



# DISABILITY RIGHTS

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# NEW YORK

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## *Protection & Advocacy and Client Assistance Program Services in the 21<sup>st</sup> 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 21<sup>st</sup> 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 102,609 individuals with disabilities living in the 21<sup>st</sup> Congressional District. DRNY has handled 935 Service Requests for 921 distinct clients. These individuals lived in 106 of the 268 zip codes in the 21<sup>st</sup> Congressional District. Over this 43 month period, DRNY averaged 22 Service Requests per month from individuals in this District.

### **Clients by Age**

DRNY has assisted some of the most vulnerable individuals in the 21<sup>st</sup> Congressional District. 396 unique clients were residents of nursing homes, hospitals, correctional facilities, rehabilitation facilities, and youth-focused residential facilities. Of the residents living in the community, 144, or nearly 16% of DRNY's unique clients were under 18. According to census data, individuals under 18 account for only 9% of civilian, non-institutionalized individuals with a disability in the 21<sup>st</sup> Congressional District.

The following table shows that 14% 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 26 individuals.

<b>Age Group</b>	<b>Number of Individuals</b>	<b>Percentage of Total</b>
Under 5 Years Old	10	1%
5-9 Years	45	4.9%
10-14	55	6%
15-19	63	6.8%
20-24	52	5.6%
25-34	144	15.6%
35-44	229	24.9%
45-54	178	19.3%
55-59	61	6.6%
60-64	42	4.6%
65 or Older	30	3.3%

## 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 21<sup>st</sup> Congressional District with that of DRNY's clients in the 21<sup>st</sup> Congressional District. DRNY does not require demographic information from our clients as a pre-requisite for services, so for 103 clients, race information is incomplete or unavailable, and for 18 clients ethnicity information is incomplete or unavailable.

Race	Estimate	As Percentage	DRNY Clients	As Percentage
Total population	710,842		921	
One race	696,717	98.01%	911	98.91%
White	658,021	92.57%	555	60.26%
Black or African American	23,088	3.25%	243	26.38%
American Indian and Alaska Native	2,729	0.38%	2	0.22%
Asian	6,770	0.95%	4	0.43%
Native Hawaiian and Other Pacific Islander	422	0.06%	4	0.43%
Some other race	5,687	0.80%	84	9.12%
Two or more races	14,125	1.99%	24	2.61%

Hispanic or Latino Origin	21 <sup>st</sup> Congressional District	% of Total	DRNY Clients	% of Total
Total population	710,842		935	
Hispanic or Latino (of any race)	23,524	3.31%	82	8.77%
Not Hispanic or Latino	687,318	96.69%	724	77.43%

## SERVICE REQUESTS

DRNY provided full case services in 409 of the requests for services, 43.74% of the total 935 Service Requests. DRNY provided Information and Referral (I &R) services to the remaining 526 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 21<sup>st</sup> Congressional District.

SR Type	CAP	PAAT	PABSS	PADD	PAIMI	PAIR	PATBI	Grand Total
Case Services	13	11	20	121	98	142	4	409
I & R	11		17	75	262	159	2	526
Grand Total	24	11	37	196	360	301	6	935

## Service Request Response Time

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

434 of these were resolved in less than 14 days.

## Areas Covered by Service Requests

- 123 involved education issues
- 80 involved employment, including discrimination in hiring, unlawful termination, wage and hour issues, and assisting clients with SSI due to employment efforts
- 46 involved housing issues, including housing discrimination
- 213 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
- 56 involved clients seeking assistance with obtaining or maintaining benefits including VR services, SSI, SSDI, Medicaid, or other forms of health insurance
- 64 involved healthcare issues including admission, transportation and discharge issues involving residential care or treatment facilities

## Representative Issues

- Represented a veteran terminated from his employment when he began experiencing Post Traumatic Stress Disorder and sought treatment to obtain reinstatement, compensation for lost wages and a commitment from the employer for reasonable accommodations
- Assisted a homeless client with a developmental disability to obtain housing, secure support services, and to develop a service plan to promote independent living
- Represented a client before the Division of Human Rights when her employer terminated her medical insurance when she went on Family Medical Leave after being diagnosed with cancer
- Advocated for a client who was discharged from community based mental health services to ensure that proper services were reinstated
- Obtained an accessible parking space for client at his housing complex

## 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. DRNY spearheaded the formation of a regional affiliate in the 21<sup>st</sup> 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 Northern Tier Task Force hosted trainings 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 developmental disabilities are not unnecessarily institutionalized. DRNY, in collaboration with Mental Hygiene Legal Services (MHLS), has been monitoring the community outing schedule for residents of the Sunmount Developmental Center in the 21<sup>st</sup> Congressional District. DRNY concluded that residents were not provided appropriate access to community integration and the majority of individuals only left the facility grounds for medical appointments or court appearances. The lack of meaningful community outings prevent residents from transitioning into lesser restrictive community opportunities. Sunmount Developmental Center has designed a plan to address these failings and DRNY continues to monitor the implementation of this integration plan.

DRNY also investigates allegations of abuse and neglect against individuals with disabilities in jail and prison settings. DRNY conducted on-site monitoring and investigations at Department of Corrections and Community Services (DOCCS) facilities in the 21<sup>st</sup> Congressional District. DRNY specifically monitored the treatment of individuals with mental illness at Clinton Correctional Facilities housed in the Residential Crisis Treatment Program (RCTP). As a result of DRNY advocacy inmate-patients received improved mental health care.

DRNY conducted outreach efforts to the two ACCES-VR offices in the 21<sup>st</sup> Congressional District to explain how DRNY assists individuals with obtaining employment.

### **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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