

ShowNotes

Episode 14: **Understanding the Legal Aspects of Parenting & Disabilities (Part 1)**

Episode 15: **Understanding the Intersection of Parenting, Disabilities within First Nations Communities (Part 2)**

Summary of Episodes:

Ella Callow is a lawyer. She worked as the Legal Director of the organisation Through the Looking Glass for years, working with parents with disabilities. She is from an Indigenous Community. In this 2-parts episode, Ella speaks about the law pertaining to the rights of parents with disabilities and the intersection of Parenting, Disability and the Indian Child Welfare Act. She points out the systemic discrimination that is still pervasive in many States and other parts of the world.

Biography:

Ella Callow is the ADA/504 Compliance Officer for the University of California, Berkeley. She has a J.D. from Berkeley School of Law and has practiced law since 2001.

Prior to working for UC Berkeley, Ms. Callow served for 12 years as Legal Director for the National Center on Parents with Disabilities and their Families, a NIDILRR funded research, policy and legislative program. She has written federal reports, peer-reviewed articles, and book chapters on the topics of disability rights, the intersection of disability/indigenous nations, and the parenting rights of persons with disabilities in the U.S. judicial system. She has organized and keynoted national and international disability parenting rights conferences, participated in White House panels on eugenics, disability, tribal nations and child welfare, and successfully participated in multiple state legislative efforts to increase protections for parents with disabilities and their children. She has created the only training and support programs for Tribal Nations around disability and family rights, and supported attorneys and their clients in hundreds of cases involving the human and civil rights of parents with disabilities and their children. She has acted as a litigation consultant for the federal Department of Justice, Civil Rights Sector, on the issue of disabled parents' rights involving state actors. Most recently this resulted in the landmark settlement between the DOJ and the state of Massachusetts to reform their child welfare system.

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References:

Articles

Callow, E., Tahir, M., & Feldman, M. (2017). Judicial Reliance on Parental IQ in Appellate-Level Child Welfare Cases Involving Parents with Intellectual and Developmental Disabilities. JARID – Special Issue, 30, 553-562.

Callow, E., & Jacob, J. (2015). Parental Disability in Child Welfare Systems and Dependency Courts: Preliminary Research on the Prevalence of the Population. Child Welfare, 93, 73-92.

Callow, E. (2013). The Indian Child Welfare Act: Intersections with Disability and the Americans with Disabilities Act. Clearinghouse Review: Journal of Poverty Law and Policy, 46, 501-508.

Resources

Through the Looking Glass: <https://lookingglass.org/>

ICWA - Indian Child Welfare Act : <https://www.nicwa.org/about-icwa/>

Independent Living Movement: <https://www.nilp.org/history-of-independent-living-movement/>

Berkeley Independent Living Movement program: <https://www.berkeleyside.org/2022/10/24/center-for-independent-living-berkeley>

Judith Heumann: <https://judithheumann.com/project/about/>

Ed Roberts: <https://www.accessliving.org/newsroom/blog/ed-roberts-a-pioneer-for-equality/>

National Independent Living Center Chapter in Idaho: <https://silc.idaho.gov/>

Corbett O'Toole:

Author of Fading Scars, longtime disability activist, queer, wheelchair using, mother of an adopted disabled child. <https://corbettotoole.com/>

A Disabled Women's Guide to Pregnancy and Birth by Judith Rogers:

<https://www.amazon.com/Disabled-Womans-Guide-Pregnancy-Birth/dp/1932603085>

Megan Kirshbaum:

https://bancroft.berkeley.edu/collections/drilm/collection/items/kirshbaum_megan.html

Disabled Mothers: Stories and Scholarship By and About Mother with Disabilities by Gloria Filax and Dena

Taylor: <https://www.amazon.com/Disabled-Mothers-Gloria-Filax/dp/1927335299>

ADA - Americans with Disabilities Act: <https://www.ada.gov/>

Tim Booth and Wendy Booth are eminent scholars in the field of Parents and Parenting with Intellectual Disabilities. They are from England. Several Episodes of this Podcast refer to their work in this field.

NNDR - Nordic Network on Disability Research: <https://nndr.org/>

VWA Act - The Violence Against Women's Act: <https://nnev.org/content/violence-against-women-act/>

NCD - National Council disability: <https://www.ncd.gov/>

Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and Their Children:

<https://www.ncd.gov/publications/2012/Sep272012>

Gordon case, which was a case of a mom with intellectual disability that had her child removed. And ultimately it was determined that had been in violation of the ADA in section 504. And after that case in 2015, the Department of Justice issued guidelines saying the ADA applies to child welfare proceedings and it applies all the way through termination of parental rights.

https://www.hhs.gov/sites/default/files/mass_lof.pdf

the Canton Asylum for Insane Indians in South Dakota:

https://en.wikipedia.org/wiki/Canton_Indian_Insane_Asylum

<https://www.indianz.com/News/2018/09/28/the-nations-only-insane-asylum-for-india.asp>

The Morningside Hospital, in Oregon state:

[https://en.wikipedia.org/wiki/Morningside_Hospital_\(Oregon\)#:~:text=Morningside%20Hospital%20was%20a%20psychiatric,and%20working%20for%20in%201910](https://en.wikipedia.org/wiki/Morningside_Hospital_(Oregon)#:~:text=Morningside%20Hospital%20was%20a%20psychiatric,and%20working%20for%20in%201910)

<https://www.morningsidehospital.com/>

Kimberly Cluff - California Indian Legal Services: <https://caltribalfamilies.org/our-team/>

Dr. Juliet Larkin, ACLS Fellow, <https://julietlarkingilmore.com/>; Dr. Susan Burch, professor of American Studies, Middlebury College, <https://www.middlebury.edu/college/people/susan-burch>.

The Special Interest Research Group on Parents and Parenting with Intellectual Disabilities

was founded in 1996 at an international conference in Denmark which was organized by the Danish Ministry of Social Affairs and The EU Commission. The SIRG/PID was formally affiliated with the International Association on the Scientific Study of Intellectual and Developmental Disabilities (IASSIDD) in 2002. The mission of the Special Interest Research Group on Parents and Parenting with Intellectual Disabilities is:

- To create opportunities for international and multidisciplinary networking ;
- To foster research and innovation ;
- To expose social and systemic discrimination against and promote equalisation of opportunity for parents with intellectual disabilities and their children ;
- To facilitate the translation of knowledge from research into policies and practices.

<https://iassidd.org/sirgs/parenting-with-intellectual-disabilities/>