

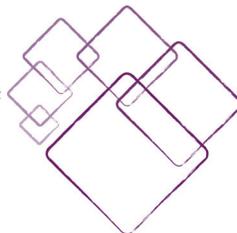


Orientation Manual for New Employees

P&A/CAP Network

Resource Advocacy Committee

TASC Training &
Advocacy
Support
Center



TASC is sponsored by the Administration on Developmental Disabilities (ADD), the Center for Mental Health Services (CMHS), the Rehabilitation Services Administration (RSA), the Social Security Administration (SSA), and the Health Resources Services Administration (HRSA). TASC is a division of the National Disability Rights Network (NDRN).



What will you need as you read through this booklet?

- A COMPUTER CONNECTED TO THE INTERNET.
- SOMETHING WITH WHICH TO TAKE NOTES.

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A Note from the Resource Advocacy Committee (RAC)

Welcome to the P&A/CAP Network!

Working within the P&A system is a very complex job and acquiring the foundation of knowledge that you will need to do your job well can be challenging. Fortunately, no one expects you to know everything right away.

This manual will introduce new P&A employees to the Protection and Advocacy System. It will guide the reader through a series of questions and exercises meant to build knowledge of their agency and the wider network. This manual will also assist new employees in locating valuable resources and information available on the NDRN and TASC websites, and other advocacy websites.

If you happen to find that any of the resources, links, videos, or audio files mentioned in this manual are out of date or not working, please email press@ndrn.org.

Since one of the best ways for new employees to gain knowledge is by spending time with more senior co-workers, this manual encourages the reader to ask questions of staff within your agency. By learning what your colleagues are doing and listening to the information they can provide, you will have a better understanding of where you fit in.

We hope you find this manual a useful way to become oriented in your new position. Welcome to the Protection and Advocacy System!

-The Resource Advocacy Committee

The Protection and Advocacy System

The Protection and Advocacy (P&A) System and Client Assistance Program (CAP) comprise the nationwide network of congressionally mandated, legally based disability rights agencies. P&A agencies have the authority to provide legal representation and other advocacy services, under federal laws, to all people with disabilities.

The Protection and Advocacy concept was initially triggered by a series of local television news broadcasts, which Geraldo Rivera did for the ABC News affiliate in New York City in 1972. Rivera's investigative reporting exposed abuse, neglect and lack of services and supports at Willowbrook, a state institution for people with intellectual and other disabilities on Staten Island.

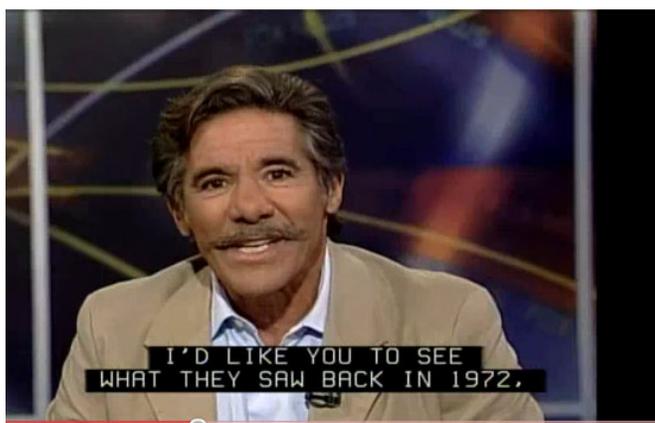
These broadcasts galvanized the state's senior senator, Jacob Javits, to action, incorporating the first P&A program - PADD (Protection and Advocacy for People with Developmental Disabilities) - in 1975 in the renewal of the Developmental Disabilities Assistance and Bill of Rights (DD) Act.

The DD Act provided for the governor of each state to designate an agency to be the P&A and to assure that the P&A was, and would remain, independent of any service provider. Most entities designated as P&As are private non-profit organizations created specifically for the purpose of conducting the P&A programs. However, some

P&As are part of state government, a few are part of another public agency such as a state university, and a few P&As reside within civil legal services programs. Subsequent P&A statutes, with a single exception (CAP), provide for all new P&A programs to be housed within the same agency designated by the governors under PADD.

The initial focus of PADD and subsequent P&A statutes was to safeguard the well-being of individuals living in institutions and this remains a major focus of P&A activity today. All P&As monitor, investigate and attempt to remedy adverse conditions in large and small, public and private, facilities that care for people with disabilities. P&As also assist persons with disabilities find living arrangements that are the least restrictive possible; indeed, the P&As have been at the forefront of the de-institutionalization movement.

Over the years, the focus of P&A work was broadened to one that secures the rights of persons with all types of disabilities wherever they reside. P&A statutes were expanded to give the P&As additional authority so that the P&As now devote considerable resources to ensuring full access to inclusive educational programs, financial entitlements, healthcare, accessible housing, transportation, and productive employment opportunities, as well as continuing to seek prevention of abuse and neglect.



Video Break

Geraldo Rivera tells the story of Willowbrook and the creation of the P&A network. Find this video on NDRN's YouTube channel:

www.youtube.com/user/NDRNadvocates

The P&A Programs

PADD

Protection and Advocacy for Individuals with Developmental Disabilities

Created by the Developmental Disabilities Assistance and Bill of Rights (DD) Act of 1975. P&A agencies are required by the Act to pursue legal, administrative and other appropriate remedies to protect and advocate for the rights of individuals with developmental disabilities under all applicable federal and state laws.



IDENTIFY one PADD case on which your agency worked.

CAP

Client Assistance Program

Established by the 1984 Amendments to the Rehabilitation (Rehab) Act, CAP services are available to anyone who has applied or is eligible for, or who is actually receiving, Vocational Rehabilitation (VR) services. VR services are state-based services funded by the federal Rehabilitation Services Administration intended to help individuals with physical or mental disabilities obtain employment through the provision of such supports as counseling, job training, job placement, and other individualized services.

Listen to this description of CAP work by the South Dakota CAP.

www.sdadvocacy.com/videos.asp

CAP's primary function is to assist individuals with problems they may encounter at state VR agencies including everything from denying a person's eligibility or failing to follow proper procedures in developing a VR plan, to not providing the level of services agreed to in a plan. Services provided by CAPs include assistance in pursuing administrative, legal and other appropriate remedies to persons receiving or seeking services from state VR agencies.

CAP has some unique qualities that distinguish it from the other programs. It is the only program that does not require funds to go to the entity designated as the Protection and Advocacy (P&A) system under PADD. Although most CAPs remain connected to their state P&A, it can also be organized and operated in other ways – typically, either as an independent non-profit agency or as a separate arm within the existing state VR agency.

HOW is the CAP organized in your state?

The P&A Programs

PAIMI

Protection and Advocacy for Individuals with Mental Illness

The PAIMI program was established in 1986 and is administered by the Substance Abuse and Mental Health Services Administration (SAMHSA) and the Center for Mental Health Services (CMHS) and the federal Department of Health and Human Services. Under PAIMI, P&As are mandated to protect and advocate for the rights of people with mental illness and investigate reports of abuse and neglect in facilities that care for or treat individuals with mental illness. The Act was subsequently amended to allow P&As also to serve individuals with mental illness who reside in the community.

PAIMI Advisory Council

A key difference between PAIMI and the other programs is that PAIMI regulations require P&As to have a PAIMI Advisory Council to “advise the system on policies and priorities to be carried out in protecting and advocating the rights of individuals with mental illness.” Composition of PAIMI AC’s vary between P&As but most require the majority of members be either individuals or family members of individuals receiving or formerly receiving mental health services.

Find more information about PAIMI Advisory Councils at

tascnow.com/tasc/management/paimi.html



Protection and Advocacy for Individuals Rights

PAIR

The PAIR program was established by Congress under an amendment to the Rehabilitation Act in 1993. PAIR programs provide for services to persons with disabilities who are not eligible under the three previously established P&A programs (PADD, PAIMI, and CAP). With PAIR, the P&As were thus authorized to serve persons with all types

of disabilities. Although PAIR is funded at a lower level than PADD and PAIMI, it represents an important component of a comprehensive system to advocate for the rights of all persons with disabilities.

The P&A Programs

PAAT

Protection and Advocacy for Assistive Technology

The PAAT program was created in 1994 when Congress expanded the Technology-Related Assistance for Individuals with Disabilities Act (Tech Act) to include funding for P&As to assist individuals with disabilities in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services through case management, legal representation and self advocacy training.

Video Break

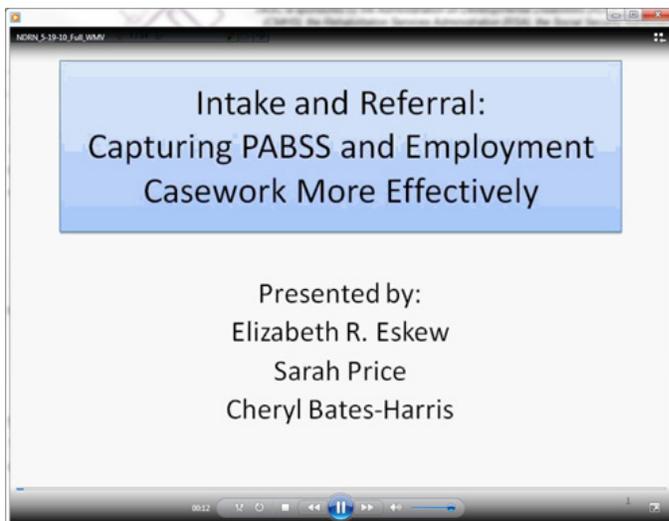
Check out this video on assistive technology from the Kansas P&A.

drckansas.org/video/video.asp



PABSS

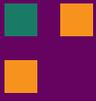
Protection and Advocacy for Beneficiaries of Social Security



The PABSS program was established in 1999 when the Ticket to Work and Work Incentive Improvement Act (TWWIIA) was enacted into law. Under this Act, grants to the P&A programs provide advocacy and other services to assist beneficiaries of Social Security secure or regain gainful employment.

FIND this PABSS webcast here:

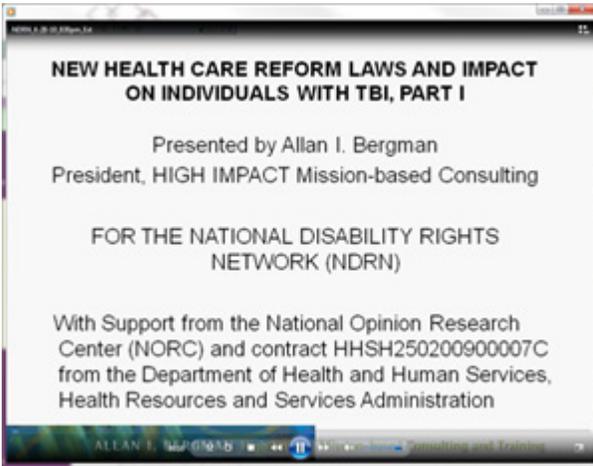
tascnow.com/tasc/component/content/article/62-vocational-rehab-and-employment/413-pabss-intake-and-referral-webinar.html



The P&A Programs

PATBI

Protection and Advocacy for Individuals with Traumatic Brain Injury



The PATBI program was created in 2002 to provide protection and advocacy services to individuals with traumatic brain injury. Although P&As often served such individuals under PAIR, CAP, or PABSS, this grant provides more resources specifically to address the unique needs of this population.

WATCH instructional webcasts on how health care reform will impact individuals with TBI here:
www.ndrn.org/en/issues/traumatic-brain-injury-tbi.html

PAVA

Protection and Advocacy for Voting Accessibility

Video Break

Check out this Public Service Announcement on voting rights from the Kentucky P&A.

www.youtube.com/user/KyAdvocacy



The PAVA program was established in 2003 as part of the Help America Vote Act of 2002 (HAVA). Under this program, P&As have a mandate to help ensure that individuals with disabilities participate in the electoral process through voter education, training of poll officials, registration drives, polling place accessibility surveys and other activities meant to improve access to voting. P&A agencies may not use PAVA program funds for litigation. There is no such restriction in any of the other P&A programs.

FIND the P&A Enabling Laws here:
tascnow.com/tasc/issues/paa-enabling-laws.html

P&A Agency Funding and Organization

P&A funds are allocated under most of the program statutes through formula grants based on population, but the smallest states are guaranteed a “minimum allotment.” Some of the P&As operate using only their federal funds, some receive additional money from other federal or state programs, and some also do private fundraising.

Most of the P&As are private non-profit organizations with typical non-profit board management. Eleven are state agencies or semi-independent state agencies, and a few are housed within civil legal services agencies. Redesignations, when the P&A is changed or assigned to a different organization, occur because the P&A moved out of state government to a non-

profit; but it has moved the other direction once or twice.

About half of the P&A Executive Directors are not attorneys. All have attorneys on staff, as well as non-attorney advocates. Some of the larger P&As have separate investigative units as well.

While the P&As have a broad mandate, they have insufficient resources to respond to all of the needs of their constituents. The P&A statutes require each P&A to set priorities annually using a process that maximizes consumer input. The statutes also require each P&A to implement a grievance procedure for clients and prospective clients.

Federal Administrators

Each of the P&A programs is separately administered by the federal agencies listed below. The P&As prepare annual program performance reports (PPRs) for each of the eight programs and the federal agencies monitor the P&As through these reports and through on-site monitoring visits.

- PADD and PAVA are administered by the Administration on Developmental Disabilities (ADD), located within the Administration for Children Youth and Families (ACYF) at the U.S. Department of Health and Human Services (HHS).
- CAP, PAIR and PAAT are administered by the Rehabilitation Services Administration (RSA), at the U.S. Department of Education (Ed).



- PAIMI is administered by the Substance Abuse and Mental Health Services Administration (SAMHSA), Center for Mental Health Services (CMHS), at HHS.
- PABSS is administered by the Social Security Administration.
- PATBI is administered by the Health Resources and Services Administration within HHS.

FIND a Comprehensive List of all P&A/CAPS on NDRN's website:
www.ndrn.org/en/when-to-contact-your-state-paa-cap.html

Access Authority

The PADD statute provides P&As with extraordinary investigative access authority. PAIMI, PAIR and PATBI – modeled after PADD - provided similar authority using the same mechanisms specified in the DD Act.

In general, access authority means that P&As may:

- provide information and training, and referral to, programs addressing the needs of individuals with disabilities
- teach individuals with disabilities about their rights and P&A services
- monitor providers to ensure safety and prevent rights violations
- meet and communicate privately with individuals with disabilities
- go into facilities to investigate abuse and neglect and interview victims and witnesses;
- access the names and contact information of parents and guardians of individuals with disabilities
- access the records of individuals with disabilities with the consent of the individual or his/her legal representative or where there is probable cause of abuse and neglect and certain other conditions are met.

For example, in 2006, P&As used their access authority to:

- conduct regular on-site monitoring visits in seven adult public facilities in Massachusetts
- investigate the confinement of a youth in a 8 x 8 room for seven months in a Utah residential treatment center
- monitor the overuse of seclusion and restraint in a community program in Wyoming.

Over the years there have been many legal challenges to this authority but courts have largely upheld the P&As ability to reach individuals with disabilities wherever they are receiving services. Additionally, a number of state laws go even further than federal statutes to give their P&As additional authority – for example requiring facilities to report deaths and/or other types of incidents directly to the P&As.

Access authority is one of the strongest tools a P&A has to fulfill its responsibility to protect the rights of individuals with disabilities.

READ the Access Manual at tascnow.com/tasc/issues/access-authority-of-paa.html

DOES your state give additional access authority?

Why Do People Call Their P&As?

EMPLOYMENT / WORK

- They want to know what help is available to get or keep a job.
- They want to know what will happen to their benefits if they go to work. Benefits may include:
 - Social Security
 - Medicaid
 - TANF
 - Medicare
 - Housing
 - Food Stamps
 - Transportation
- They have transportation problems getting to and from work.
- They believe they were not hired or given a different job because of their disability.
- They were not given the help they needed to do their job.
- They think people at their job are bothering them or not treating them fairly because of their disability.



CRIMINAL JUSTICE

- To learn the rights of a person with a disability who is in prison.
- To get access to their medication.
- To learn how they can get mental health services.
- To learn what they can do before getting out of prison to have their benefits, such as Social Security, restored.
- To respond to a letter from Social Security stating that they are losing their benefits.

SPECIAL EDUCATION

- To learn about a child's special education rights and related services such as assistive technology - Assistive technology is equipment or services that help children participate in and complete school assignments and activities.
- Their child has not been evaluated for services even though an evaluation was requested.
- The school is not following the requirements of the child's Individual Education Program (IEP).
- The school has not held an IEP meeting within the last 12 months to review a child's IEP.
- A child's needs have changed and another IEP meeting has been requested, but the school has not followed through.
- A child is getting suspended or expelled

Why Do People Call Their P&As?

because of behavior related to disability or other special needs.

- They believe that the placement or services a child is currently receiving at school are not meeting needs.
- A child has been placed in an alternative school or juvenile justice facility and is not receiving the special education services needed.
- The school has not provided the equipment such as computers or communication devices that have been recommended to assist a child in completing assignments.

PEOPLE LIVING IN RESIDENTIAL FACILITIES

- They believe staff is illegally taking their money.
- They are being physically harmed.
- Someone made them have sex when they did not want to.
- Someone touched their body in a way that made them feel uncomfortable.
- They have been verbally or emotionally bothered.
- They are being given medication that they don't want to take.
- They want to live in a community setting.
- Staff is not following their treatment or discharge plan.
- A discharge plan indicates they are ready for discharge, but they are still in the hospital.
- They are not receiving adequate food, clothing or health care.
- They don't feel safe.



COMMUNITY LIVING

- To move out of a nursing home.
- To get medications paid for.
- To get needed health care services.
- Assistance in renting a place to live.
- For being evicted or having problems where they live because of their disability.
- They are being discharged from a hospital into a nursing home and don't believe this is the right place.
- They experience difficulty finding transportation to get to places.
- Their Social Security or other benefits have been stopped.
- They need a wheelchair, TTY, mobility cane or other aids to help achieve independence.
- They were denied the right to vote because of their disability or want to know what their voting rights are.
- They are not allowed into a store, restaurant or other community setting because they have a service animal or for other reasons related to their disability.

P&A Services and Activities

The P&As litigate on behalf of individuals with disabilities to insure their rights to employment, education, health care, transportation, housing, and other services. Besides litigation, the P&As also engage in a full range of other efforts to promote the rights of individuals with disabilities – such as, information and referral, training and technical assistance to service providers, state legislators and other policy makers, conducting self-advocacy training, and raising public awareness.

LEGAL REPRESENTATION – P&A's represent clients in areas of the law designated as priorities. Representation includes counseling, advice, research, negotiation, administrative review, administrative hearing, state office review, litigation, and class actions.

ADVOCACY ASSISTANCE (NON-LEGAL) – Advocates assist eligible individuals with disabilities whose rights have been violated or who are being unlawfully denied access to services. An advocate might use various methods in representing an individual. Services might include visiting residential facilities, such as group homes, nursing home and psychiatric hospitals to help residents solve problems, make complaints and achieve goals. An advocate also might assist with writing letters on behalf of the client, participate in meetings, filing a formal complaint and communicating with administrators, doctors, social workers, case managers, etc.

INFORMATION AND REFERRALS - P&A Intake Staff/Specialists provide information and answers questions about disability-related issues. Contact with client can be done in person, over the telephone, or through other types of communication that accommodates individual needs. Staff helps people access services by providing information about resources, and make referrals to legal, social, health, education, employment, and other related services. Various types of written material are available and are provided in alternative formats upon request.

GO TO tascnow.com/tasc/management/information-a-referral-iar.html to find more resources about Information and Referrals.

SYSTEM ADVOCACY - A systems issue is a disability-related problem that affects a group of individuals. P&A's works to improve systems that are used by people who have disabilities, in areas such as education, health, legal, social services, accessibility and transportation. System advocacy work is carried out by teams of several staff who meet as needed to achieve a system enhancing objective.

P&A Services and Activities

LEGISLATIVE ADVOCACY – P&A's provide feedback and information about disability-related legislation on a local, state and national level. Staff can propose the creation of new laws that will benefit people with disabilities or give information about how laws can be improved to better protect the rights of people with disabilities. Legislative advocacy can be carried out by a variety of staff people at the P&A.

EDUCATION, OUTREACH AND TRAINING – P&A's educate others about the legal rights of persons who have disabilities, through presentations to groups, participation on committees, task forces, media campaigns, technical assistance, and publications. P&A's also provide rights trainings to clients receiving services in a variety of settings such as institutions and the community.

SELF-ADVOCACY – P&A's assist clients by providing them skills and knowledge to act on their own behalf. Throughout the continuum of P&A services, staff give clients information about their rights, laws that affect them and ways for them to resolve their concerns.

PUBLICATION – P&A's develop a variety of booklets, reports, flyers, newsletters and other resources pertaining to persons with disabilities. Publications can include tip sheets for people with disabilities on self advocacy, model reasonable accommodation letters, guidebooks on specific areas of disability law, and reports about abuse and neglect to create systemic changes. Publications can compliment all the services that the P&A provide.

MONITORING – The enabling laws give P&A's access to facilities and programs that serve people with disabilities. P&A staff are allowed to inspect the premises, access records and speak to clients confidentially. A monitoring visit includes a tour of the facility where the P&A can check health and safety standards and ensure clients have access to phones, their personal belongings, and information about how to contact the P&A. In addition, advocates can speak to residents freely without the presence of facility staff about their daily activities and give clients the ability to express concerns about possible rights violations.

WHAT other services does your P&A/CAP provide?

Important Laws

In addition to the P&A enabling laws, the following are important laws that much of the P&A work falls within:

INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA) requires public schools to make available to all eligible children with disabilities a free appropriate public education in the least restrictive environment appropriate to their individual needs.

AMERICANS WITH DISABILITIES ACT (ADA) was passed in 1990 and prohibits discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications. It also applies to the United States Congress. It has three major parts:

- Title I-requires employers to provide qualified individuals with disabilities an equal opportunity to benefit from the full range of employment-related opportunities available to others.
- Title II-requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities. In addition it covers public transportation services, such as city buses and public rail transit.
- Title III-requires that public accommodations must comply with basic nondiscrimination requirements that prohibit exclusion, segregation, and unequal treatment. Public accommodations are facilities such as restaurants, retail stores, hotels, movie theaters, private schools, convention centers, doctors' offices, homeless shelters, transportation depots, zoos, funeral homes, day care centers, and recreation facilities including sports stadiums and fitness clubs.

SECTION 504 OF THE REHABILITATION ACT states that “no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under” any program or activity that either receives Federal financial assistance or is conducted by any Executive agency or the United States Postal Service.

FAIR HOUSING ACT prohibits housing discrimination on the basis of, among other characteristics, disability. Its coverage includes private housing, housing that receives Federal financial assistance, and State and local government housing. It is unlawful to discriminate in any aspect of selling or renting housing or to deny a dwelling to a buyer or renter because of the disability of that individual, an individual associated with the buyer or renter, or an individual who intends to live in the residence.

Customer Service in a P&A Agency

A PERSON-CENTERED P&A SYSTEM

All P&A staff is responsible for providing efficient and adequate customer service. P&A personnel need to remain focused on the customer's needs, desires, concerns, and priorities from their individual's initial contact with the P&A through the resolution of their request.

A Service-Oriented P&A System is one that:

- Accepts people with disabilities first and foremost as human beings.
- Welcomes people with disabilities as full partners
- Is directed by the goals of their clients.
- Offers their clients support without the loss of dignity.
- Encourages people with disabilities to contribute their gifts.
- Fosters a society in which we all want to live.

Prerequisites:

- Accepts people with disabilities as human beings who want to grow.
- Promotion of models of professional practices that advance empowerment.
- Collaborative models of working with people with disabilities that respect their needs, desires, concerns, and priorities.
- Understanding the needs and experiences of people with disabilities through their involvement with the governance of the system.
- Effective intervention strategies which target quality of life as well as basic services for people with disabilities.

Grievance Procedure

Although P&A employees work hard to provide high quality services to individuals with disabilities, there are times when clients or prospective clients are not satisfied. Therefore, P&As are required by federal statute to have grievance procedures for those individuals who feel the services they received were not adequate or their needs were not given fair consideration.

Grievance procedures vary from P&A to P&A but every agency is required to have one and to provide a description of the procedure to every client or potential client.

WHAT is your P&A's grievance procedure?

Ethics and Confidentiality

ETHICS

Professional ethics are something with which all P&A employees within the network need to be concerned. For many staff within a P&A, ethics will be tied directly to their professional licensure, where others will be based upon their choice to be employed within the P&A network.

P&A Ethics Consultant Group

The P&A Ethics Consultant Group, comprised of prominent academicians from around the country are available for informal consultation with P&A/CAP attorneys on legal ethics/professional responsibility issues that may arise in the P&A network.

GO TO tasnow.com/tasc/images/Documents/Legal_Management/TASC_Protocol_Consulting_Ethics_Group.pdf to find out how to use the Ethics Consultant Group.

CONFIDENTIALITY

P&A's are required by federal and typically by state law to keep information about each applicant or client confidential. It is extremely important that all P&A employees within your agency understand and abide by the basic principles of confidentiality. This applies to not only written records and client files, but also electronic information that a P&A may have in regard to a client.

Most P&As have a policy that identifies that records will be maintained in locked cabinets and client information will not be discussed with, or released to, third parties without expressed written authorization by the client or by his or her legal representative.

It is also important to have an understanding how federal law is different for addiction records. If addiction records are included in an authorization to disclose information, this is often included as a separate section of the authorization.

Educating a client on your agency's confidentiality procedures can reassure them of your agency's professionalism. Some P&A's have chosen to develop a client friendly brochure that can be provided to the client upon application for P&A services.



Unauthorized Practice of Law



Many staff members at P&A agencies are not attorneys. There are advocates, investigators, information and referral staff, education and outreach staff, short term assistance staff, and others, some of whom may have a law degree but many others who do not.

The issue of the Unauthorized Practice of Law (UPL) is complex and subject to differing state laws. However, the general idea is that a non-lawyer should not be rendering legal advice and should not hold his/herself out to be a lawyer.

Many P&A staff are very knowledgeable about the law and the legal rights of persons with disabilities by virtue of their training and experience in the P&A. Even so, they may not give “legal advice,” unless they are doing so under supervision of an attorney.

WHAT COULD UPL LOOK LIKE AT YOUR P&A?

- An advocate writes a legal brief including citations and submits it to a court or administrative law judge.
- Intake staff advises a caller regarding what to do about their particular problem without consulting an attorney.
- An agency’s education director answers questions about the law after a presentation.
- A non-attorney offering legal advice during a client counseling session.

When these things require the professional judgment of a lawyer or are done with little or no supervision by a lawyer, the staff member may be engaged in the unauthorized practice of law.

UPL is a serious matter than could get your P&A in trouble with the state’s supreme court or a prosecutor. Employees at P&As who are not lawyers should regularly consult with legal counsel to avoid UPL.

Cultural Competency

Cultural Competency is the ability to communicate effectively to individuals from various groups and backgrounds. It is defined in the DD Act as “services, supports or other assistance that are conducted or provided in a manner that is responsive to the beliefs, interpersonal styles, attitudes, language and behaviors of individuals who are receiving services, and in a manner that has the greatest likelihood of ensuring their maximum participation in the program.”

The U.S. population is becoming increasingly diverse so P&A staff must be aware of the influences that culture has on just about every aspect of our lives.

P&AS INCOPORATE CULTURAL COMPETENCY STANDARDS IN MANY WAYS.

They:

- Use intake and assessment procedures to ensure inclusivity.
- Employ workers who are fluent in the language of the groups being served.
- Educate staff on the cultural biases.
- Identify natural resources and supports.
- Design and implement culturally sensitive treatment plans.
- Evaluate procedures and programs for cultural sensitivity.

RESOURCES

Training and Advocacy Support Center
www.tascnow.com

National Center for Cultural Competence
nccc.georgetown.edu

**Health Resources and Services
Administration**
www.hrsa.gov/culturalcompetence/

**National Association of School
Psychologists**

[www.nasponline.org/resources/
culturalcompetence/index.aspx](http://www.nasponline.org/resources/culturalcompetence/index.aspx)

**American Speech-Language-Hearing
Association**

[www.asha.org/practice/multicultural/
self.htm](http://www.asha.org/practice/multicultural/self.htm)

Outreach to Underserved Populations

Outreach is an activity that targets information on P&A activities to specific populations (e.g. cultural, ethnic, and racial minorities, and other un-served or underserved populations). The activity is linked to the objectives of a specific annual priority.

Outreach provides P&A's an entry into communities they are mandated to serve. Also, it establishes credibility and trust in underserved communities and enables the P&A to learn what issues are important to underserved communities. Ensuring that the concerns of underserved populations are factored into the priority setting process and raising awareness of the P&A's mission are additional benefits.

The three steps to effective outreach are:

1. Identification
2. Education
3. Implementation

For example, your P&A may choose to reach out to members of racial and ethnic minority groups who have been ordered into mandatory outpatient treatment to increase its sensitivity and awareness of the disparate impact this issue has on minorities.

Your P&A should identify barriers that may exist such as geography, language, transportation, poverty, and distinct cultural norms. Examples of distinct cultural norms are how the community perceives disability, the degree of formality within relationships, and the roles of men and women.

Also, your P&A should educate itself about the underserved population. Some questions to ask are: Who are their community leaders? What percentage of them are currently served or not being served by the P&A? What resources can the P&A devote to outreach to underserved communities?

The next step is to implement the outreach plan. Some important points to remember when conducting outreach to underserved populations are NEVER assume that you know all there is to know about the underserved community, maintain an open honest dialogue with members of the underserved community, and periodically evaluate your efforts and revamp them when appropriate.

Remember that the purpose of outreach is to make communities aware of the services that P&A's offer. Therefore, it is imperative that the P&A prepares the intake staff for the additional requests of assistance that will result for P&A outreach efforts.

For more detailed information on outreach, please review TASC's outreach document located at:

tascnow.com/tasc/images/Documents/Legal_Management/TASC_Protocol_Consulting_Ethics_Group.pdf

DOES your agency have an outreach coordinator?

Interacting with People with Disabilities

GENERAL

- If you offer assistance to a person with a disability, wait until the offer is accepted and then listen to or ask for instructions. Don't assume that the person needs help because they have a disability.

DEAF

- When communicating with a person who uses an interpreter, communicate directly to that person rather than through the interpreter or companion. Face the person that you are communicating with (so that he/she can make eye contact) and before you start to communicate, make sure that you have their attention.
- Follow the person's cues to find out if he/she understands what is being communicated. If you have trouble understanding the speech of a person who is Deaf or Hard of Hearing, let them know. If you set up a meeting with someone who is Deaf or Hard of Hearing, and they prefer to communicate through a sign language interpreter, be sure to schedule an interpreter for the meeting. It is not the responsibility of the person who is Deaf or Hard of Hearing to provide an interpreter.



INTELLECTUAL AND OTHER COGNITIVE DISABILITIES

- Speak to the person in clear sentences, using simple words and concrete, not abstract, concepts.
- Don't use baby talk or talk down to a person with an intellectual disability.
- Presume competence.
- Remember, that the person, whether an adult or a child under guardianship or not, has the right to participate in decisions that affect them.

PSYCHIATRIC DISABILITIES

- Questions should be phrased in a neutral way to elicit accurate information.
- Ask for information that you need and explain why you need the information.
- Different people with the same diagnosis can experience different symptoms that have different effects on their lives; don't assume that you know how the person may be just based on their disability.
- Consider the impact medication may be having on your client. If the client is taking medications, his/her appearance or presentation may be the result of the medication rather than the underlying disability.
- Ask if there is a preferable time and length of meeting.

Interacting with People with Disabilities

- If the person is an adult, and unless you have information to the contrary, s/he can make his or her own decisions.
- Do not assume that parents, guardians, and professionals who have been involved with the client know what is best.
- Encourage questions and open communication. Provide as much written information as possible.

SPEECH DISABILITIES

- Give the person your full attention and if you have trouble understanding them, don't nod. Ask them to repeat themselves. The person is most likely to be bothered if you pretend to understand them, rather than asking them to say it again.

VISION

- When meeting or speaking to someone with a visual impairment, always identify yourself before speaking. When in a group, identify the person to whom you are speaking as well as yourself.
- When you are escorting that person, offer your arm instead of taking theirs. Note any upcoming obstacles in your path, i.e., up or down stairs, cracks in the sidewalk.

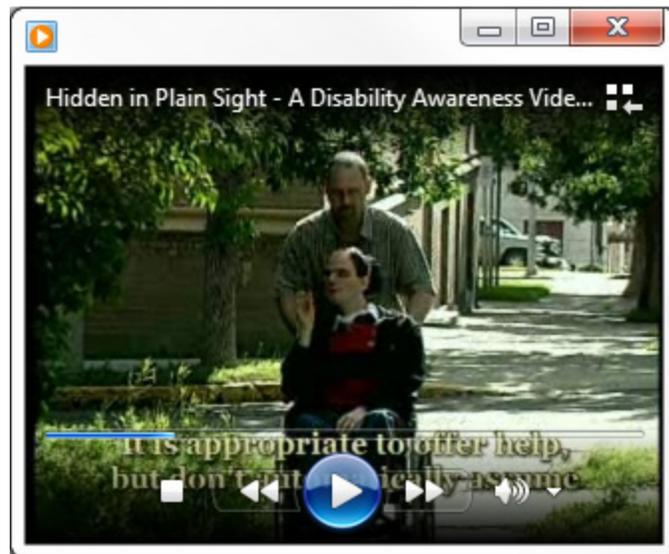
WHEELCHAIR

- When speaking to a person who uses a wheelchair, place yourself at eye level with that person.
- The wheelchair is part of the personal body space of the person who uses it. Leaning on or hanging on to a person's wheelchair is similar to leaning on or hanging on to a person and is inappropriate.
- Assistive devices such as canes, crutches, communication devices, and wheelchairs should not be moved or touched unless you have permission from the owner.

Video Break

Check out this video from Disability Rights Montana on disability etiquette.

www.ndrn.org/video/Montana/MAP_Hidden_in_Plain_Sight.wmv



People First and Disability Etiquette

PUT PEOPLE FIRST – not their disability. Write: woman with arthritis, children who are deaf, people with disabilities. This puts the focus on the individual, not their disability. Do not use: crippled, handicapped, deformed, suffers from, infirm, victim of, the retarded, the disabled, the deaf and dumb, etc. Instead of autistic, diabetic, schizophrenic, etc., use: person with autism, child with diabetes or person with schizophrenia. It is fine to ask a person how they would like to be referred to.

DEAF – deafness refers to a profound degree of hearing loss that prevents understanding speech through the ear. People who are hard of hearing have mild to moderate hearing loss that may or may not be altered with amplification. Use: woman who is deaf, boy who is hard of hearing, individuals with hearing losses, people who are deaf or hard of hearing. Hearing impaired is no longer an acceptable term.

DEVELOPMENTAL DISABILITY – is any mental or physical disability starting before the age of 22 and which continues indefinitely. It limits one or more major life activities such as self-care, language, learning and mobility, self-direction and independent living. This includes intellectual disabilities, cerebral palsy, autism, epilepsy and other seizure disorders, sensory impairments, congenital disabilities, traumatic injuries. Use: person with a developmental disability.

HANDICAP – is not a synonym for disability. Handicap can be used when quoting or citing laws and situations, but should not be used to describe a disability. Do not refer to people with disabilities as the handicapped.

HIV/AIDS – acquired immunodeficiency syndrome is an infectious disease resulting in the loss of the body's immune system to ward off infections, caused by the human immunodeficiency virus (HIV). Use: people living with HIV, persons with AIDS or living with AIDS. Do not use: person who suffers from HIV or AIDS victim.

MENTAL DISABILITY – the Federal Rehabilitation Act (Section 504) lists four categories under mental disability: psychiatric disability, intellectual disability, learning disability, and cognitive impairment. Any of these terms is acceptable.

INTELLECTUAL DISABILITY – refers to substantial intellectual delay that requires environmental or personal supports to live independently. An intellectual disability is manifested by below-average intellectual functioning in two or more life areas (work, education, daily living, etc.) and is present before the age of 18. Do not use: S/he is retarded, Use: S/he is a person with an intellectual disability.

People First and Disability Etiquette

MULTIPLE CHEMICAL SENSITIVITIES – describes a chronic condition characterized by a neurological impairment, muscle pain and weakness, respiratory problems, and gastrointestinal complaints triggered by contact with low level exposure to common substances. Say person with chemical intolerance or environmental illness.

PERSON WITHOUT A DISABILITY – is the phrase to use. Normal, able-bodied, or healthy are inappropriate.

PSYCHIATRIC DISABILITY – terms such as psychotic, schizophrenic, neurotic and other specific terms should only be used in a proper clinical context. Words such as crazy, maniac, demented, schizo, and psycho are not appropriate for any context. Use: person with psychiatric disabilities, psychiatric illnesses, emotional and/or mental disabilities, a mental health diagnosis, mental health condition, or person with a psychiatric label. Avoid: person is mentally ill.

DO NOT USE GENERIC LABELS – for disability groups, such as the retarded, the deaf, the disabled. Emphasize people, not labels. Write: people with an intellectual disability or people who are deaf.

DO NOT SENSATIONALIZE A DISABILITY – by saying or writing: afflicted with, crippled with, suffers from, victim of, etc. Instead, write: person who has multiple sclerosis or man who had polio.

EMPHASIZE ABILITIES – For example: writing and saying person uses a wheelchair/walks with a cane; rather than stating the person is wheelchair-bound or confined to a wheelchair. Many people who use chairs actually describe themselves as “liberated” rather than confined.

Do not imply disease when discussing disabilities that result from a prior disease episode. People who had polio and experienced after-effects have a post polio disability. They are not currently experiencing the disease. Do not imply disease for people whose disability has resulted from anatomical or physiological damage (e.g., person with spinal bifida or cerebral palsy). Reference to disease associated with a disability is acceptable only with chronic diseases, such as arthritis, Parkinson’s disease, or multiple sclerosis. People with disabilities should never be referred to as patients or cases unless their relationship with their doctor is under discussion.

National Disability Rights Network



The newly created P&A agencies began to realize that in order to be able to advocate for their clients, they needed a voice in Washington for their own protection, survival and growth.

The National Disability Rights Network, then called the National Association of Protection and Advocacy Systems (NAPAS), was established in 1980. The original formation was simply to function in a traditional trade association role. Members paid dues to the organization and expected representation of their interests on Capitol Hill and in the Administration. The Association's top priority was to obtain increased appropriations.

Since its inception, NDRN has aggressively sought federal support for advocacy on behalf of people with disabilities and expanded P&A programs from a narrow initial focus on the institutional care provided to people with intellectual disabilities in facilities (PADD) to include advocacy services for people with mental illnesses (PAIMI), clients of vocational rehabilitation agencies (CAP), and finally to all people with disabilities not covered by the other programs (PAIR).

In the 1990s, NDRN was able to secure funding for subcontracts from the Assistive Technology projects to each P&A to provide legally based advocacy services to individuals with disabilities on assistive technology issues (PAAT). Later, an effort was launched by the disability community to pass the Ticket to Work and Work Incentive Implementation Act (TWWIIA), which assists beneficiaries of Social Security in returning to work and includes the PABSS program.



Most recently, NDRN worked with Congress to expand PAIMI to cover individuals with mental illness in the community and to authorized the new P&A program for people with traumatic brain injury (TBI). In 2002, the Protection & Advocacy for Voting Access (PAVA) program was created when Congress enacted the Help America Vote Act (HAVA). PAVA enables P&As to secure election access for a wide range of individuals with disabilities.

NDRN grew as a leader in the disability movement and became a force for positive change in the national disability community, not only playing a major role in the expansion of the Protection and Advocacy system but also conveying the need to keep federal laws for people with disabilities robust. NDRN's goals and activities are based on its understanding of the needs and capacities of the P&A/CAP network, gained through daily contact with the Network.

GO TO www.ndrn.org to find out more.

MEET the NDRN Staff at
www.ndrn.org/en/about/about-us.html

Principles of NDRN and the P&A System

EQUALITY, EQUITY AND FAIRNESS

People with disabilities are full and equal citizens under the law. They are entitled to equal access to the opportunities afforded to all members of society. People with disabilities are entitled to be free from abuse, neglect, exploitation, discrimination, and isolation, and to be treated with respect and dignity.

MEANINGFUL CHOICE & EMPOWERMENT

People, regardless of age, type and level of disability have the right to make choices with respect to daily routines and major life events.

SUPPORTS AND PARTICIPATION

Services and supports are shaped by the unique needs and preferences of each individual, and assure opportunities for integration in all aspects of life. Services are age appropriate and premised on the fact that people with disabilities, continue to learn, grow and develop throughout their lives. For children, such growth is best accomplished within families, and for adults, in integrated communities rather than institutions.

INDEPENDENCE

Services are based on equal access, peer support and self-determination to be achieved through individual, professional and system advocacy. Services must maximize leadership, independence, productivity and integration of individuals with disabilities.

CULTURAL COMPETENCY

Services reflect, and are responsive to, the diverse cultural, ethnic and racial composition of society.

RESOURCE GENERATION

P&As/CAPs will be leaders in public policy that has a positive impact on the lives of children and adults with disabilities and their families. P&As/CAPs will work to enhance their resources to provide high-quality legal and advocacy services to people with disabilities.

Training and Advocacy Support Center

Congress responded to requests from the P&A system to provide for training and technical assistance geared to their specific needs by designating 2% of the appropriated program funds to be set aside for this purpose. These funds support several conferences each year and ongoing training and technical assistance through the development of manuals, other materials, listservs, and individualized technical assistance. Most of the training and technical assistance funds are administered through the Training and Advocacy Support Center (TASC), which is a division of NDRN. TASC is a federal interagency project of the Administration on Developmental Disabilities, Center for Mental Health Services and Rehabilitation Services Administration.

TRAINING, TECHNICAL ASSISTANCE AND NETWORKING RESOURCES

Technical Assistance and Networking: TASC sustains numerous channels to both respond to individual questions and to assist staff in linking to resources from other P&As and CAPs working on the same problems and issues. Requests from individuals affiliated with the P&A/CAP network are received by phone or e-mail as well as through the listservs and website in the areas of quality assurance, community integration mandates, abuse and neglect, restraint and seclusion, employment, criminal justice, juvenile justice, education, housing, transportation, health, recreation, information and referral, community outreach, consumer education and self advocacy, management, and governance.

Trainings: TASC conducts four national training events each year including the Skills Building and annual conferences, in addition to position-specific trainings and conferences for CEOs and fiscal managers. TASC also coordinates a series of periodic teleconferences and webcasts open to the entire network on emerging policy and legal issues and based on requests coming from the network.

GO TO www.ndrn.org/en/meetings-and-trainings.html to see upcoming meetings.

Listservs: TASC hosts 18 listservs that focus on specific personnel within the P&A network while others address specific legal areas. The listservs are open to any P&A staff member and provide a confidential place to seek guidance and input from your peers.

GO TO tascnow.com/tasc/communication/listservs.html to learn how to sign up for a listserv.

Website: TASC maintains a fully accessible web-based collection of TA materials and links to other resources, providing assistance on a large number of diverse and sophisticated issues. **GO TO** www.tascnow.com

WHICH listserv did you join?

Training and Advocacy Support Center

Publications: TASC offers two monthly publications: TASC Update, which provides a general overview of news, resources, and upcoming events; and LegalEase, which reviews significant decisions and other legal developments both inside and outside the network.

TASC also creates and maintains manuals which provide coverage on a range of P&A/CAP issues.

GO TO tasnow.com/tasc/publications.html to find TASC publications.

TASC LEGAL AND ADVOCACY RESOURCES

Issue groups or issue task forces: TASC continually develops networks of P&A/CAP staff members with significant expertise in core areas of disability law (e.g., special education and Medicaid). These work groups act as mentors for advocates in other P&A/CAPs; assist in developing TA materials; and help coordinate issue-specific conference calls, meetings, and trainings.

Legal Analysis: TASC produces monthly and quarterly legal analyses of legal developments and significant legal issues that P&As face through Q&As and Fact Sheets. TASC updates and distributes its P&A case dockets addressing significant ongoing P&A cases occurring nationwide on core areas of disability law and policy.

GO TO tasnow.com/tasc/publications/q-and-as.html to find Q&As.

Outside experts: TASC maintains databases on experts outside the network as needed to supplement in-house expertise.

Friend of the court (amicus) briefs: TASC continues to coordinate drafting of briefs that often play a critical role in promoting development of favorable case law on behalf of the P&A System and the disability community at large.

GO TO tasnow.com/tasc/component/content/article/173-tasc-legal-and-advocacy-resources.html to learn more about Legal Advocacy resources.

EMAIL press@ndrn.org to receive the TASC Update by email.

Training and Advocacy Support Center

TASC MANAGEMENT RESOURCES

Materials responsive to emerging needs: TASC collects examples of policies and other documents used by P&As and CAPs. These documents may include policies relating to case selection criteria, procedures used to establish priorities, mission statements, or job descriptions.

Technical Assistance through On-site and Peer Consultations: Through on-site peer and management consultations, TASC is able to meet the individualized needs of P&A/CAP programs. These consultations use NDRN staff, as well as Directors and staff members of other P&As as consultants.

OTHER TASC RESOURCES

Communications and Outreach: In addition to the media relations, publications, and websites done by TASC, assistance is also available to P&A/CAPs on how to mount strategic communications efforts, from the use of internal communications tools to external media relations.

DAD and Information Technology: Besides specific TA on use of the DAD system for case management and more, TA is also available on a variety of issues related to information technology. This also includes website accessibility and meeting 504 guidelines.

Legislative Advocacy: TA is available to help P&A/CAPs be more effective in their state-level advocacy efforts, and to identify legislative trends.

Meetings Management: TA is available to help P&A/CAPs in their own conference/training planning, including review of site contracts, what to look for in a meeting facility, etc.

PASSPORT TO ADVOCACY LEARNING

Passport to Advocacy Learning (PAL) is a continuing education program for people working in the P&A System. Its goal is to encourage and support on-going training and professional development for P&A System staff in the following competency areas:

1. Communication skills
2. Organizational skills
3. Community Organizing
4. Advocacy Skills
5. Legal Skills
6. Cultural/disability skills
7. Technology
8. Electives

Participants are expected to earn 50 hours of advocacy education over a two-year period by attending TASC and other approved trainings.

Learn more and enroll at the TASC website.

tascnow.com/tasc/communication/passport-to-advocacy-learning-pal.html

TASC Committees

PROJECT ADVISORY COMMITTEE (PAC)

The mission of the PAC is to inform the activities of the TASC contract to ensure that it is reflective of the technical assistance needs of the P&A/CAP network. There are 5 subcommittees that report to the PAC on the training and technical assistance needs of the P&A/CAP network in specific issue areas.

- [Client Assistance Program Committee \(CAP Committee\)](#)
The mission of the CAP Committee is to actively advise and work with NDRN on the training, technical assistance, and resource needs of CAP staff.
- [Community Education and Self-Advocacy Committee \(CESA\)](#)
The mission of CESA is to advise TASC on the training and technical assistance needs of, and resources for, the network in order to support P&A/CAP efforts to reach out to the disability community through educational activities and self advocacy trainings.
- [Legal Committee](#)
The Legal Committee supports TASC in its efforts to assist the P&A/CAP network in ensuring the provision of high-quality, legally based services by identifying technical assistance and training needs, identifying resources to meet those needs, and collaborating with the P&A/CAP network and the greater disability and civil rights communities.
- [Organizational Development and Capacity Committee \(ODC\)](#)
The mission of the ODC is to advise TASC on the training and technical assistance needs of, and resources for, the Network to support the enhancement of the overall capacity of P&As/CAPs to meet the needs of people with disabilities. The committee addresses components of organizational capacity such governance and fiscal management, leadership development, quality of programs, and the impact of its programs.
- [Resource Advocacy Committee \(RAC\)](#)
The mission of the RAC is to advise TASC on the training and technical assistance needs of, and resources for, the Network to enhance their ability to provide timely, accurate, responsive, and effective resource advocacy services, such as information and referral, short-term assistance, and technical assistance for people with disabilities.



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