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March 11, 2014

Disability White Paper
PO Box 9936 Stn Prov Gov
Victoria BC, V8W 9R2

Via email: disabilitywhitepaper@gov.bc.ca

Re: Government Consultation on Increasing Accessibility for People with Disabilities

West Coast LEAF is pleased to see the Government of British Columbia undertaking this initiative on increasing accessibility for people with disabilities in BC. As an equality-seeking organization committed to advancing a substantive and meaningful conception of equality, West Coast LEAF has a long history working to advance the equality rights of women, including women with disabilities, in BC law and policy. We welcome this opportunity to inform you of our current research project exploring the legal issues impacting mothers with disabilities, and to make some preliminary recommendations based on our work on this project to date.

Women with disabilities face many barriers to their right to equal participation in Canadian society, including to their rights as parents. Mothers face unique challenges stemming from barriers associated with both gender and disability. For example, women with disabilities may lose their children through custody disputes or child protection proceedings because of misconceptions about their ability to parent, detrimentally impacting the rights and well-being of both mothers and children. Prospective mothers face obstacles trying to exercise their reproductive rights or access reproductive technology. There are a number of other areas in which mothers with disabilities may face particular challenges in their interactions with the law, including in the contexts of adoption, immigration, and employment. There is limited research in Canada around these issues. Our Mothering with Disabilities project seeks to remedy this gap.

Through this project, West Coast LEAF has begun to identify systemic barriers facing mothers with disabilities in BC through community consultations with disabled mothers and the advocates and service providers they work with. We will then analyze how existing laws and

policies apply to women with disabilities, and will recommend changes to laws and policies to ensure greater respect for the rights of mothers with disabilities. We began this work in the fall of 2013, and anticipate completing our report and submitting our recommendations to law and policymakers in September 2014.

While the project is not yet complete, a number of important themes have already emerged, and there are several recommendations we can make at this preliminary stage:

- Raise the income assistance rate for people with disabilities to \$1200, as recommended by the Disability Without Poverty Network, and index the rate to inflation. BC's current disability benefit rate of \$906/month is completely inadequate to support the health and wellbeing of people with disabilities in BC. In comparison, Alberta's PWD rate is now \$1588.
- End the clawback of child support paid to people receiving income assistance (including disability assistance). The Province's policy of clawing back child support dollar for dollar from people receiving income assistance deprives children of their right to child support by taking that money away from children who live in lone-parent families on assistance – some of the most vulnerable children in the province.
- Ensure people who are deaf or hard of hearing have access to interpreter services when they apply for legal aid and when they attend court. Parents involved in child protection and family court proceedings—legal cases with massive and potentially devastating impacts on children and families—must have access to interpreters in order to participate meaningfully in these critically important proceedings.
- Create and support transition houses that are accessible to women with disabilities. Disabilities including limited mobility, deafness, and chronic illness may preclude women from accessing the services of a transition house when they are fleeing domestic abuse. Transition houses need adequate resources to enable them to meet their duty to accommodate women with disabilities.
- Establish addiction treatment facilities that accommodate pregnant women and mothers and their children. Research indicates that allowing mothers to keep custody of their children while seeking treatment for addictions means more women will seek out such treatment. The number of spaces in treatment centres able to accommodate pregnant women and women with children is vastly inadequate to meet the need.
- Ensure that professionals working in the family justice and child protection systems, including judges, lawyers, social workers, mediators, arbitrators, parenting coordinators, and parenting assessors, receive education and training on the impact (or lack thereof) of disability on the capacity to parent. Public employees (such as judges and social workers) must not perpetuate myths and stereotypes about the capacity of people with disabilities to parent. Professionals working in the child protection context must be guided by the principle underlying BC's child protection legislation that families should

be provided support services to provide a safe and nurturing environment for their children.

We look forward to sharing the full results of our research and analysis with you when our project is complete.

Yours truly,

A handwritten signature in black ink, appearing to read "L. Track". The signature is fluid and cursive, with a large initial "L" and a stylized "Track".

Laura Track
Legal Director