

Office of Protection and Advocacy For Persons with Disabilities

At a Glance

JAMES D. McGAUGHEY, Executive Director
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Established – October 1, 1977
Statutory authority – CGS §46a-7 et seq.
Central office - 60B Weston Street, Hartford, CT 06120
Average number of full-time employees - 44
Recurring operating expenses – \$3,823,246
Federal contributions - \$1,232,975

Organizational structure - two operating divisions - Case Services and Abuse Investigation; and an Administrative Unit.

Mission

The mission of the Office of Protection and Advocacy for Persons with Disabilities (P&A) is to advance the cause of equal rights for persons with disabilities and their families by:

- *increasing the ability of individuals, groups and systems to safeguard rights;*
- *exposing instances and patterns of discrimination and abuse;*
- *seeking individual and systemic remediation when rights are violated;*
- *increasing public awareness of injustices, and of means to address them; and*
- *empowering people with disabilities and their families to advocate effectively.*

Statutory Responsibility

A combination of federal and state statutory mandates requires the agency to:

- Safeguard the civil and human rights of people with disabilities in Connecticut;
- Provide information and referral services for persons with disabilities;
- Conduct investigations into allegations of abuse and neglect involving adults with intellectual disabilities ages 18 through 59;
- Operate advocacy programs that are capable of pursuing legal and administrative remedies on behalf of people who have psychiatric disabilities, developmental disabilities, brain injuries, and people with other disabilities whose rights are in jeopardy;
- Advocate for individuals who are seeking assistive technology devices and services, improved access to the voting process, beneficiaries of Social Security and clients of the vocational rehabilitation system who are seeking or attempting to maintain employment and/or independent living;
- Affirmatively reach out to traditionally underserved populations, conducting community development and public education activities;
- Conduct full independent investigations into the circumstances surrounding the deaths of Department of Developmental Services clients, especially when abuse or neglect is suspected to have contributed to the death;
- Review, in conjunction with the State Building Inspector, applications to install wheelchair lifts in non-residential buildings, and requests for waivers from the accessibility provisions of the Connecticut State Building Code;
- Review, in conjunction with the Secretary of the State, requests for exemptions from accessibility requirements for polling places;

- Staff and chair the Fatality Review Board for People with Disabilities as required by Executive Order #42 of Governor M. Jodi Rell (April 5, 2010);
- Support the State's Accessibility Advisory Board;
- Receive reports of serious injury or death resulting from restraint or seclusion pursuant to Connecticut General Statutes §46a-150 et seq. and federal regulations - 42 CFR 483.374, Reporting of Serious Occurrences at Psychiatric Residential Treatment Facilities; and
- Receive reports of serious injury or death of a child receiving special education services in Connecticut pursuant to Connecticut General Statutes §46a-150 et seq., §10-76b and § 10-76d.

Public Service

During the 2011 fiscal year, the Office of Protection and Advocacy for Persons with Disabilities (P&A) received requests for assistance from 4,298 individuals with disabilities, their family members, and interested parties. Of these, 3,287 were requests for information, referral, or short-term assistance. The remaining 716 requests received a more intensive level of advocacy representation. P&A's Abuse Investigation Division (AID) received 1,104 allegations of suspected abuse or neglect of persons with intellectual disability. P&A staff investigated or monitored 1,006 of those cases.

P&A also sponsored or participated in 83 training opportunities that reached more than 2,600 people with disabilities, family members, and others. Staff disseminated information to more than 3,125 people at resource fairs and more than 11,500 P&A publications and program brochures were distributed. The P&A website, which also posts all agency publications in printable formats, received over 30,380 hits during the 2011 fiscal year and provided an additional resource for disability information. P&A also developed and launched a Spanish version of its website.

P&A continued to support disability focused community advocacy and coalition building by:

- Providing culturally competent workshops on disability issues to underserved communities in both English and Spanish.
- Providing outreach and assistance to the Asian community.
- Continuing to provide in-kind support and training resources for AFCAMP (African Caribbean American Parents) and PAP (Padres Abriendo Puertas), two grass roots organizations of parents who have children with disabilities.
- Providing training and technical assistance in special education, organization and board development and fundraising for parents of children with disabilities in Norwalk, New London, Willimantic, New Britain, Bridgeport and Hartford.
- Improving awareness of disability and disability issues as a member of community based grassroots organizations.
- Participating on Connecticut's Family Day Committee, a statewide event that celebrates families, ensuring that the events were accessible and inclusive for families affected by disability.
- Supporting activities of the Americans with Disabilities Act Coalition of Connecticut (ADAAC) and ADAPT of Connecticut.

Improvements/Achievements 2010 - 2011

The Office of Protection and Advocacy for Persons with Disabilities continued to pursue its mission to raise awareness about the civil and human rights of individuals with disabilities in vulnerable circumstances. The agency protected the rights of vulnerable populations by:

- Improving the monitoring of protective service plans for adults with intellectual disability who have been abused or neglected.
- Representing people with disabilities at sterilization hearings to ensure all processes and procedures are properly followed prior to a final determination.
- Addressing issues involving sexual assault of persons with disabilities through judicial proceedings, educating lawmakers and providing information and training to the public.
- Conducting in-depth investigation of serious injuries due to restraint or seclusion involving children at psychiatric residential treatment facilities and advocating with the Department of Children and

Families for systemic changes to address negative policies and practices.

- Continuing to advocate for the rights of persons with mental illness warehoused in nursing facilities rather than supported in community settings.
- Development of a Spanish version of P&A's website, the first Connecticut state agency to have a Spanish site.
- Educating state and local emergency management professionals about emergency preparedness issues affecting persons with disabilities through participation in meetings with the Department of Emergency Management and Homeland Security, regional emergency planners and the Red Cross.
- Regularly meeting with representatives of the Department of Developmental Services to discuss, update and improve abuse and neglect investigation and reporting procedures and collaboration efforts between the agencies.
- Development of training about acquired and traumatic brain injury for staff of domestic violence shelters, statewide.
- Continuing to improve new agency intake system resulting in more efficient response to callers and others contacting the agency.
- Educating policymakers on how legislative proposals would positively or negatively affect people with disabilities including proposals related to sexual assault of persons with disabilities; special education; supportive housing; handicapped parking; service animals; respectful language; and housing.
- Expansion of a self-advocacy curriculum for children at residential psychiatric facilities to include an additional facility.

Other P&A systems change initiatives included:

- Continued advocacy for individuals with disabilities to ensure that their lives are not threatened by improper "Do Not Resuscitate" (DNR) orders.
- Addressing complaints from individuals who are deaf or hard of hearing involving effective communication in prisons, hospitals, doctors' offices, lawyers' offices and in police settings.
- Participation on national and statewide workgroups focusing on the rights of parents with disabilities and advocating for parents with disabilities who have had their children taken away or are in jeopardy of having them taken away.
- Reviewing deaths of persons with intellectual disabilities served by the Department of Developmental Services (DDS) and identifying trends to improve the health and safety of DDS residents.
- Receiving and investigating reports of serious restraint-related injuries from public agencies pursuant to P.A. 99-210, "An Act Concerning the Physical Restraint of Persons with Disabilities".
- Reviewing and investigating reports of suicide attempts, serious injury, death, restraint, seclusion and serious occurrences at psychiatric residential treatment facilities to identify trends and make recommendations.
- Educating people with disabilities, policymakers and voting officials regarding issues affecting the rights of voters with disabilities including accessible polling places and new voting technology.
- Ensuring accessibility of Connecticut's buildings and facilities by ruling on waivers from the accessibility provisions of the state building code and defending such decisions through administrative hearings and litigation.
- Updating agency publications for distribution at resource fairs, workshops and other outreach events. The publications are also distributed to callers requesting information from the agency.
- Ensuring physical accessibility of Connecticut's polling places by ruling on requests for polling place accessibility waivers generated by Registrars of Voters.
- Continuously updating agency website (www.ct.gov/opapd) to provide accessible current, comprehensive, information on disability rights and resources. The site provides access to agency created self-help literature, information about P&A programs and services, and agency priorities and initiatives. The website also reports on the current developments in the field of disability rights and provides links to other relevant disability related organizations.

Information Reported as Required by State Statute:

By law, the P&A Annual Report must include information that identifies current issues affecting people with disabilities in Connecticut. Public input from P&A sponsored forums, focus groups, specialized meetings, and widely distributed questionnaires was reviewed in conjunction with P&A information & referral statistics and advocacy case experience. The issues are not new but continue to be constant barriers for meaningful community participation of persons with disabilities in Connecticut. The identified issues are:

- People with disabilities continue to have higher rates of unemployment and underemployment than the general population. There is a need for greater availability of information about legal rights, employment training resources, and workplace problem-solving resources.
- The needs of persons with disabilities are not understood by state and local disaster planners resulting in disaster response plans do not address the structural, communication and logistical issues affecting people with disabilities.
- Children with challenging behaviors are subject to restraint and seclusion by local school systems and residential treatment facilities rather than experiencing positive behavioral supports geared toward teaching strategies for de-escalation and successful intervention.
- Children transitioning from secondary school to work or post-secondary education do not have the services and supports needed for successful movement to adult life.
- Continued under-funding of private providers of services for people with disabilities is straining the system and threatening the quality of services.
- Shortage of affordable accessible housing continues to keep people with disabilities unnecessarily institutionalized in psychiatric hospitals and long-term care facilities.
- Federally subsidized housing can be designated “elderly only” creating environments where non-elderly persons with disabilities who need safe, affordable, accessible housing are not welcome.
- Aging people with intellectual disability are moved to nursing homes rather than being supported as they age at home or in other community settings.
- The lack of reliable, affordable, accessible transportation prevents many people with disabilities from being able to seek employment, receive continuing education, and obtain adequate healthcare, and accessing leisure and recreational opportunities.
- Individuals with intellectual disability, who choose self-determination funding mechanisms, are not protected by traditional protective services mechanisms, making them increasingly vulnerable.
- Medicaid recipients with disabilities are unable to find dentists willing to accept Medicaid dental reimbursement rates resulting in a significant lack of access to oral health care.
- The Correction system continues to house increasing numbers of people with psychiatric, cognitive and intellectual disabilities. In many cases, these individuals are not held in jail primarily because of the seriousness of the crimes they are accused of, but rather because community services are not available, or are inadequate to support them.
- Scarcity of qualified sign language interpreters and ignorance of the rights of persons who are deaf and hard of hearing continue to unfairly restrict access to mental health, vocational opportunities, medical care, legal and other generic professional services.