



# DISABILITY RIGHTS NEW YORK

## *Protection & Advocacy and Client Assistance Program Services in the 9<sup>th</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 9<sup>th</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 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 72,941 individuals with disabilities living in the 9<sup>th</sup> Congressional District. DRNY has handled 163 Service Requests for 146 distinct clients. These individuals lived in 15 of the 17 zip codes in the 9<sup>th</sup> Congressional District. Over this 43 month period, DRNY averaged 3.8 Service Requests per month from individuals in this District.

### **Clients by Age**

DRNY has assisted some of the most vulnerable individuals in the 9th Congressional District. 16 unique clients were residents of nursing homes, hospitals, correctional facilities, rehabilitation facilities, and youth-focused residential facilities. Of the residents living in the community, 11, or nearly 7.53% of DRNY's unique clients were under 18. According to census data, individuals under 18 account for only 6.53% of civilian, non-institutionalized individuals with a disability in the 9th Congressional District. The following table shows that 19.86% 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 7 individuals.

<b>Age Group</b>	<b>Number of Individuals</b>	<b>Percentage of Total</b>
Under 5 Years Old	2	1.37%
5-9 Years	2	1.37%
10-14	5	3.42%
15-19	6	4.11%
20-24	12	8.22%
25-34	25	17.12%
35-44	18	12.33%
45-54	40	27.40%
55-59	9	6.16%
60-64	11	7.53%
65 or Older	9	6.16%

## 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 9<sup>th</sup> Congressional District with that of DRNY's clients in the 9<sup>th</sup> Congressional District. DRNY does not require demographic information from our clients as a pre-requisite for services, so for 19 clients, race information is incomplete or unavailable, and for 22 clients ethnicity information is incomplete or unavailable.

Race	Estimate	As Percentage	DRNY Clients	As Percentage
Total population	759,225		127	
One race	740,728	97.56%	120	94.49%
White	265,278	34.94%	48	37.80%
Black or African American	377,346	49.70%	65	51.18%
American Indian and Alaska Native	1,519	0.20%	1	0.79%
Asian	51,962	6.84%	5	3.94%
Native Hawaiian and Other Pacific Islander	0	0.00%	1	0.79%
Some other race	44,623	5.88%	0	0.00%
Two or more races	18,497	2.44%	7	5.51%

Hispanic or Latino Origin by Type	9 <sup>th</sup> Congressional District	% of Total	DRNY Clients	% of Total
Total population	759,225		124	
Hispanic or Latino (of any race)	93,908	12.37%	13	10.48%
Not Hispanic or Latino	665,317	87.63%	111	89.52%

## SERVICE REQUESTS

DRNY provided full case services in 90 of the requests for services, 55.21% of the total 163 Service Requests. DRNY provided Information and Referral (I&R) services to the remaining 73 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

All 8 of DRNY's programs provided case services to at least one constituent in the 9<sup>th</sup> Congressional District.

SR Type	CAP	PAAT	PABSS	PADD	PAIMI	PAIR	PATBI	PAVA	Grand Total
Case Services	30	5	10	9	15	17	3	1	90
I & R	5	1	3	11	30	22	1	0	73
Grand Total	35	6	13	20	45	39	4	1	163

## Service Request Response Time

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

69 of these were resolved in less than 14 days.

## Areas Covered by Service Requests

- 5 involved education issues
- 17 involved employment, including discrimination in hiring, unlawful termination, wage and hour issues, and assisting clients with SSI due to employment efforts
- 23 involved housing issues, including housing discrimination
- 10 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
- 19 involved clients seeking assistance with obtaining or maintaining benefits including ACCES-VR services, SSI, SSDI, Medicaid, or other forms of health insurance
- 19 involved healthcare issues including admission, transportation and discharge issues involving residential care or treatment facilities

## Representative Issues

- Advocated for client in obtaining reasonable accommodations necessary to maintain job
- Assisted a client to file a HAVA complaint when the ballot marking device was not available and presented a barrier to cast a private vote
- Ensured client with a Traumatic Brain Injury received a housing subsidy so she could remain in her home
- Obtained vocational rehabilitation services for client so she could enroll in College and pursue nutrition and dietician studies degree
- Advocated for client with mental illness who was denied access to his support animal by his co-op board

## 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 people with disabilities have equal opportunity to employment. DRNY conducted the first of its kind study of hiring practices in retail fashion employment which included retailers in the 9<sup>th</sup> Congressional District. 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 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 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 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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