funds from the US Department of Health and Human Services (HHS).

Civil Rights are a set of rights that are

- 1.
- 2.
- 3.

They are the **rights of individuals to receive equal treatment and to be free from unfair treatment or discrimination** in several settings **based on membership in a legally protected class**.

What is a Protected Class?

A protected class is a group of people who share common characteristics and are protected by law from discrimination based on those characteristics. Examples include:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.

Discrimination: When the civil rights of an individual are denied or interfered with because of their membership in a protected class.

Types of Discrimination

1. Disparate Treatment

Definition and Example:

2. Disparate Impact

Definition and Example:

3. Reprisal/Retaliation

Definition and Example:

Discriminations vs. Bias

- Terms like discrimination and civil rights have very specific meanings.
- Negative or perceived unfair treatment **may** reflect bias but **may not** be the type of discrimination that is the denial or interference of rights due to membership in a protected class.
- Being aware of your own and your agency's biases is important.

Two Types of Bias to be Aware of:

1. Conscious Bias

Definition and Example:

2. Unconscious Bias

Definition and Example:

Notes on Discrimination vs. Bias Examples:

FEDERAL CIVIL RIGHTS

A variety of Civil Rights laws require that programs that receive federal financial assistance do not discriminate by:

- _____ services, financial aid, or other benefits provided as a part of human service programs.
- Providing a _____ service, financial aid, or other benefit, or providing them in a _____ manner from those provided to others under the program.

- Segregating or separately treating individuals in _____ related to the receipt of any programs, service, activities, financial aid, or other benefits.
- _____ or _____ access to services because an individual speaks a language other than English or has a communication disability.

Laws that Pertain to Civil Rights:

Title VI Civil Rights Act of 1964 - Prohibits discrimination on the basis of race, color, and national origin in programs, services, and activities receiving federal financial assistance.

Race - Definition and Example:

National Origin - Definition and Example:

Color - Definition and Example:

Civil Rights Restoration Act of 1987 - Reaffirms intent of Congress related to scope of Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes to ensure nondiscrimination in all programs/activities of a recipient, **whether or not those programs and activities are federally funded.**

Section 504 of the Rehabilitation Act of 1973 - Prohibits discrimination on basis of disability by recipients of federal financial assistance. The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination on the basis of disability by BOTH _____ and _____ entities.

Disabled Individuals are defined as: Any individual who has a _____ or _____ impairment that substantially limits one or more major life activities, has a record of impairment, or is regarded as having such an impairment.

Section 504 of the Rehabilitation Act forbids organizations from excluding or denying individuals with disabilities an _____ opportunity to receive program benefits or services.

Age Discrimination Act of 1975 - Prohibits discrimination based on age in programs /activities receiving federal financial assistance. Providers generally may not exclude, deny, or provide **different or lesser services** to applicants or beneficiaries based on age.

Title II of the Americans with Disabilities Act of 1990 - Prohibits discrimination against people with disabilities in accessing state and local government services. Title II of the ADA also applies to all who are contracted by states for the delivery of public services.

Title II of the ADA Amendments Act of 2008 - The Amendment makes important changes to the definition of the term "disability". The effect of these changes is to make it _____ for an individual seeking protection under the ADA to establish that he or she has a disability within the meaning of the ADA.

Title IX of the Education Amendments of 1972 - Prohibits discrimination based on sex in educational or training programs/activities that receive federal financial assistance. Providers may not exclude, deny or provide _____ or _____ services to applicants or beneficiaries on the basis of sex.

The Omnibus Budget Reconciliation Act of 1981 - Extends protections under the other acts to all federal block grants. Nondiscrimination provisions of OBRA protects people from discrimination on the basis of race, color, national origin, disability, age and in some cases sex and religion afforded under the following federal laws:

- Title VI of the Civil Rights Act of 1964 (race, color, national origin)
- Section 504 of the Rehabilitation Act of 1973 (disability)
- Title IX of the Education Amendments of 1972 (sex)
- Age Discrimination Act of 1975 (age)

OBRA specially states that _____ these laws apply to the services that DCF provides.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 - Applies to states and public and private entities receiving federal financial assistance and that provide funds, training, and other services and benefits under Temporary Assistance for Needy Families (TANF).

It specifically incorporates the following laws:

- Title VI of the Civil Rights Act of 1964, as amended
- Section 504 of the Rehabilitation Act of 1973, as amended
- The Age Discrimination Act of 1975, and
- The Americans with Disabilities Act of 1990 (ADA)

Federal Executive Order 13166 issued in August 2000, known as "Improving Access to Services for Persons with Limited English Proficiency" - Clarifies and reinforces the government's commitment to Title VI of the Civil Rights Act and ensures that Limited English Proficient (LEP) individuals are afforded full and equal participation in all programs, services and activities in a meaningful manner

LEP applicants or beneficiaries are individuals with limited English proficiency who do not speak English as their _____ and who have _____ ability to read, speak, write or understand English at a level that permits them to access programs, services and activities in a meaningful way.

Child Welfare Laws related to Civil Rights

Both the Multi-Ethnic Placement Act and the Indian Child Welfare Act have implications for civil rights discrimination.

Multi-Ethnic Placement Act (MEPA) - Prohibits _____ agencies that receive federal funding from delaying or denying foster or adoptive placements because of a child or prospective foster or adoptive parent's race.

Indian Child Welfare Act (ICWA) - Federal law enacted by Congress in 1978 with the intent to "protect the best interests of Indian children and to promote the _____ and _____ of Indian tribes and families"

CIVIL RIGHTS AND YOUR AGENCY

Reasonable Accommodations - Child welfare professionals are required to _____ to services for people with disabilities. For example:

- Access to parking lots, and buildings for clients who use wheelchairs
- Access to sign language interpreters
- Braille signage; and
- Information that is provided in alternative formats

Collection and Use of Ethnicity and Race Data - Collection of _____ data including ethnicity and race helps determine if there are disparities between the potentially eligible population and the participating population.

- It can show patterns of discrimination.
- It is usually collected in state data systems.
- It should be kept secure and confidential.

Agency staff should _____ make the racial or ethnic determination.

Clients/customers should _____ - _____ their ethnicity and race. If they choose not to self-declare, then leave the data field empty as these are not required entries.

Persons can identify as being of _____ race and depending on the data system.