



DISABILITY RIGHTS NEW YORK

Protection & Advocacy and Client Assistance Program Services in the 7th 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 7th 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 69,317 individuals with disabilities living in the 7th Congressional District. DRNY has handled 142 Service Requests for 108 distinct clients. These individuals lived in 23 of the 28 zip codes in the 7th Congressional District. Over this 43 month period, DRNY averaged 3.30 Service Requests per month from individuals in this District.

Clients by Age

DRNY has assisted some of the most vulnerable individuals in the 7th Congressional District. 12 unique clients were residents of nursing homes, hospitals, correctional facilities, rehabilitation facilities, and youth-focused residential facilities. Of the residents living in the community, 10, or nearly 9.26% of DRNY's unique clients were under 18. According to census data, individuals under 18 account for only 5.82% of civilian, non-institutionalized individuals with a disability in the 7th Congressional District.

The following table shows that 25.93% of DRNY's clients are age 55 or older. Demographic information is not required to receive DRNY services.

Age Group	Number of Individuals	Percentage of Total
Under 5 Years Old	1	0.93%
5-9 Years	2	1.85%
10-14	4	3.70%
15-19	7	6.48%
20-24	8	7.41%
25-34	13	12.04%
35-44	16	14.81%
45-54	29	26.85%
55-59	14	12.96%
60-64	7	6.48%
65 or Older	7	6.48%

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 7th Congressional District with that of DRNY's clients in the 7th 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 15 clients ethnicity information is incomplete or unavailable.

Race	Estimate	As Percentage	DRNY Clients	As Percentage
Total population	753,292		83	
One race	727,994	96.64%	77	92.77%
White	371,713	49.35%	50	60.24%
Black or African American	76,586	10.17%	22	26.51%
American Indian and Alaska Native	3,650	0.48%	0	0.00%
Asian	140,170	18.61%	4	4.82%
Native Hawaiian and Other Pacific Islander	208	0.03%	1	1.20%
Some other race	135,667	18.01%	0	0.00%
Two or more races	25,298	3.36%	6	7.23%

Hispanic or Latino Origin	7 th Congressional District	% of Total	DRNY Clients	% of Total
Total population	753,292		93	
Hispanic or Latino (of any race)	305,367	40.54%	31	33.33%
Not Hispanic or Latino	447,925	59.46%	62	66.67%

SERVICE REQUESTS

DRNY provided full case services in 79 of the requests for services, 55.63% of the total 142 Service Requests. DRNY provided Information and Referral (I&R) services to the remaining 63 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 7th Congressional District.

SR Type	CAP	PAAT	PABSS	PADD	PAIMI	PAIR	PATBI	Grand Total
Case Services	31	4	5	8	9	21	1	79
I & R	10	0	0	5	22	25	1	63
Grand Total	41	4	5	13	31	46	2	142

Service Request Response Time

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

50 of these were resolved in less than 14 days.

Areas Covered by Service Requests

- 9 involved education issues
- 11 involved employment, including discrimination in hiring, unlawful termination, wage and hour issues, and assisting clients with SSI due to employment efforts
- 15 involved housing issues, including housing discrimination
- 7 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
- 13 involved clients seeking assistance with obtaining or maintaining benefits including VR services, SSI, SSDI, Medicaid, or other forms of health insurance
- 13 involved healthcare issues including admission, transportation and discharge issues involving residential care or treatment facilities

Representative Issues

- Assisted a client to obtain a reasonable accommodation at work
- Assisted a client to obtain vocational rehabilitation services so that he could pursue his goal of self-employment
- Advocated for a client to be able to have his service animal at a public restaurant
- Assisted a client with obtaining a motorized scooter
- Represented a client at a hearing to obtain vocational rehabilitation services
- Assisted a client with a developmental disability to obtain Medicaid funded services so she could remain in her community

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 the litigation *O'Toole v. Cuomo*. In New York City, about 4,000 adults with mental illness currently reside in adult homes including in the 7th 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 projects is to ensure people with disabilities have an equal opportunity to employment. DRNY conducted the first of its kind study of hiring practices in retail fashion employment. DRNY sent pairs of job applicants to 91 large clothing, jewelry, and fashion accessories retailers in the New York City area. Each applicant pair had a resume showing successful retail work experience, education, and skills. The applicants were also matched in gender, age, race, appearance, dressed similarly, and had been trained to provide equivalent answers to common interview questions. The only significant difference was that one applicant in the pair used a wheelchair or a cane, while the other had no visible disability. DRNY found an alarming 41% of retailers discriminated against people with disabilities. DRNY continues to work with these retailers to change practices and pursue equal treatment for our clients.

DRNY 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 also 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.

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 (CLE) courses to educate lawyers, and non-lawyers 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

CONTACT INFORMATION

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