

BRAIN INJURY (BI) AND CHILD WELFARE

MORE THAN 500,000 ADULT COLORADANS HAVE SUSTAINED A BI. BI MIGHT AFFECT:

- Attention
- Concentration
- Processing
- Memory
- Communication
- Planning/organization
- Problem-solving
- Mental flexibility
- Impulsivity
- Emotional reactivity

DEPARTMENTS' AND COURTS' LEGAL DUTIES:

- BI is almost always a disability under [civil rights laws](#) like the ADA. 28 C.F.R. § 35.108.
- [Individualize](#) & [accommodate](#).
- Determine whether accommodations can prevent certain removals. C.R.S. § 24-34-805(2)(e).
- Include accommodations in treatment plans. C.R.S. § 19-3-507(1)(c).
- Ensure reasonable efforts comply with the ADA. C.R.S. § 19-3-100.5, 19-3-208.
- Consider accommodations if assessing no appropriate treatment plan. C.R.S. § 19-3-604(1)(l)(b).
- Show disability affects child before restricting parenting time or responsibilities. C.R.S. § 24-34-805(2)(a)(III).

BI IS MOST LIKELY TO AFFECT PEOPLE ALSO DISPROPORTIONATELY REPRESENTED IN CHILD WELFARE:

- Members of racial and ethnic minoritized groups
- Veterans
- People who've experienced incarceration
- People who've experienced homelessness
- People who've experienced intimate partner violence

STEPS TO BEGIN ADDRESSING BI:

- Screen for BI in all [adults](#) and [children](#).
- [Provide starter accommodations](#), including [in court](#).
- Refer to BI [supports](#) and [services](#).
- Consider [co-occurring conditions](#).



OFFICE OF RESPONDENT
PARENTS' COUNSEL

The goals of child welfare and disability non-discrimination are mutually attainable and complementary. -[Federal civil rights agencies, 2015](#).

It is likely that fewer children would experience the trauma of removal if appropriate interventions are implemented for parents with BI. -[TBI State Partnership Program, 2023](#).



MINDSOURCE
BRAIN INJURY NETWORK



RESOURCES

- 2018 Colo. Legis. Serv. Ch. 164 (H.B. 18-1104) (West), https://leg.colorado.gov/sites/default/files/2018a_1104_signed.pdf
- Brain Injury Alliance of Colorado, <https://biacolorado.org/>.
- Ctrs. for Disease Control and Prevention, Health Disparities and TBI (2023), <https://www.cdc.gov/traumaticbraininjury/health-disparities-tbi.html>.
- Colo. Dep't of Health Care Policy & Financing, [Brain Injury Waiver](#), and
- Home and Community-Based Services Waivers, <https://hcpf.colorado.gov/hcbs-waivers>.
- Colo. Dep't of Human Servs., Mindsource Brain Injury Network & Univ. of Denver, Cognitive Strategies for Community Mental Health (2019), https://cdpsdocs.state.co.us/ccjj/committees/ADTF/Materials/2019-07-10_CCJJ-ADTF_StrategiesGuidebk-CMH_2019-05-06.pdf.
- Colo. Dep't of Human Servs., Mindsource Brain Injury Network, Adult Symptom Questionnaire, <https://mindsourcecolorado.org/adult-symptom-questionnaire/>.
- Colo. Dep't of Human Servs., Mindsource Brain Injury Network, Juvenile Symptom Questionnaire, <https://mindsourcecolorado.org/juvenile-symptom-questionnaire/>.
- Colo. Judicial Dep't, Access to the Courts: A Resource Guide to Providing Reasonable Accommodations for People with Disabilities for Judicial Officers, Probation and Court Staff (2004), <https://www.courts.state.co.us/userfiles/File/Administration/HR/ADA/ADAResourceGuide.pdf>.
- Job Accommodation Network, Accommodation and Compliance: Brain Injury, <https://askjan.org/disabilities/Brain-Injury.cfm>.
- Nat'l Assoc. of State Head Injury Administrators, Supporting Materials to Brain Injury and Child Welfare Best Practice Guide, <https://www.nashia.org/child-welfare-guide-supplements>.
- Substance Abuse and Mental Health Servs. Admin., SAMHSA Advisory: Treating Patients with Traumatic Brain Injury (2021), <https://store.samhsa.gov/sites/default/files/pep21-05-03-001.pdf>.
- TBI Model Systems Knowledge Translation System, Cognitive Problems after Traumatic Brain Injury, <https://biaia.org/wp-content/uploads/2017/11/Cognitive-Problems-and-TBI.pdf>
- Traumatic Brain Injury State Partnership Program, Brain Injury and Child Welfare Best Practice Guide: Information and Tools for State Agencies (2023), <https://static1.squarespace.com/static/5eb2bae2bb8af12ca7ab9f12/t/646e2988b06d06606e93aec5/1684941194342/Brain+Injury+and+Child+Welfare+Best+Practice+Guide+5.24.23.pdf>.
- U.S. Dep't of Health and Human Servs. & U.S. Dep't of Justice, Protecting the Rights of Parents and Prospective Parents with Disabilities: Technical Assistance for State and Local Child Welfare Agencies and Courts Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act (2015), <https://www.hhs.gov/sites/default/files/disability.pdf>.
- U.S. Dep't of Health and Human Servs. & U.S. Dep't of Justice, Investigation of the Mass. Dep't of Children and Families by the U.S. Dep'ts of Justice and Health and Human Servs. Pursuant to the Americans with Disabilities Act and the Rehabilitation Act (2015), https://archive.ada.gov/ma_docf_lof.pdf