



DISABILITY RIGHTS NEW YORK

Protection & Advocacy and Client Assistance Program Services in the 19th Congressional District

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BACKGROUND

Disability Rights New York (DRNY) is the designated organization to provide the federal Protection & Advocacy System and the Client Assistance Program services to New Yorkers with disabilities. 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 19th 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 (SSDI) or Supplementary Security Income (SSI), 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 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 97,920 individuals with disabilities living in the 19th Congressional District. DRNY has handled 1006 Service Requests for 774 distinct clients. These individuals lived in 154 of the 343 zip codes in the 19th Congressional District. Over this 43 month period, DRNY averaged approximately 23.4 Service Requests per month from individuals in this District.

Clients by Age

DRNY has assisted some of the most vulnerable individuals in the 19th Congressional District. 238 unique clients were residents of nursing homes, hospitals, correctional facilities, rehabilitation facilities, and youth-focused residential facilities. Of the residents living in the community, 120, or nearly 23.90% of DRNY’s unique clients, were under 18. According to census data, individuals under 18 account for only 9.04% of civilian, non-institutionalized individuals with a disability in the 19th Congressional District. The following table shows that 27.26% 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 11 individuals.

Age Group	Number of Individuals	Percentage of Total
Under 5 Years Old	4	0.52%
5-9 Years	29	3.80%
10-14	64	8.39%
15-19	50	6.55%
20-24	50	6.55%
25-34	97	12.71%
35-44	117	15.33%
45-54	144	18.87%
55-59	84	11.01%
60-64	60	7.86%
65 or Older	64	8.39%

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 19th Congressional District with that of DRNY's clients in the 19th Congressional District. DRNY does not require demographic information from our clients as a pre-requisite for services, so for 72 clients, race and ethnicity information is incomplete or unavailable.

Race	Estimate	As Percentage	DRNY Clients	As Percentage
Total population	710,842		702	
One race	696,717	98.01%	678	96.58%
White	658,021	92.57%	532	75.78%
Black or African American	23,088	3.25%	139	19.80%
American Indian and Alaska Native	2,729	0.38%	2	0.28%
Asian	6,770	0.95%	5	0.71%
Native Hawaiian and Other Pacific Islander	422	0.06%	0	0.00%
Some other race	5,687	0.80%	0	0.00%
Two or more races	14,125	1.99%	24	3.42%

Hispanic or Latino Origin by Type	19 th Congressional District	% of Total	DRNY Clients	% of Total
Total population	710,842		702	
Hispanic or Latino (of any race)	23,524	3.31%	73	10.40%
Not Hispanic or Latino	687,318	96.69%	629	89.60%

SERVICE REQUESTS

DRNY provided full case services in 490 of the requests for services, 48.71% of the total 1006 Service Requests. DRNY provided Information and Referral (I&R) services to the remaining 516.

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

8 of DRNY's programs provided case services to at least one constituent in the 19th Congressional District.

SR Type	CAP	PAAT	PABSS	PADD	PAIMI	PAIR	PATBI	PAVA	Grand Total
Case Services	25	12	21	129	80	194	28	1	490
I & R	7	1	13	83	203	199	9	0	516
Grand Total	32	13	34	212	283	393	37	1	1006

Service Request Response Time

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

408 of these were resolved in less than 14 days.

Areas Covered by Service Requests

- 139 involved education issues
- 53 involved employment, including allegations of hiring discrimination and improper terminations
- 77 involved housing issues, including housing discrimination
- 132 involved issues of abuse and neglect, including the failure to provide appropriate medical and mental health treatment, use of inappropriate or excessive medication, restraints or seclusion, and allegations of physical and sexual assault
- 119 involved clients seeking assistance with obtaining or maintaining benefits including ACCES-VR services, SSI, SSDI, Medicaid, or other forms of health insurance
- 91 involved healthcare issues including admission to and discharge from residential care or treatment facilities

Representative Issues

- Represented a client in a Social Security Hearing and obtained a waiver of overpayment so client could return to work
- Assisted a client in a sheltered work center making sub-minimum wage to increase his pay and obtain a competitive wage
- Represented a client at risk of being placed in a segregated education setting to remain in a general education setting with proper supports and services
- Investigated complaints that a supported housing apartment was infested with roaches and not properly maintained
- Represented a client who was openly mocked at work because of his disability before the Division of Human Rights and obtain a financial settlement
- Obtained a reasonable accommodation in a Family Court proceeding for a client with a disability
- Obtained a sign language interpreter for a deaf person incarcerated in a DOCCS facility
- Ensured that client who required accessible seating was provided seating at Bethel Woods Center for the Arts
- Represented a client who was not attending school because of lack of educational supports and obtained appropriate services to allow the child to return to school
- Advocated for a client with a developmental disability to transition from an out-of-state residential school to a home closer to his family
- Ensured that an incarcerated person who was suicidal was properly evaluated and received mental health treatment

PROJECTS

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

One of DRNY's core projects is a collaboration with other educational advocates and schools to improve educational outcomes for students with disabilities, called the New York State Special Education Task Force. DRNY spearheaded the formation of regional affiliates in the 19th Congressional District to provide a local forum for parents, advocates, attorneys, school personnel, service providers and individuals with disabilities to discuss issues, policies, and proposed changes to special education law and regulation. The Capital District, Southern Tier, and Mid-Hudson Tier Task Force hosted trainings on bullying in school, anxiety as a barrier to school attendance, functional behavior plans and pathways to high school graduation.

DRNY conducted a year-long investigation into complaints of abuse and neglect against people with disabilities by the NYS DOCCS. DRNY issued a public report examining the Correctional Alternatives Rehabilitation Unit (CAR) at Sullivan Correctional Facility in the 19th Congressional District and found multiple instances of abuse and neglect. DRNY continues to advocates for changes to improve conditions for people with disabilities.

DRNY monitors the treatment of youth and young adults in adult correctional facilities and conducted an investigation into the general and special education services in Department of Corrections and Community Services (DOCCS) facilities in the 19th Congressional District. DRNY found that DOCCS' fails to identify, evaluate, provide special education supports and services, and comply with the Individuals with Disabilities Education Act's most fundamental procedural safeguards. DRNY continues to pursue access to education for youth and young adults (16 – 21 years old) in adult correctional facilities.

DRNY also filed a landmark lawsuit challenging the most restrictive guardianship statute for individuals with intellectual and developmental disabilities in the country. The guardianship statute permits courts to appoint only plenary guardianship resulting in the termination of all decision making rights. This process does not require an assessment of lesser restrictive measures or even the functional abilities of the alleged incapacitated person. Moreover, the statutory scheme provides negligent substantive and procedural due process protections. DRNY represented a 19 year old constituent of the 19th Congressional District who was subjected to this guardianship statute placing him at risk of losing all decision making rights. DRNY was successful in challenging the imposition of a guardianship but may other individuals with intellectual and developmental disabilities remain unrepresented through this process. To put an end to the systemic violation of the most fundamental rights of individuals with ID or DD, in September 2016, DRNY filed suit in the United States District Court for the Southern District of New York against the State of New York, the State's court system and its representatives seeking to enjoin the State from appointing guardians under the archaic and unconstitutional statute. Through this historic litigation, DRNY will ensure individuals with ID and

DD are free to exercise their own expressed or known wishes to the greatest extent possible and retain or get back their decision-making authority.

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 voters 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

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