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# CRITERIA FOR REPRESENTATION AND GRIEVANCE POLICY

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## MISSION

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Disability Law Colorado protects and promotes the rights of people with disabilities and older people in Colorado through direct legal representation, advocacy, education and legislative analysis.

## VALUES

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Disability Law Colorado is a constituent-driven organization and will seek input and advice regarding priorities for representation from people with disabilities and older people, their family members and the community which supports them.

*In providing legal services and advocacy for people with disabilities and older people, Disability Law Colorado recognizes the inherent value of all people and will represent our clients' wishes. Disability Law Colorado embraces:*

- Empowerment
- Self-determination
- Independence
- Inclusion.

*In governing the organization, the Board of Directors will:*

- Actively seek members from people with disabilities and older people.

- Nurture its own leadership development.
- Support continual learning about the "state of the art" of services.

*In all that we do, Disability Law Colorado is committed to promoting inclusion, independence, and productivity of people with disabilities and older people.*

## CRITERIA FOR DIRECT REPRESENTATION

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The following considerations apply to services provided by Disability Law Colorado:

- A. Disability Law Colorado will provide direct representation only when:
1. The individual's disability, as defined in the federal laws or contracts under which Disability Law Colorado operates, is central rather than incidental to the legal issue being presented, and
  2. The individual meets the eligibility criteria for services as defined in those federal laws and contracts.
- B. Disability Law Colorado will not provide direct representation when the problem is one commonly accepted by the private bar or by local legal services programs.

Disability Law Colorado provides opportunities for public input regarding the priorities for services. We invite you to review the current priorities for services and comment on them or on changes you would recommend. If you are having a specific legal problem, you may also comment on the problem by calling Disability Law Colorado at 800-288-1376 (voice/TTY), by e-mail at [dlcmail@disabilitylawco.org](mailto:dlcmail@disabilitylawco.org), or by sending a letter to 455 Sherman Street, Suite 130, Denver, CO 80203.

- C. Disability Law Colorado will not provide direct representation when the legal problem involves a statutory right to appointed counsel, such as commitment, conservatorship, guardianship, dependency and neglect, or criminal proceedings except in compelling and unique circumstances.
- D. Disability Law Colorado does not represent the interests of service providers or families, guardians, or conservators of persons with disabilities unless that interest is consistent with the interest of the person with a disability.
- E. Disability Law Colorado will not seek, on behalf of a client of Disability Law Colorado, the involuntary termination of another person receiving services from a program providing services to persons with disabilities. Disability Law Colorado will not engage in litigation or advocacy on behalf of a person with disabilities against another person with disabilities.
- F. In order to make optimal use of limited resources, Disability Law Colorado has identified factors which will be uniformly used to determine when Disability Law Colorado will provide client assistance or direct representation.
- G. The following factors may be considered when determining whether the problem requires the assistance of Disability Law Colorado's advocacy staff:
  - 1. Does the problem raise issues within Disability Law Colorado's program priorities?
  - 2. Does the problem require the assistance of Disability Law Colorado's advocacy staff?

- 3. The likelihood that the individual can take reasonable steps to resolve the problem through self-advocacy;
- 4. The complexity of the presenting legal problem or issues, and/or the complexity of the bureaucracy or service delivery system the individual must encounter to try and resolve the problem.
- 5. Are other advocacy resources available to provide the required assistance or assist the individual in advocating for himself or herself?
- 6. Does the individual case present a claim that has a good possibility of satisfactory resolution through Disability Law Colorado's involvement?
- 7. Does the individual case have the potential to impact the legal rights of other individuals with disabilities?
- 8. What are the potential benefits to the individual from Disability Law Colorado's involvement?
- 9. What are the potential detriments to the individual if Disability Law Colorado is not involved?
- 10. Does Disability Law Colorado have adequate staff and other resources necessary to accept the individual's case without negatively affecting the representation of existing clients?
- 11. Does Disability Law Colorado have the expertise necessary to resolve the problem and/or handle the case?

The Executive Director may make exceptions to these criteria in compelling and unique circumstances.

## CRITERIA FOR SETTING PRIORITIES

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Disability Law Colorado provides an opportunity on an annual basis for the public to comment on the priorities and activities of its programs. To ensure consistent priorities for programs and services that are compatible with our mission and values, the Board of Directors has adopted the following criteria to be utilized in setting priorities for the organization:

- Degree of compatibility with mission and expertise; i.e. problems have legal implications and fall within the Criteria for Representation.
- No other organizations are meeting this need.
- Potential impact / individual vs. systemic.
- Feasibility (including probability) of impact outcomes.
- Cost.
- Consistency with funding requirements.

## TYPES OF SERVICES

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- Individual legal representation or advocacy
- Systems change, including legislative work
- Education and training
- Information and referral

## PRINCIPLES TO GUIDE STRATEGIC PROGRAM DEVELOPMENT

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- Maintain current program levels
- Manage programs within resources available
- Conduct regular program education for Board of Directors
- Provide information on program outcomes to the Board of Directors
- Ensure geographic distribution of services

## NONDISCRIMINATION POLICY

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In providing services, Disability Law Colorado will not discriminate on the basis of race, color, religion, gender, sexual orientation, marital status, disability, age or national origin.

## GRIEVANCE POLICY

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Clients or persons seeking services from Disability Law Colorado may file a grievance in the following circumstances:

1. Disability Law Colorado has not taken a case, and the person requesting services wishes to appeal that decision.
2. A client has an objection to the closure of his or her case.
3. A client is dissatisfied with services provided by Disability Law Colorado.

Persons using this grievance policy will be treated respectfully by Disability Law Colorado employees and Board members at each step and will be guaranteed that there will be no retaliation for invoking this process. Disability Law Colorado will provide assistance with reasonable accommodations or auxiliary aids and services necessary for processing the complaint.

### STEP 1

A written or oral complaint should be made to the Executive Director within 30 days of the date of the decision or action that prompted the complaint. If the complainant needs to make an oral complaint, Disability Law Colorado will accommodate the complainant in making such complaint.

The complaint should include the name and contact information (address, telephone, e-mail, etc.) of the client or person who

requested or received services from Disability Law Colorado. If the person submitting the complaint is a representative of the client or person requesting or receiving services, s/he should describe in writing his/her relationship to the client and submit a document signed by the client authorizing the representation and the release of information about the client to and by the representative. A brief summary of the complaint should be provided along with any documentation to support the complaint.

The Executive Director or his/her designee will respond to the complaint in person, by telephone, by letter, or by e-mail and attempt to resolve the problem. S/he will provide a written decision within 15 business days after the complaint and all relevant documentation have been received.

## STEP 2

If the person is dissatisfied with the decision in STEP 1, then within 30 days after receipt of the decision, the person may in writing (or orally, if needed as an accommodation) request that the decision be reviewed by the Executive Committee of the Board of Directors. This request should be addressed to the President of the Board of Disability Law Colorado.

A meeting of the Executive Committee will be scheduled within 10 business days of receipt of the request; however, the meeting itself may be delayed beyond the ten-day period if necessary to accommodate the schedules of committee members. Every effort will be made to hold the meeting at a time convenient to the person appealing. The person may attend this meeting to personally present the complaint and may bring a representative to the meeting.

The Executive Committee reserves the right to meet in executive session to reach a decision. Its written decision will be mailed within 5 business days following the meeting. This step is not expected to exceed 30 days. The Executive Committee's decision is final.

Complaints should be sent to:

Disability Law Colorado  
1580 Logan Street, Suite 600  
Denver, CO 80203-4403  
(303) 722-0300 Voice/TTY  
800-288-1376 Voice/TTY  
(303) 722-3619 TTY  
or  
[dlcmail@disabilitylawco.org](mailto:dlcmail@disabilitylawco.org) or  
[www.disabilitylawco.org](http://www.disabilitylawco.org)