



DISABILITY RIGHTS NEW YORK

Protection & Advocacy and Client Assistance Program Services in the 11th Congressional District

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BACKGROUND

Disability Rights New York (DRNY) is the designated organization to provide the federal Protection & Advocacy System (P&A) and the Client Assistance Program services to New Yorkers with disabilities. The 11th Congressional District is particularly important to DRNY's work because the federal P&A system was born in New York State. In the 1970's, Geraldo Rivera exposed abuse, neglect and lack of services and supports at the Willowbrook State School, an institution for children and adults with intellectual and other disabilities in Staten Island.

In 1975, following the exposure of these deplorable conditions, Senator Jacob Javits spearheaded the passage of the Developmental Disabilities Assistance and Bill of Rights Act, "to protect the legal and human rights of individuals with developmental disabilities." With this legislation, the first Protection and Advocacy for People with Developmental Disabilities was created.

This Report provides an overview of the services, from June 1, 2013 to December 31, 2016, that DRNY has provided to individuals with disabilities living in New York's 11th Congressional District. These services are provided pursuant to the following eight federal programs.

Protection & Advocacy for Individuals with Mental Illness

DRNY serves people with a diagnosis of significant mental illness or emotional impairment and prioritizes services to individuals in a facility receiving care and treatment and has the ability to investigate complaints of neglect and abuse.

Protection & Advocacy for Individuals with Intellectual and Developmental Disabilities

DRNY serves people with developmental disabilities, including, intellectual disabilities, autism, epilepsy, cerebral palsy and neurological impairments.

Protection & Advocacy of Individual Rights

DRNY serves individuals with disabilities who do not qualify for any other protection and advocacy services. It is not limited to people with a specific disability or facing a certain issue.

Protection & Advocacy for Traumatic Brain Injury

DRNY serves people with a traumatic brain injury (TBI). This includes working to ensure "due process" within the "New York State TBI Waiver" program, and appropriate services to all individuals, including those not participating in the waiver. DRNY provides services to ensure individuals with TBI have access to comprehensive, high quality health care services.

Protection & Advocacy for Voting Access

DRNY helps individuals with disabilities have full participation in the electoral process. DRNY educates, trains and assists individuals with participating in the electoral process. These efforts include ensuring physical accessibility of polling places and informing people about the rights of voters with disabilities.

Protection & Advocacy for Assistive Technology

DRNY helps people with disabilities with services related to assistive technology devices or services. This includes investigating and negotiating access to assistive technology devices, as well as outreach efforts.

Protection & Advocacy for Beneficiaries of Social Security

DRNY serves people with disabilities who receive Social Security Disability Insurance or Supplementary Security Income, and who are trying to return to work, gain employment, or receive certain employment-related training and services. DRNY educates beneficiaries about Social Security's work incentives and provides advice about vocational rehabilitation and employment services.

Client Assistance Program

DRNY assists people with disabilities who have questions or have encountered problems while receiving or applying for vocational rehabilitation (VR) services from state VR agencies. DRNY also advocates for those who receive services from Independent Living Centers, Commission for the Blind, and for those applying for or receiving services from Tribal VR offices.

CLIENTS

The most recent U.S. Census Bureau estimates show that there are 71,392 individuals with disabilities living in the 11nd Congressional District. DRNY has handled 165 Service Requests for 145 distinct clients. These individuals lived in 18 of the 23 zip codes in the 11th Congressional District. Over this 43 month period, DRNY averaged 3.84 Service Requests per month from individuals in this District.

Clients by Age

DRNY has assisted some of the most vulnerable individuals in the 11th Congressional District. 19 unique clients were residents of nursing homes, hospitals, correctional facilities, rehabilitation facilities, and youth-focused residential facilities. Of the residents living in the community, 13, or nearly 10.65% of DRNY's unique clients were under 18. According to census data, individuals under 18 account for only 4.77% of civilian, non-institutionalized individuals with a disability in the 11th Congressional District.

The following table shows that 28.17% of DRNY’s clients are age 55 or older. Demographic information is not required to receive DRNY services, and so we lack age information on 3 individuals.

Age Group	Number of Individuals	Percentage of Total
Under 5 Years Old	0	0%
5-9 Years	4	2.82%
10-14	7	4.93%
15-19	10	7.04%
20-24	7	4.93%
25-34	16	11.27%
35-44	23	16.20%
45-54	35	24.65%
55-59	16	11.27%
60-64	12	8.45%
65 or Older	12	8.45%

Clients from Under-Represented Groups

DRNY affirmatively seeks to provide services to historically under-represented groups. The following charts compare race and ethnicity demographics for the entire 11th Congressional District with that of DRNY’s clients in the 11th Congressional District. DRNY does not require demographic information from our clients as a pre-requisite for services, so for 14 clients, race information is incomplete or unavailable, and for 13 clients ethnicity information is incomplete or unavailable.

Race	Estimate	As Percentage	DRNY Clients	As Percentage
Total population	721,433		131	
One race	704,624	97.67%	120	91.60%
White	513,534	71.18%	95	72.52%
Black or African American	57,266	7.94%	21	16.03%
American Indian and Alaska Native	2,257	0.31%	1	0.76%
Asian	99,361	13.77%	3	2.29%
Native Hawaiian and Other Pacific Islander	313	0.04%	0	0.00%
Some other race	31,893	4.42%	0	0.00%
Two or more races	16,809	2.33%	11	8.40%

Hispanic or Latino Origin	11 th Congressional District	% of Total	DRNY Clients	% of Total
Total population	721,433		131	
Hispanic or Latino (of any race)	123,618	17.14%	14	10.61%
Not Hispanic or Latino	597,815	82.86%	118	89.39%

SERVICE REQUESTS

DRNY provided full case services in 83 of the requests for services, 50.30% of the total 165 Service Requests. DRNY provided Information and Referral (I &R) services to the remaining 82 requests.

DRNY makes appropriate referrals to other agencies in those matters where the issues are outside DRNY's priorities, or because DRNY lacks the resources to undertake the matter. DRNY will also provide information regarding the clients' rights and available options. These matters vary from consumer financial issues, evictions, or other legal issues that are unrelated to the client's disability.

Service Requests by Program

7 of DRNY's programs provided case services to at least one constituent in the 11th Congressional District.

SR Type	CAP	PAAT	PABSS	PADD	PAIMI	PAIR	PATBI	Grand Total
Case Services	27	6	4	14	13	11	8	80
I & R	5	1	1	14	34	26	1	82
Grand Total	32	7	5	28	47	37	9	165

Service Request Response Time

55 of these Service Requests were resolved in less than 7 days.

77 of these were resolved in less than 14 days.

Areas Covered by Service Requests

- 10 involved education issues
- 10 involved employment, including discrimination in hiring, unlawful termination, wage and hour issues, and assisting clients with SSI due to employment efforts
- 11 involved housing issues, including housing discrimination
- 16 involved issues of abuse and neglect, including the failure to provide appropriate treatment for mental health or other serious medical problems, inappropriate medication, or physical restraint
- 51 involved clients seeking assistance with obtaining or maintaining benefits including VR services, SSI, SSDI, Medicaid, or other forms of health insurance
- 11 involved healthcare issues including admission, transportation and discharge issues involving residential care or treatment facilities

Representative Issues

- Assisted a client to obtain access to a vocational training program as a pathway to employment
- Represented a child with a seizure disorder at an administrative hearing and successfully advocated for her to attend school with her seizure alert service dog

- Assisted a client to obtain a replacement Hoyer Lift so that she could remain in her home and not be placed in a nursing home
- Worked with a client with a speech impediment to obtain assistive technology so she could find and maintain a job
- Educated our client on how to change his representative payee so that he had more control over his social security benefits
- Connected a parent to local supports to assist in advocating for special education services for her child
- Assisted client who recently sustained a Traumatic Brain Injury to obtain access to rehabilitation services

PROJECTS

In addition to serving clients individually through Service Requests, DRNY operates a number of projects ranging from ongoing outreach efforts, presentations on specific topics, investigation and monitoring of service providers, and systemic litigation to advance the rights of people with disabilities.

One of DRNY's core projects is the litigation *O'Toole v. Cuomo*. In New York City, about 4,000 adults with mental illness currently reside in adult homes some situated in the 11th Congressional District. Many of these facilities opened upon the closing of state psychiatric hospitals in the aftermath of the Willowbrook consent decree. Under the terms of a settlement, 4,000 class members will be offered the chance to move from the adult homes where the residents live two to a dormitory room and with little privacy and mobility, into supported housing –consisting of scatter-site apartments. One resident has expressed the importance of this settlement: “I had a rent stabilized apartment, and I lost it in the fire. And that led me to being where I am. And I feel stuck...I miss hot chocolate in my microwave. I miss the spoonful of ice cream every now and then from my big fridge that I bought for myself. I miss so many things. I miss cut flowers that I could afford to buy every now and then. There's so many things that I miss. And it's something that I want again. With support, I think I can do that.”

DRNY also filed a lawsuit in the Eastern District of New York on behalf of a resident of New York City and a resident of Suffolk County who were deprived access to text 911. Individuals who have disabilities that impair their hearing or communication cannot immediately access 911 services because this District lacks text-to-911 services.

Another core project is to ensure children with disabilities who use service animals can access school. DRNY successfully advocated for two students in Staten Island to be able to go to school with their service animals and worked with the school system to ensure better understanding of the rights of children with disabilities.

DRNY conducted outreach efforts to ACCES-VR agencies in Staten Island in an effort to explain how our CAP program can assist individuals with obtaining their vocational rehabilitation goals.

DRNY also monitored a day treatment program working with people with mental illness at the Staten Island/Richmond University Medical Center.

Investigations of Abuse and Neglect

DRNY investigated allegations of abuse and neglect including

- Physical restraint in schools
- Use of force and solitary confinement in prisons and jails
- Inadequate care in skilled nursing facilities
- Unsanitary conditions and poor care in facilities

Veteran's Issues

New York State is home to nearly 900,000 veterans, many of whom could benefit from the advocacy of the Protection and Advocacy System. As a demonstration of DRNY's ongoing support of veterans, we have several projects designed to engage, support and advocate for service members throughout New York.

- Conducting free day-long Continuing Legal Education courses to educate lawyers, and non-lawyers on how to advocate to obtain benefits, prepare claims and appeal decisions for Veterans Benefits
- Conducting 5 outreach events across New York State targeting veterans and collaborating with organizations and group that currently serve veterans
- Attending various military and Veteran Administration (VA) sponsored events including at libraries and VA hospitals
- Connecting with VA Medical Centers, organizations helping homeless and vulnerable veterans and legal service providers dedicated to veteran issues
- Working with and revitalizing veteran coalitions across New York State to identify issues where JAG cannot assist

Coalition Building

DRNY is also involved in forging coalitions between agencies on statewide issues like:

- Improving communication between students, families and schools in Special Education
- Ensuring that voter's with disabilities have access to a private accessible vote
- Expanding cultural competency and language access

Systemic Issues

DRNY also identifies and addresses systemic issues such as:

- Sidewalk and street accessibility
- Difficulties faced by individuals transitioning from various state-run facilities back to the community
- Barriers to integrated employment opportunities

CONTACT INFORMATION

Staff

Timothy A. Clune, Esq., *Executive Director*

Cliff Zucker, Esq., *General Counsel*

Jennifer J. Monthie, Esq., *Legal Director*

Danielle Myers, CPA, *Chief Financial Officer & Director of Operations*

Betsy Sterling, Esq., *Director PAIMI Program*

Julie Michaels Keegan, Esq., *Director PADD & PATBI Programs*

Elizabeth Grossman, Esq., *Director PAIR & PABSS Programs*

Erica M. Molina, Esq., *Director Client Assistance Program*

Christina Asbee, Esq., *Director PAAT & PAVA Programs*

David Young, Esq., *Director of Intake*

Office Locations

Albany

725 Broadway, Suite 450

Albany, NY 12207

Brooklyn

25 Chapel Street, Suite 1005

Brooklyn, NY 11201

Rochester

44 Exchange Boulevard, Suite 110

Rochester, NY 14614

Phone and Internet

Toll Free: (800)993-8982

TTY: (518)512-3448

Fax: (518)427-6561

DRNY.org

Mail@DRNY.org

facebook.com/DisabilityRightsNewYork

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