



DISABILITY RIGHTS NEW YORK

Protection & Advocacy and Client Assistance Program Services in the 20th 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 20th 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 90,494 individuals with disabilities living in the 20th Congressional District. DRNY has handled 2038 Service Requests for 1561 distinct clients. These individuals lived in 68 of the 85 zip codes in the 20th Congressional District. Over this 43 month period, DRNY averaged 47.4 Service Requests per month from individuals in this District.

Clients by Age

DRNY has assisted some of the most vulnerable individuals in the 20th Congressional District. 139 unique clients were residents of nursing homes, hospitals, correctional facilities, rehabilitation facilities, and youth-focused residential facilities. Of the residents living in the community, 330, or nearly 21.14% of DRNY's unique clients were under 18. According to census data, individuals under 18 account for only 7.43% of civilian, non-institutionalized individuals with a disability in the 20th Congressional District.

The following table shows that 22.04% 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 20 individuals.

Age Group	Number of Individuals	Percentage of Total
Under 5 Years Old	19	1.22%
5-9 Years	99	6.34%
10-14	150	9.61%
15-19	133	8.52%
20-24	83	5.32%
25-34	187	11.98%
35-44	206	13.20%
45-54	320	20.50%
55-59	139	8.90%
60-64	98	6.28%
65 or Older	107	6.85%

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 20th Congressional District with that of DRNY's clients in the 20th Congressional District. DRNY does not require demographic information from our clients as a pre-requisite for services, so for 167 clients, race information is incomplete or unavailable, and for 206 clients ethnicity information is incomplete or unavailable.

Race	Estimate	As Percentage	DRNY Clients	As Percentage
Total population	727,216		1394	
One race	700,634	96.34%	1338	95.98%
White	581,140	79.91%	1039	74.53%
Black or African American	64,709	8.90%	273	19.58%
American Indian and Alaska Native	878	0.12%	12	0.86%
Asian	38,024	5.23%	14	1.00%
Native Hawaiian and Other Pacific Islander	390	0.05%	0	0.00%
Some other race	15,493	2.13%	0	0.00%
Two or more races	26,582	3.66%	56	4.02%

Hispanic or Latino Origin	20 th Congressional District	% of Total	DRNY Clients	% of Total
Total population	727,216		1355	
Hispanic or Latino (of any race)	46,037	6.33%	91	6.72%
Not Hispanic or Latino	681,179	93.67%	1264	93.28%

SERVICE REQUESTS

DRNY provided full case services in 997 of the requests for services, 48.92% of the total 2038 Service Requests. DRNY provided Information and Referral (I&R) services to the remaining 1041 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 20th Congressional District.

SR Type	CAP	PAAT	PABSS	PADD	PAIMI	PAIR	PATBI	Grand Total
Case Services	77	41	51	348	162	297	20	996
I & R	48	5	37	203	364	372	12	1041
Grand Total	125	46	88	551	526	669	32	2037

Service Request Response Time

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

757 of these were resolved in less than 14 days.

Areas Covered by Service Requests

- 333 involved education issues
- 230 involved employment, including discrimination in hiring, unlawful termination, wage and hour issues, and assisting clients with SSI due to employment efforts
- 202 involved housing issues, including housing discrimination
- 127 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
- 178 involved clients seeking assistance with obtaining or maintaining benefits including VR services, SSI, SSDI, Medicaid, or other forms of health insurance
- 181 involved healthcare issues including admission, transportation and discharge issues involving residential care or treatment facilities

Representative Issues

- Assisted a client seeking access to support services to remain in the community
- Advocated for a client to obtain an accommodation from an employer in order to continue her employment
- Advocated for a student who was being bullied at school to receive an appropriate education free from harassment
- Assisted a client who was denied access to public buildings was able to access these buildings with her service animal
- Advocated for a client with a Traumatic Brain Injury to receive services in the community from the TBI Waiver program
- Addressed complaint that an apartment building was inaccessible
- Assisted a client to obtain an accommodation needed to prevent termination from his job

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 project 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. The Task Force was created in the 20th Congressional District and has been expanded with regional affiliates across the State. The regional affiliate in the 20th Congressional

District, the Capital District Task Force, provides 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 hosts monthly trainings and a yearly conference with topics on bullying in school, anxiety as a barrier to school attendance and pathways to high school graduation.

Another one of DRNY's core functions is to monitor service providers to ensure that people with disabilities are free from abuse and neglect. DRNY investigated abuse and neglect allegations at a local public school and a residential treatment center for children in the 20th Congressional District. Through on-site monitoring and interviews with students, their families, staff and administrators, DRNY identified improper use of physical restraint and seclusion, ineffective behavioral modification plans and a lack of proper documentation. Most concerning was the consistent failure to notify the family of the incidents which lead to a physical restraint or seclusion. In order to respond to these deficiencies, DRNY has met with the providers to obtain corrective action and will publish a public report of all findings.

DRNY also monitors facilities, including skilled nursing facilities, which provide care to people with disabilities. DRNY has conducted monitoring visits at nursing homes within the 20th Congressional District and educated residents about their rights. DRNY reviews the practices and policies of the nursing homes to ensure that residents are not unnecessarily diapered, over-medicated, or subject to unnecessary physical or chemical restraints.

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. 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.

DRNY works to protect the rights of individuals with disabilities to a private and independent vote. For years, the voting rights of people with disabilities have been systemically denied. DRNY has created a media campaign to educate voters about the rights of people with disabilities and the need for accessible locations to ensure that people with disabilities can cast their vote. DRNY identified serious violations in the 20th Congressional District and filed a complaint with the United States Department of Justice on behalf of residents with disabilities in the 20th Congressional District who were denied access to cast their vote.

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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