



DISABILITY RIGHTS NEW YORK

Protection & Advocacy and Client Assistance Program Services in the 23rd 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 23rd 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 100,285 individuals with disabilities living in the 23rd Congressional District. DRNY has handled 413 Service Requests for 316 distinct clients. These individuals lived in 81 of the 207 zip codes in the 23rd Congressional District. Over this 43 month period, DRNY averaged approximately 10.42 Service Requests per month from individuals in this District.

Clients by Age

DRNY has assisted some of the most vulnerable individuals in the 23rd Congressional District. 169 unique clients were residents of nursing homes, hospitals, correctional facilities, rehabilitation facilities, and youth-focused residential facilities. Of the residents living in the community, 48, or nearly 15.19% of DRNY's unique clients were under 18. According to census data, individuals under 18 account for only 5.55% of civilian, non-institutionalized individuals with a disability in the 23rd Congressional District. The following table shows that 20.25% 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 6 individuals.

Age Group	Number of Individuals	Percentage of Total
Under 5 Years Old	3	0.95%
5-9 Years	13	4.11%
10-14	21	6.65%
15-19	12	3.80%
20-24	27	8.54%
25-34	56	17.72%
35-44	44	13.92%
45-54	70	22.15%
55-59	29	9.18%
60-64	16	5.06%
65 or Older	19	6.01%

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 23rd Congressional District with that of DRNY's clients in the 23rd Congressional District. DRNY does not require demographic information from our clients as a pre-requisite for services, so for 25 clients, race information is incomplete or unavailable, and for 24 clients ethnicity information is incomplete or unavailable.

Race	Estimate	As Percentage	DRNY Clients	As Percentage
Total population	708,372		291	
One race	693,202	97.86%	282	96.91%
White	642,257	90.67%	210	72.16%
Black or African American	21,513	3.04%	71	24.40%
American Indian and Alaska Native	4,051	0.57%	1	0.34%
Asian	18,442	2.60%	0	0.00%
Native Hawaiian and Other Pacific Islander	180	0.03%	0	0.00%
Some other race	6,759	0.95%	0	0.00%
Two or more races	15,170	2.14%	9	3.09%

Hispanic or Latino Origin by Type	23 rd Congressional District	% of Total	DRNY Clients	% of Total
Total population	708,372		292	
Hispanic or Latino (of any race)	26,115	3.69%	28	9.59%
Not Hispanic or Latino	682,257	96.31%	264	90.41%

SERVICE REQUESTS

DRNY provided full case services in 215 of the requests for services, 52.06% of the total 413 Service Requests. DRNY provided Information and Referral (I&R) services to the remaining 198 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 23rd Congressional District.

SR Type	CAP	PAAT	PABSS	PADD	PAIMI	PAIR	PATBI	Grand Total
Case Services	33	12	10	40	43	68	9	215
I & R	9	1	2	20	100	62	3	198
Grand Total	42	13	12	60	143	130	12	413

Service Request Response Time

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

163 of these were resolved in less than 14 days.

Areas Covered by Service Requests

- 45 involved education issues
- 19 involved employment, including discrimination in hiring, unlawful termination, wage and hour issues, and assisting clients with SSI due to employment efforts
- 27 involved housing issues, including housing discrimination
- 79 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
- 23 involved clients seeking assistance with obtaining or maintaining benefits including ACCES-VR services, SSI, SSDI, Medicaid, or other forms of health insurance
- 33 involved healthcare issues including admission, transportation and discharge issues involving residential care or treatment facilities

Representative Issues

- Investigated an allegation of physical abuse of a child in a residential facility and ensured that the facility took corrective action to prevent future abuse
- Advocated for a client to obtain community based services so she could leave a skilled nursing facility
- Defended client's right to have a service animal in her home when the landlord refused
- Advocated for a client to receive job placement services
- Represented a client after his landlord refused to build a ramp in the housing complex and obtained the ramp at the landlord's expense
- Assisted an incarcerated individual who required assistance to operate his wheelchair to obtain assistance so that he could leave his cell
- Assisted a client with a Traumatic Brain Injury in a skilled nursing facility to obtain community based services
- Obtained a reasonable accommodation in a family court proceeding for a parent with a disability
- Successfully advocated for a reversal of a Supplemental Security Income (SSI) overpayment
- Represented a child who was not receiving an education to return to school with appropriate services and supports
- Advocated for a client's defective HEAP funded air conditioner to be replaced
- Obtained sign language interpreter services for a client after OBGYN refused to provide medical services

- Advocated for a client at risk of being placed in a nursing home to remain in his community with supports and services
- Assisted a client to become her own representative payee so that she could manage her own funds
- Assisted a child with Autism who was being restrained in an emergency room to be released to his family

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 our 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 23rd 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 Southern Tier, Western and Greater Rochester Task Forces have hosted trainings on bullying in school, bridging the communication gap, anxiety as a barrier to school attendance and pathways to high school graduation.

Another core project is investigating allegations of abuse and neglect against youth who reside in New York State Office for Children and Family Services (OCFS) Juvenile Justice Centers (JJ Centers). DRNY investigated complaints that students with disabilities in the 23rd Congressional District were excessively restrained and secluded and were not being provided access to appropriate educational supports. JJ Centers are residential institutions (secure and limited secure) and the majority of children in these centers have disabilities and are in need of special education supports and services. DRNY concluded that students were not provided with appropriate educational supports and notified OCFS of the deficiencies in its educational services. Partly in response to DRNY's investigation, OCFS developed a new service delivery system called the New York Model which is designed to address restraint and seclusion issues and improve educational services delivery. DRNY has conducted on-site monitoring of multiple JJ Centers and evaluated the new service model. OCFS stopped using a suspension or exclusion process and students were no longer placed in "room study" for minor infractions. Serious discipline was reserved for only the most serious of infractions. DRNY also saw drastic improvement in the educational supports to students with disabilities. Students' Individualized Education Programs (IEPs) were being followed and students were observed to be happy and attentive in the classroom. 539 students now go to school in safer and more humane conditions.

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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