



## 2022 DISABILITY LAW COLORADO'S PROGRAM PRIORITIES

Disability Law Colorado's mission is to protect and promote the rights of people with disabilities and older people in Colorado through direct legal representation, advocacy, education and legislative analysis. Below are the areas we have identified as priorities for 2022. Disability Law Colorado is the state's federally mandated Protection and Advocacy System designated by the Governor.

### Protection and Advocacy Priorities

**Facilities Team Priorities** – We will act to ensure that people with disabilities are free from serious abuse and neglect in facilities, including: jails, prisons, regional centers, day programs, children's residential treatment centers and state mental health institutes. Our work may include:

- Conducting neutral investigations of reports of serious abuse or neglect; *Olmstead* violations
- Reviewing investigations of serious abuse, neglect or death conducted by other agencies who are mandated to conduct such investigations
- Monitoring facilities serving people with disabilities for incidents of serious abuse, neglect or rights violations; monitor compliance with new licensing under Families First Services and Prevention Act
- Individual advocacy to remedy abuse, neglect and rights violations in facilities; violations due to the impact of COVID; lack of mental health treatment services; seclusion, restraint and use of force incidents
- Systemic advocacy, including legislative action, to ensure that adequate systems are in place to protect against abuse, neglect and rights violations in facilities; advocate for community-based services; advocate for Behavioral Health Transformational Task Force spending recommendations
- Training/Education opportunities to inform Coloradans about *Olmstead*; "Know Your Rights" in facilities (Department of Corrections, Youth Services, Colorado Mental Health Institute in Pueblo); building a continuum of community-based services

**Community Integration Team Priorities** – We will work to ensure that people with disabilities can overcome legal obstacles that either prevent them from leaving an institution to live in the community or put them at risk for institutionalization. Our work may include:

- Systemic advocacy to ensure the State complies with its obligation under *Olmstead* to serve people with disabilities in their least restrictive environment; including legislative action, to ensure that individuals with disabilities maintain their rights to services and supports that allow them to be served in the community
- Advocacy for individuals with disabilities to receive safe and appropriate crisis intervention services, including from law enforcement; advocate for the preservation and expansion of Medicaid coverage and benefit options for individuals with disabilities

- Advocacy for services under Medicaid waiver programs in Colorado to ensure access to self-direction, choice of providers and quality services in their home communities.
- Monitoring Regional Centers, Community Centered Boards and Long-Term Care Facilities for incidents of serious abuse, neglect or rights violations; violations due to the impact of COVID
- Investigating allegations of abuse and neglect of individuals in residential living facilities; cases of alleged seclusion, neglect or restraint involving individuals with disabilities living in public and private facilities, regional centers, group and host homes
- Educating policy makers on legislation impacting: the reform of guardianship and other surrogate decision-making processes for individuals with disabilities; individuals who live in residential settings in the community; the reduction of waiting lists and increased services and supports through increased funding for Medicaid waivers
- Training/Education opportunities for self-advocacy; alternatives to guardianship; supports and services available for individuals with disabilities; “Know Your Rights” and the legal protections afforded to people with disabilities under applicable federal, state, and municipal law

***Access Team Priorities*** – We will work on systemic legal issues to ensure that people with disabilities living in the community have equal access to housing, community services, transportation and businesses; legal issues faced by people with disabilities in or entering the workforce. Our work may include:

- Representing individuals with disabilities in subsidized or HOA housing discrimination
- Representing individuals with disabilities who are experiencing employment discrimination (excluding Failure to Hire and Termination circumstances)
- Representing individuals with disabilities in reasonable accommodation cases when the discrimination significantly effects an individual’s day-to-day life
- Representing individuals with disabilities who are experiencing legal obstacles in working with the Division of Vocational Rehabilitation or Independent Living Centers with a focus on transition services
- Systemic advocacy, including legislative action, to ensure that people with disabilities are free from discrimination in the workplace and have accessible transportation options
- Monitoring newly built apartments and Centers for Independent Living to insure ADA accessibility standards and legal requirements
- Training/Education opportunities for self-advocacy; develop turnkey self-advocacy and “Know Your Rights” resource tools

***Education Team Priorities*** – We will work on systemic issues impacting students with disabilities and their families to ensure that they are receiving appropriate educational services from birth through higher education. Our work may include:

- Systemic change for students with disabilities at risk of removal due to disability-related behavior will remain in school and will be appropriately identified and evaluated for services under Section 504 and/or the IDEA; will receive appropriate transition services; will have equal access to all educational rights while receiving instruction during the COVID-19 pandemic
- Monitoring Division of Youth Services and Colorado Department of Education-Approved Residential Facility Schools

- Consulting with the Investigation Team on allegations of abuse and neglect of students in public schools and facilities where educational services are provided
- Educating policy makers on legislation impacting students with disabilities
- Participate in regulatory rulemaking to improve access to charter schools for students with disabilities
- Addressing Colorado Department of Education's narrow definition of what constitutes a removal for purposes of conducting a medical device review and provisions for interim services
- Training/Education opportunities for self-advocacy; develop turnkey self-advocacy and "Know Your Rights" resource tools; provide "Know Your Rights" trainings for students, parents/guardians, advocates, and other community members

***VOTE! Program Priorities*** – We will work on systemic legal issues to ensure that people with disabilities living in the community have equal opportunity and access to exercise their right to vote. Our work may include:

- Individual and systemic advocacy to ensure equal access to voting systems, polling places, mail ballots and the registration process in both state and federal elections
- Ensuring all voting service and polling centers have election judges who are trained on how to operate accessible voting machines and assistive technology; ensure mail ballot drop boxes are accessible; ensuring mail ballot delivery system is accessible to people with disabilities, including online mail ballot delivery and return systems
- Monitoring and providing written and oral testimony on election bills that impact the rights of voters with disabilities
- Educating policy makers on legislation that would help eliminate barriers to voting access
- Training/Educating poll workers, including state and county election officials, on the election laws that protect people with disabilities; ensure elections are accessible and reasonable accommodations are implemented upon request; train and educate transition age youth, self-advocates, and election law advocates how to file a complaint if laws are violated; Train and educate people who are long-term facility residents and who work with long-term care facility residents on election law and voting rights of people who may be disenfranchised due to disabilities associated with aging

## **State Ombudsman and Legal Assistance Developer Program Priorities**

Protecting and Promoting Rights in Long-Term Supports and Services

***Colorado Long-Term Care Ombudsman and Colorado PACE Ombudsman*** - These programs work to support the legally guaranteed rights to quality care and quality of life for residents of assisted living facilities and nursing homes as well as participants of the Program of All-Inclusive Care for the Elderly (PACE) across Colorado. Our work may include:

- Receiving, investigating and resolving complaints from residents in long-term care facilities or from participants of PACE programs
- Establishing and maintaining presence in long-term care facilities and with PACE programs to assure access by residents and participants to advocacy services

- Providing information and referral and consultation to family members, facility staff and to the general public
- Systemic advocacy, including legislative action, to ensure that residents and participants retain their civil and human rights

**Legal Assistance Developer Program** - The Legal Assistance Developer provides leadership, training, and technical assistance to the statewide network of legal providers who coordinate free or low cost civil legal services for people age 60 or older. The goal of the Legal Assistance Developer Program is to secure and maintain the legal rights of older individuals as well as develop the state's capacity to improve the quality and quantity of legal services provided to elders. In addition, the Legal Assistance Developer ensures the state's capacity to assist older individuals in :

- Understanding their rights
- Exercising choices
- Benefiting from services and opportunities authorized by law, and
- Maintaining the rights of older individuals at risk of guardianship

## **TYPES OF SERVICES OFFERED**

In our various programs at Disability Law Colorado, we offer a variety of services.

**Information & Referrals** – We maintain a large bank of resources for callers whose issues do not fall within our priorities or meet our criteria for representation.

**Self-Advocacy Assistance** – Our advocates provide information to assist callers in advocating for themselves regarding their potential legal issue or rights violation.

**Ombudsman Services** – Our Ombudsman programs provide information, support and advocacy assistance for clients in their programs.

**Technical Assistance** – Our staff may provide technical assistance on issue to clients, service providers or other attorneys, advocates or ombudsmen.

**Direct Legal Representation** – If a legal issue falls within our priorities and criteria for representation, an attorney or legal advocate may provide direct legal representation to a client.

**Investigations** – In our Protection & Advocacy programs, we have the authority to conduct investigations into allegations of abuse and neglect of people with disabilities.

**Education** – We provide training on various topics related to the rights of people with disabilities and older people. We also create educational materials for use by the public and have them available on our website.

**Legislative Analysis** – We may get involved in the legislative process by writing position statements, educating legislators or stakeholders or testifying before the legislature expressing how legislation may impact people with disabilities or older people.