

Disability Law Center FY18 Priorities & Objectives

FY17: October 1, 2017 to September 31, 2018

Priorities & Objectives guide the work we do each year for people with disabilities in Alaska.

Priorities & Objectives are established each year by the Disability Law Center of Alaska (DLC) in response to direction from stakeholders statewide.

COMMUNITY DIRECTION:

According to public input, the Disability Law Center of Alaska should direct its yearly resources toward the following activities in this order:

1. Direct Services
2. System Advocacy
3. Training

PRIORITIES & OBJECTIVES:

DLC does not have the resources to accept every request for advocacy or legal services. With any request for service, including direct services, systemic advocacy, or training, DLC must first consider available resources. This includes:

1. The availability of other individuals or entities to assist with the request (not duplicating services);
2. Adequate financial resources and personnel;
3. The possible positive impact of intervention for the benefit of all people with disabilities.

After those considerations (and, where appropriate, the individual case acceptance factors) are met, DLC turns to the priorities and objectives guide our work for the year.

Priority: Abuse & Neglect

Goal A: Investigate allegations of abuse (including the use of seclusion and restraint), neglect, and exploitation of individuals with disabilities.

Rationale: People with disabilities have a right to be free from abuse and neglect.

Objectives:

- A.1. Investigate 13 reports of abuse and neglect of individuals with disabilities;
- A.2. Assess whether, in at least 15 secondary investigations, all federal, state, and local agencies charged with the responsibility of investigating complaints of abuse and neglect of individuals with disabilities conduct their investigations in a timely, thorough and objective manner;
- A.3. Establish and maintain contact through monitoring with residents of assisted living homes, nursing facilities, psychiatric facilities (adult and child), prisons, jails, and in Division of Juvenile Justice facilities, and sheltered workshops through at least 8 facility visits.
- A.4. Establish and maintain contact with residents of Alaska's psychiatric hospital through at least 24 facility visits.

Abuse & Neglect Strategic/Resource Guidance

- Complaints alleging the following abuse or neglect will be prioritized: death, suicide attempts, serious injury, failure to provide medical or mental health treatment, sexual misconduct, seclusion & restraint;
- Complaints originating in facilities with repeated complaints of abuse and neglect will be prioritized;
- DLC will prioritize monitoring facilities in rural hub communities and those facilities where residents have restricted access to communicating with DLC and other advocacy organizations.
- When DLC monitors Department of Juvenile Justice and Department of Corrections' facilities it will check for compliance with the requirements under the Prison Rape Elimination Act.

Priority: Outreach

Goal B: Provide outreach to unserved/underserved individuals with disabilities in Alaska.

Rationale: People with disabilities who are unaware of their rights can neither exercise those rights, nor protect themselves from rights abuses.

Objectives:

- B.1. Conduct 10 outreach, intake, and/or, training events statewide to inform people with disabilities of the services available to them through the P&A;
- B.2. Conduct 5 training events statewide to inform people with disabilities of their legal rights and self-advocacy strategies;
- B.3. Conduct 3 IDD Medicaid Waiver trainings statewide;
- B.4. Create video modules of IDD Medicaid Waiver training to be made available online.

Outreach Strategic/Resource Guidance

Outreach activities may be suspended when caseloads involving direct legal advocacy exceed manageable resource levels.

B1. Outreach, intake and/or training events will include:

Information on services available through DLC to clients or potential clients of the Division of Vocational Rehabilitation, Tribal Vocational Rehabilitation and/or Independent Living Centers;

B.2. Self-advocacy trainings will focus on these issues areas:

Housing rights related to assistance animals, and Special Education (including available services for individuals ages 17-22 who are transitioning from school, specifically targeting individuals in rural areas with traumatic brain injury);

Priority: Housing

Goal C: Advocate on behalf of individuals with disabilities for housing and to prevent homelessness.

Rationale: Being part of the community and living as independently as possible are among the most important values and goals shared by people with disabilities, their families, friends, and advocates. A home of one's own – either rented or owned – is the cornerstone of independence for people with disabilities. However, across the nation, individuals with disabilities face a crisis in the availability of decent, safe, affordable, and accessible housing.

Objectives:

C.1. Advocate on behalf of 10 individuals with disabilities who have complaints of Fair Housing Act and other housing rights violations related to the disability, or require assistance in requesting a reasonable accommodation.

Priority: Community Integration

Goal D: Facilitate the community integration of individuals with disabilities by protecting their rights to receive appropriate supports and services in the most integrated setting.

Rationale: Under state and federal laws people with disabilities have the right to live in integrated settings in their local communities with the appropriate supports and services. However, many individuals with disabilities who are in both large and small facilities encounter barriers which make it difficult or prevent them from living in an integrated setting. Examples of such barriers include rules and policies that have a disparate impact on individuals with disabilities, the absence of community-based services, and the diversion of scarce resources away from community-based services.

Objectives:

D.1. Assist 8 individuals with disabilities who have been denied access to programs or services, or who have had their rights infringed upon based on disability.

Community Integration Strategic/Resource Guidance

D.1. includes assistance to individuals in obtaining or maintaining services from Independent Living Center programs.

Priority: Employment

Goal E: Advocate on behalf of individuals with disabilities who face discrimination in employment.

Rationale: More than 25 years after the passage of the Americans with Disabilities Act, many employers have discriminatory practices that adversely affect people with disabilities in hiring, retention, promotion and termination of employment.

Objectives:

- E.1. Advocate on behalf of 12 individuals with disabilities threatened with an adverse employment action, such as termination, or denied a reasonable accommodation related to their disabilities, or required to work in segregated settings;
- E.2. Assist 15 individuals obtain or maintain services from the Division of Vocational Rehabilitation or from Tribal Vocation Rehabilitation programs.

Employment Strategic/Resource Guidance

Assisting individuals with employment related matters may not, in all instances, include court or administrative representation, but may involve the provision of self-advocacy assistance;

If a complaint of employment discrimination is being, or should arguably be, investigated by another agency, such as the Anchorage Equal Rights Commission, the Alaska State Commission on Human Rights, or the Equal Employment Opportunity Commission, DLC may delay its own assessment and/or make a referral to the appropriate agency.

Priority: Government Benefits

Goal F: Advocate on behalf of individuals with disabilities who seek access to government benefits.

Rationale: Access to basic individual and community supports through government assistance programs is necessary for people with disabilities before they can consider independent living, continued education and employment. These supports include Social Security programs, Alaska Public Assistance, in-home support services, individualized support from state government and private providers, Medicaid, Medicare, and managed care among others.

Objectives:

- F.1. Assist 85 individuals with disabilities to obtain and/or maintain SSI/SSDI and related benefits, such as Adult Public Assistance;
- F.2. Assist 23 individuals with disabilities to obtain or retain services under Medicaid, Medicaid Waivers, Medicaid's EPSDT program, or obtain or retain related services such as PCA services.

Government Benefits Strategic/Resource Guidance

Assisting individuals in maintaining social security benefits does not include help with overpayment issues unless the overpayment is a barrier to obtaining or maintaining employment.