



# Intellectual Disability Rights Service

Criminal Justice  
Support Network

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# About IDRS



Intellectual Disability Rights Service (IDRS) is a community legal centre working for and with people with intellectual disability in NSW to exercise and advance their rights by providing:

- Legal advice
- Legal representation
- Policy and law reform
- Information, education and resources
- Criminal Justice Support Network (CJSN)



THE LAW SOCIETY  
OF NEW SOUTH WALES

# The Parents Project



# PARENTS WITH INTELLECTUAL DISABILITY AND CHILD REMOVAL

- Approximately 1% of families in NSW with children between 0-17 years of age include at least one parent with intellectual disability.
- At least 9% of cases before the NSW Children's Court include parents with intellectual disability.
- Court outcomes worst for families where a parent has intellectual disability – 56% were placed in the care of the Minister.

# RESEARCH

- 70 years of research
- Intellectual disability (in the mild range) *per se* does not preclude a person from being a loving and responsible parent.
- Social disability pessimistic attitudes and discriminatory treatment poses the greatest threat to these families wellbeing
- Parents with intellectual disability can learn with appropriate educational input
- The families that thrive are those that have a supportive network around them
- To their kids they are just mum and dad.

# **UNCRPD** ARTICLE 23

## **Respect for home and the family**

The UN Convention for People with Disabilities, calls upon states to eliminate discrimination against people with disabilities with regard to marriage and parenthood and to provide them with assistance in the performance of child rearing responsibilities.

Ratified by Australian Government 2008

# WHO ARE PARENTS *WITH* INTELLECTUAL DISABILITY WHO COME TO THE ATTENTION OF THE CHILD PROTECTION SYSTEM?

- Success of “normalisation”
- Their disability is contextually based
- Tend to wear the cloak of competency
- Attempt to fly under the radar/shun help for fear of being judged incapable
- There is an event that exposes their disability and brings them under the radar
- They have few resources
- Do not know how to play the game.

# DISADVANTAGES EXPERIENCED

- PARENTS INTERVIEWED WITHOUT ACCESS TO A SUPPORT PERSON OR LEGAL ADVICE.
- PAPER DRIVEN JURISDICTION
- THOSE THAT BRING YOU TO COURT ALSO CONTROL FUNDS FOR SERVICES.
- SUBJECT TO ASSESSMENTS BY PROFESSIONALS UNFAMILIAR WITH PARENTING WITH DISABILITY AND INAPPROPRIATE METHODS.



# AIM OF THE PROJECT

To compensate for the disadvantage parents with intellectual disability experience in care and protection intervention

# PROJECT STRATEGIES

- Legal & non legal assistance to parents
- Court support and support in legal meetings
- Policy and law reform
- Capacity building


## Helping parents with intellectual disability make sense of the child protection system in NSW


Information and tips for [parents](#), [lawyers](#), [disability advocates and workers](#) and [family](#).



  
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**WORKERS**  
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**PARENTS**  
CLICK HERE

  
**FAMILY**  
CLICK HERE

  
**RESOURCES**  
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# WEBSITE AIMS

- To fill gaps in knowledge (replicate collaborative approach)
- To provide expert information
- To provide accessible information (website as opposed to printed information)
- Easy to update information as online resource.

# WHAT IS WORKING?

- **Collaborative approach – lawyer and support person working together**
  - Legal issues are only part of the problem
  - Easy referral to services as support worker has network
  - Increased engagement by client with services e.g. family support, counselling
  - Clients can get legal advice early
  - Share the emotional load of the client.

# WHAT MORE NEEDS TO BE DONE?

- **Increased funding of collaborative services including outreach services**
- **Funding for ongoing work, not just pilot projects**
- **Greater capacity building within legal profession around communicating with clients with intellectual disability**
- **Lawyer needs to determine if client has intellectual disability and make appropriate adjustments.**

# ADVICES AND CASEWORK: STATISTICS

- **In 2013-2014 the Parents Project provided a total of 65 advices and worked on 44 cases (mixture of legal and non-legal advices and cases).**
- **IDRS involvement with parents is rarely one-off with 68% of parents receiving advice also needing longer term casework support.**

***"IDRS helped us get our point across. We would never have got to where we are if they hadn't come into our lives...IDRS is good at helping people with disabilities not treating them as an object. IDRS treats you as normal person They are a godsend."***

**client of Parent's Project**

# SIMPLE SCREENING TECHNIQUES

**Disability Support Pension?**

**Assistance in housing or employment?**

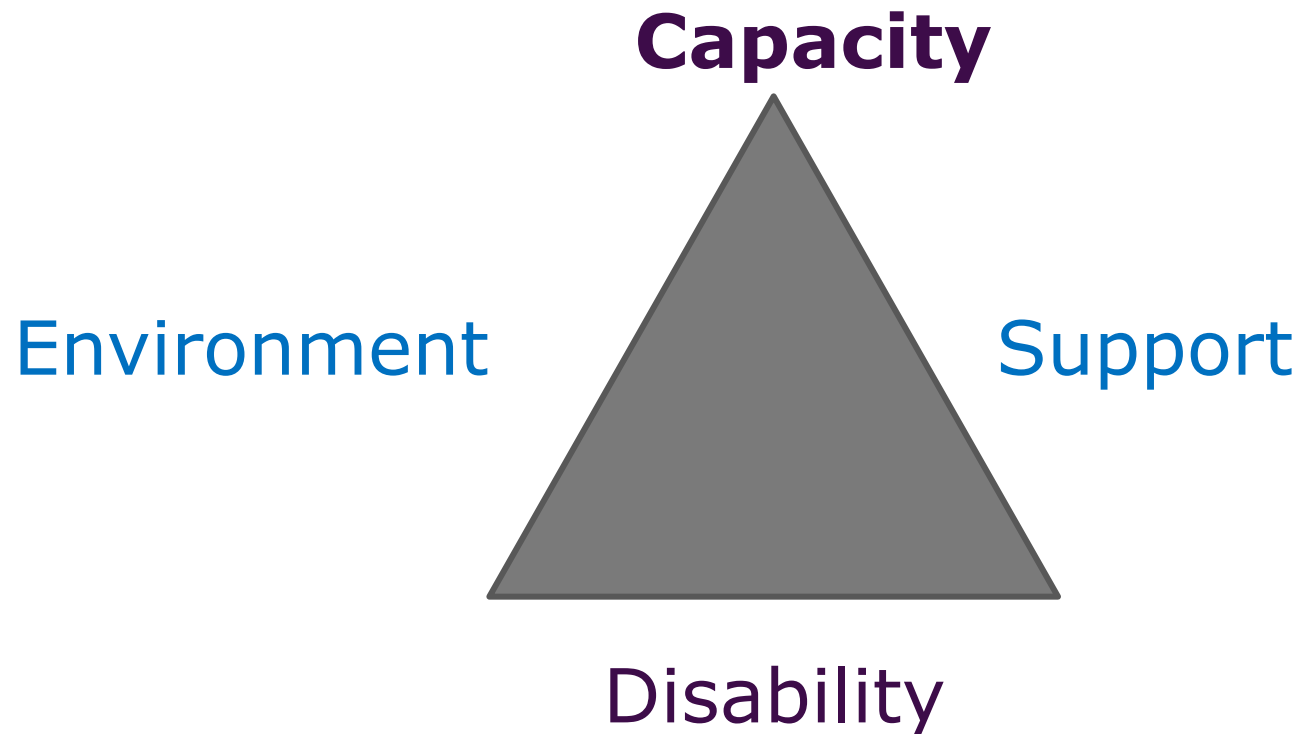
**Help from a disability service?**

**Do you have a case manager?**

**Did you have special schooling?**



# WHY SCREEN: THE INTERACTIONAL OR SOCIAL MODEL OF DISABILITY



By adjusting the environment and support provided to meet individual needs we can increase the person's capacity and reduce the effect of the disability

# COMMUNICATION TIPS

- **Minimize distractions - try to avoid rushed meetings in busy areas**
- **Relax, take some extra time and build rapport**
- **Keep it simple – short sentences, avoid jargon, avoid abstract concepts, one topic at a time, only one question per question**
- **Invite the person to say if they aren't sure what you mean**
- **Allow more time than usual for a response**
- **Use the recount technique to check the client has understood the key points**