



DISABILITY RIGHTS

NEW YORK

Protection & Advocacy and Client Assistance Program Services in the 1st Congressional District

Contents

BACKGROUND	2
CLIENTS.....	3
Clients by Age	3
Clients from Under-Represented Groups	4
SERVICE REQUESTS.....	4
Service Requests by Program	4
Service Request Response Time	5
Areas Covered by Service Requests	5
Representative Issues	5
PROJECTS.....	5
Investigations of Abuse and Neglect	6
Veteran’s Issues	7
Coalition Building.....	7
Systemic Issues	7
CONTACT INFORMATION	8
Staff.....	8
Office Locations	8
Albany.....	8
Brooklyn.....	8
Rochester.....	8
Phone and Internet	8

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 1st 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 79,038 individuals with disabilities living in the 1st Congressional District. DRNY has handled 225 Service Requests for 192 distinct clients. These individuals lived in 43 of the 80 zip codes in the 1st Congressional District. Over this 43 month period, DRNY averaged 5.23 Service Requests per month from individuals in this District.

Clients by Age

DRNY has assisted some of the most vulnerable individuals in the 1st Congressional District. 48 unique clients were residents of nursing homes, hospitals, correctional facilities, rehabilitation facilities, and youth-focused residential facilities. Of the residents living in the community, 25, or nearly 13.02% of DRNY's unique clients were under 18. According to census data, individuals under 18 account for only 9.31% of civilian, non-institutionalized individuals with a disability in the 1st Congressional District.

The following table shows that 30.21% 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 4 individuals.

Age Group	Number of Individuals	Percentage of Total
Under 5 Years Old	5	2.60%
5-9 Years	8	4.17%
10-14	10	5.21%
15-19	10	5.21%
20-24	9	4.69%
25-34	15	7.81%
35-44	25	13.02%
45-54	48	25.00%
55-59	28	14.58%
60-64	16	8.33%
65 or Older	14	7.29%

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 1st Congressional District with that of DRNY's clients in the 1st Congressional District. DRNY does not require demographic information from our clients as a pre-requisite for services, so for 22 clients, race information is incomplete or unavailable, and for 23 clients ethnicity information is incomplete or unavailable.

Race	Estimate	As Percentage	DRNY Clients	As Percentage
Total population	726,589		170	
One race	713,343	98.18%	159	93.53%
White	629,952	86.70%	137	80.59%
Black or African American	40,518	5.58%	19	11.18%
American Indian and Alaska Native	1,583	0.22%		0.00%
Asian	26,543	3.65%	2	1.18%
Native Hawaiian and Other Pacific Islander	0	0.00%	1	0.59%
Some other race	14,747	2.03%		0.00%
Two or more races	13,246	1.82%	11	6.47%

Hispanic or Latino Origin	1 st Congressional District	% of Total	DRNY Clients	% of Total
Total population	726,589		169	
Hispanic or Latino (of any race)	107,873	14.85%	13	7.69%
Not Hispanic or Latino	618,716	85.15%	156	92.31%

SERVICE REQUESTS

DRNY provided full case services in 107 of the requests for services, 47.55% of the total 225 Service Requests. DRNY provided Information and Referral (I&R) services to the remaining 118 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 1st Congressional District.

SR Type	CAP	PAAT	PABSS	PADD	PAIMI	PAIR	PATBI	Grand Total
Case Services	15	6	10	32	16	26	2	107
I & R	9		2	17	49	34	7	118
Grand Total	24	6	12	49	65	60	9	225

Service Request Response Time

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

96 of these were resolved in less than 14 days.

Areas Covered by Service Requests

- 18 involved education issues
- 15 involved employment, including discrimination in hiring, unlawful termination, wage and hour issues, and assisting clients with SSI due to employment efforts
- 25 involved housing issues, including housing discrimination
- 19 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
- 22 involved clients seeking assistance with obtaining or maintaining benefits including VR services, SSI, SSDI, Medicaid, or other forms of health insurance
- 17 involved healthcare issues including admission, transportation and discharge issues involving residential care or treatment facilities

Representative Issues

- Assisted a client seeking wheelchair repairs that neither Workers' Compensation nor Medicare would take responsibility for to obtain the needed repairs
- Provided technical assistance and advocacy assistance to multiple parents requesting educational services for their children
- Helped a client at risk of being evicted to stay in his home
- Investigated allegations of abuse and neglect and advocated for corrective action to ensure that the client's safety needs were addressed
- Advocated for a client so that she could return to work
- Advocated for a client to be discharged from an institutional setting and to obtain services in the community
- Advocated for a client so that he could have the reasonable accommodation he needed to stay employed
- Obtained vocational rehabilitation supports for a client so he could obtain employment

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 to ensure that people with disabilities can access public locations and services. DRNY successfully worked with two banquet halls in the 1st Congressional District which were inaccessible to people with mobility impairments to install ramps and accessible bathrooms.

One of DRNY's core projects is to protect the rights of individuals with disabilities to live integrated lives in our communities. DRNY is litigating this right in *O'Toole v. Cuomo*. In New York City, about 4,000 adults with mental illness currently reside in adult homes some situated in the 1st 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.”

Another one of DRNY's core functions is to monitor the care and treatment of individuals with disabilities in hospitals. DRNY conducted monitoring of Stony Brook Medical Center in the 1st Congressional District for compliance with safety requirements and investigated allegations of abuse and neglect of patients. DRNY educated staff and patients about the P&A system and rights of individuals seeking DRNY's services.

DRNY 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.

DRNY also advocates for individuals to be able to be with their service animals in their homes, community and schools. DRNY filed a lawsuit in the Eastern District of New York because a school district in the 1st Congressional District deprived a young boy with Autism his right to go to school with his service dog for four years. After years of being without his service dog, our client is now able to go to school and school activities with his service dog.

DRNY also conducted training and outreach in the 1st Congressional District which targeted people in nursing homes, residential facilities, VR offices, and schools.

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

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