



# Disability Law Center's Self-Advocacy Materials

Updated March 2018

## About DLC

This document is designed for people with disabilities. The information is about your legal rights and how to advocate for yourself as a resident in Massachusetts.

Contact us to request this information in an alternative format.

617-723-8455  
800-872-9992  
mail@dlc-ma.org

### Funding

DLC receives funding from government grants, private foundations, and individual contributions. For details about our funding and programs, please visit:

<http://www.dlc-ma.org/about/funding/>

## Protection And Advocacy (P&A) Authority

### You Will Learn About:

- The Protection And Advocacy (P&A) System
- Monitoring And Investigating
- Whom To Contact

This document includes general information about legal issues and is intended to be used for informational purposes only. These informational materials should not be taken as legal advice, and do not create an attorney-client relationship. The outcome of any particular matter will depend on a variety of factors. For specific legal problems you would need to contact an attorney.

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# The Protection And Advocacy System (P&A)

## What Is The Disability Law Center?

The Disability Law Center (DLC) is a non-profit organization. We are not a government agency. However, DLC does have certain kinds of power and authority under federal law. The federal government decided that in every state there should be a watchdog agency known as the Protection and Advocacy (“P&A”) system. DLC is the P&A for Massachusetts.

## What Does It Mean For DLC To Be The P&A System For Massachusetts?

As the Protection and Advocacy system for Massachusetts, DLC can investigate abuse and neglect of people with disabilities and monitor places where people with disabilities live, or receive services or education. This means DLC has the right to go to these places and interview people with disabilities. DLC can make sure their rights are being respected. If necessary, DLC may investigate abuse and neglect.

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## Monitoring And Investigating

### What Kinds Of Places Can DLC Monitor?

DLC may monitor anywhere people with disabilities live, or receive services related to their disabilities, or receive educational services.

For example, DLC has “reasonable unaccompanied” access to hospitals, nursing homes, public and residential schools, community living arrangements (group homes, board and care homes, individual residences and apartments), day programs, employment programs, juvenile detention centers, homeless shelters, and jails and prisons.

### How Does DLC Monitor?

DLC checks on people receiving services and may interview them in private. We may provide information, referrals and training about their rights and DLC’s services. We may investigate abuse and neglect either as part of monitoring work or on other occasions. After monitoring or an investigation, we may also pursue administrative, legal and other appropriate remedies to protect the rights of individuals with disabilities.

### How Does DLC Investigate?

Often, DLC interviews residents, witnesses and staff. We may also request medical, facility, governmental, financial or educational records after deciding that there is “probable cause” of abuse or neglect or when a report of abuse or neglect is made to us. We review investigations done by state agencies. We may hire experts to assist us. We also review records related to deaths of people with disabilities.

After investigating, we may issue recommendations or findings, or issue public or private reports, or take other action to protect people with disabilities.

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## Whom To Contact

### Should I Call DLC Instead Of Contacting A Government Agency?

No. You should **always** contact a government agency about allegations of abuse and neglect of people with disabilities.

This means that:

If you are aware of abuse and neglect of a child with disabilities (under 18 years of age), you should contact the Department of Children and Families (DCF) by calling the Child-At-Risk-Hotline at (800) 792-5200. The DCF office that serves the city or town where the child lives can be called during regular office hours (8:45 a.m. - 5:00 p.m. M-F).

***If you are aware of abuse and neglect of a person with disabilities between the ages of 18 and 59, you should contact the Disabled Persons Protection Commission (DPPC) 24-hour hotline at (800) 426-9009.***

If you are aware of abuse and neglect of a person 60 years of age or older, you should report this to the 24-hour elder abuse hotline of the Executive Office of Elder Affairs (EOEA) at (800) 922-2275

To report abuse of a person by a nursing home or hospital, call the Department of Public Health (DPH) at (800) 462-5540.

These agencies have different types of legal powers and responsibilities than those of DLC. Government agencies have their own law enforcement powers. In addition, many people, because of their job or position, must report abuse and neglect to a government agency.

Of course, if a person with a disability is in immediate danger, call 911 before contacting the agencies above. You should also contact your local police office about financial exploitation of people with disabilities, including theft.

### When Should I Also Call DLC About Abuse And Neglect?

You should feel free to call DLC at 1-800-872-9992 any time to report a significant act or pattern of abuse and neglect of people with disabilities. We are not able to do monitoring or investigation for every call we receive. In some cases, we may only be able to provide legal advice or referrals.

We often ask the questions listed below:

- Is there a pattern of abuse and neglect?
- Is the alleged wrongdoer still employed?
- Has a person with a disability been significantly injured (emotionally or physically)? Has a person with a disability died?
- Is there a need to change government policies?
- Has a government agency failed to investigate or find abuse and neglect when they should have?

## Are Complaints To DLC Confidential?

Yes. Under federal law we keep confidential the names of people who report abuse or neglect to us or who give information that we use to decide that there is “probable cause” of abuse and neglect.

## How Can I Contact DLC About Abuse And Neglect?

**Please call DLC at 1-800-872-9992.** You can also write to us at:

Disability Law Center  
11 Beacon Street  
Suite 925  
Boston, MA 02108

You can also send us a message anonymously at <http://www.dlc-ma.org/contact-us/>. However, we cannot investigate all anonymous complaints. We may look at your problem more closely if you tell us who you are, and how you learned about the problem.