



Disability Law Center's FY 2023 Focus Areas

October 1, 2022

Fiscal Year 2023 (October 1, 2022 - September 30, 2023)

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Funding

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

<https://www.dlc-ma.org/>



What Does DLC Do?

DLC is the federally mandated protection and advocacy (P&A) system in Massachusetts. We receive most of our funding from the federal government. The majority of DLC's funding must be devoted to our core functions of monitoring and investigating abuse and neglect in places where people with disabilities live and receive services. The work we do with our remaining capacity, such as individual representation and litigation, needs to focus on legal issues DLC is uniquely situated to address – keeping people with disabilities safe from abuse and neglect and challenging the prevalent and systemic violations of disability rights laws in a manner which will benefit the largest number of individuals possible.

DLC has an obligation as the P&A system to increase public understanding of the rights of people with disabilities. DLC helps policymakers understand the rights of people with disabilities and educates people with disabilities about current laws and other programs. DLC does this through building its own policy expertise, building partnerships, building a positive image of people with disabilities, and empowering people to be their own advocates.

Why Does DLC Need Focus Areas?

DLC sets focus areas to try to maximize our impact as we work toward our goal of achieving full equality and justice for people with disabilities. DLC is obligated to use most of its P&A funding to accomplish its core mission. Our remaining resources need to be used on targeted systemic issues so that DLC can effectuate the greatest positive change while operating within the bounds of our funding sources. DLC's focus areas are based on the systemic issues that we identify through our work and based on input from the community.

How Does DLC Set Its Focus Areas?

Each year, DLC requests input from the community to gather information on the most widespread barriers or threats to independence people with disabilities face. This information is used to develop a plan that focuses DLC's work on its core functions as well as the problem areas that are identified based on input from the community. DLC cannot address every issue – but we try very hard to focus on the most widespread disability rights violations we hear about from the disability community.

DLC's Commitment to Respect, Inclusion, and an Intersectional Approach

DLC is committed to protecting the civil and human rights of ALL persons with disabilities through zealous advocacy and representation. Our work is firmly rooted in the belief that everyone deserves to be treated with respect and dignity. The guiding principles for DLC's advocacy are to promote and protect inclusion, independence, integration, and equal opportunity.

DLC recognizes that the disability justice movement is inseparable from the human rights movements for racial, economic, and gender and LGBTQ+ equity. We understand that systems of oppression interlock and commit to achieving our mission applying an intersectional approach. Prejudices that harm people with disabilities are often compounded based on race, ethnicity, immigration status, gender, sexual orientation, and socio-economic status and structural inequities in housing, employment, health care, education, and the justice system, among others. DLC understands that without an intersectional framework, advocacy and legal efforts that aim to address injustice towards one group may end up perpetuating systems of inequities towards other groups. With this in mind, DLC staff work to make change and provide meaningful assistance while appreciating that each person has unique needs and experiences.

Core Functions

Information, Referral, and Training

Access to Information and Referral

DLC does not have enough resources to represent everyone who contacts us. DLC strives to provide all P&A-eligible callers some level of information and referral (I&R) when their issue falls outside our focus areas and/or we don't have the capacity to take their case.

Our work in FY 2023:

- DLC will provide targeted information, self-advocacy assistance, and reliable referrals for people with disabilities on a wide variety of disability-related issues, as DLC capacity permits.
- DLC will develop and maintain online materials for people with disabilities so they can clearly understand their legal issue and the steps they need to take for self-advocacy. DLC will ensure individuals communicating in languages other than English will have access to the same information.
- DLC will provide non-client technical assistance to legal services professionals, independent living center staff, legislative staff, and other professionals or service providers working directly with a client with disabilities experiencing a legal issue who call us requesting information and advice on issues impacting people with disabilities.

***Funding: All Sources**

Training on Disability Rights Issues

DLC provides training on disability rights issues. We offer training to peer, self-advocate, professional, and other groups across the state to build advocacy skills and knowledge of specific areas of law.

DLC will prioritize requests for training and presentations promoting the rights of persons with disabilities on the following issues:

- Human Rights and Disability Rights issues
- Restraint, seclusion and the use of time out rooms in schools
- Obtaining reasonable accommodations in housing, higher education, and employment
- Civic participation and rights to accessible voting
- The impact of working on benefits
- Effective communication in health care settings for Deaf and Hard of Hearing individuals
- The role of Representative Payees

Requests for training can be submitted online at <https://www.dlc-ma.org/request-a-training/>.

Funding: PAIDD, PAIMI, PAIR, PAAT, PATBI, PAVA, PABSS, PABRP, MLAC

Monitoring for Abuse, Neglect, and Serious Human Rights Violations

Keeping People Safe Through Monitoring

Consistent with our federal mandate, DLC monitors places where people with disabilities live or receive services to prevent, detect, and address instances of abuse, neglect, or exploitation. Our primary goal is to ensure that the residents' rights are protected and that they are living in a safe environment. We also want to ensure that appropriate services are being provided and that individuals have access to opportunities to participate in activities and work that are important to them. Finally, we want to identify people who could live in the community if they had the proper supports and services. In short, we monitor to ensure legal compliance with respect to the rights and safety of residents.

What we discover during monitoring visits is unpredictable and may warrant follow up work with individuals, families, vendors and state agencies. Monitoring visits may also reveal the need for further investigation of an issue.

Our Work in 2023

- DLC will monitor places where people with disabilities live or receive services, including but not limited to state-operated and private psychiatric facilities, including hospitals with designated psychiatric units and emergency rooms; Bridgewater State Hospital; Intermediate Care Facilities for Individuals with I/DD; neuromedical/TBI facilities; state and county correctional facilities and juvenile justice facilities; group homes; nursing homes; day habilitation and other day programs; segregated work environments; and public, private, therapeutic and residential schools serving students with disabilities.
- DLC will monitor schools for compliance with restraint and seclusion regulations and time-out guidance, with a focus on eliminating the excessive use of restraints and ensure that the use of time-out rooms are limited to the proper, limited circumstances.

Funding: PAIDD, PAIMI, PAIR, PATBI, PABSS

Protecting Voting Rights by Monitoring Polling Sites and Facilities

Goal for Systemic Change:

Ensure that all people with disabilities will be able to register to vote, have access to educational materials about elections and have an equal opportunity to vote at all polls throughout the state.

Our Work in 2023

- DLC will continue its work with the REV UP Mass campaign and maintain the Revupma.org website to ensure access to voting continues to be a priority among disability and other advocacy groups.
- DLC will survey polling locations to ensure ADA compliance.
- DLC will assist people in facilities with voter registration and with exercising their right to vote in local, state, and national elections.
- DLC will monitor implementation of accessible electronic voting processes and other provisions of voting reform legislation enacted in 2022.

Target Population: All individuals with disabilities who want to register to vote, participate in the political process, and use their power to vote as well as become better educated about local, statewide, and national elections, with a focus on communities that have been underserved as it pertains to voting rights.

Funding: PAVA

Investigating Abuse, Neglect, and Suspicious Deaths

Abuse, Neglect and Suspicious Death Investigations

People with disabilities who live in facilities and the community are particularly vulnerable to abuse and/or neglect, especially those that cannot report the abuse and neglect themselves. DLC conducts investigations into situations where serious abuse or neglect may have occurred. An investigation is a thorough examination of information, records, evidence, and circumstances surrounding the allegation of abuse and neglect. We may also conduct a “secondary investigation” into how the incident was investigated by public authorities. Our monitoring efforts can and do reveal the need to conduct investigations, but we also initiate investigations based upon complaints we receive. Because of our limited resources, we focus on investigations where the outcome may be systemic change resulting in a better quality of care for large groups of people with disabilities and incidents that are particularly egregious.

Our Work in 2023

Each year, we investigate as many reports of abuse and neglect as our resources will allow. We use the following criteria, among other factors, to determine which reports we will investigate:

- Nature and pervasiveness of the problem, including location and/or the vendor, whether there is a death or serious injury, what triggered the allegation, how long the problem has persisted, the impact on other people with disabilities in the same or similar environments (whether the problem is indicative of a larger systemic problem), number of complaints received about facility/staff, and whether accepting the case for investigation presents the opportunity for systems reform.
- Whether this is a primary or secondary investigation, potential policy violations and implications, and the potential relief sought.

Funding: PAIDD, PAIMI, PAIR, PATBI

Investigating and Protecting Beneficiaries from Financial Misuse

DLC is assigned beneficiary reviews by the Social Security Administration (SSA) and is required to engage in statewide site visits to beneficiaries’ homes, residential facilities, and state institutions to conduct face-to-face interviews, financial record reviews, and educational visits.

The goal of the project is to ensure payees are performing their payee duties satisfactorily and to protect beneficiaries from financial misuse.

Our Work in 2023

- Schedule, conduct and complete detailed reports on compliance reviews of both organizational and individual representative payees as assigned by SSA under the PABRP program.
- Develop and implement training, educational materials, and corrective action plans to assist representative payees in conforming to requirements specified by SSA.
- Identify and analyze trends in data from investigations and monitoring activities to determine if they present systemic issues which may be appropriate for DLC to address.

Target Population

Organizational and individual Representative Payees identified by SSA for review to ensure SSI/SSDI beneficiaries with Representative Payees are free from financial abuse and neglect.

Funding: PABRP

Focus Areas

Along with the work DLC does under its Core Function Areas, DLC also advocates for the interests of people with disabilities mostly seeking systemic reform through the courts and other legal forums. Additionally, DLC provides limited direct representation to individuals in an attempt to address widespread legal violations.

Access to Services for SSA Beneficiaries

Access to Employment Opportunities

Our Goal for Systemic Change

- People with disabilities will be employed in meaningful, integrated, competitive employment with any reasonable accommodations necessary to do their jobs.

Our Work in 2023

- DLC will provide information, advice, and referral to Social Security Administration (SSA) beneficiaries about SSA's work incentives and how earnings impacts benefits. **Funding: PABSS**
- As resources allow, DLC will accept cases to provide limited advice and self-advocacy assistance for individuals who are current beneficiaries of SSI/SSDI and have experienced discrimination based on their disability. **Funding: PABSS**
- DLC will systemically address issues relating to sub-minimum wage waivers and segregated employment or pre-employment programs. **Funding: PABSS, PAIDD**

Access to Higher Education

Our Goal for Systemic Change

Students with disabilities who are beneficiaries of SSI/SSDI will have access to the supports and services they need in higher education in order to be successful in obtaining employment upon completion of school.

Our Work in 2023

- DLC will accept cases where students with disabilities are currently beneficiaries of SSI/SSDI and need an accommodation in their academic environment. **Funding: PABSS**

Disability Benefits Project (DBP) Work

Our Goal for Systemic Change

Ensure proper benefits allocations for low-income Massachusetts residents who have been wrongfully denied federal disability benefits or who have had their benefits unfairly reduced or terminated by the Social Security Administration.

Our Work in 2023

- DLC will provide timely and high-quality technical support and training to DBP funded advocates on issues relating to Social Security Administration (SSA) law and policy changes and federal case law. DLC will also provide basic training to DBP advocates on Basic Benefits, SSI Financial Eligibility, SSA use of a Pay Distribution Calculator to determine Substantial Gainful Activity (SGA), etc. **Funding: DBP**

Civil Legal Aid for Victims of Crimes (CLAVC)

DLC will focus on the representation of individuals with disabilities who are victims of a crime **when** the issue they need help with is directly related to the crime they experienced.

Our Work in 2023

Based on capacity, DLC will accept cases for representation and/or information or referral if the civil legal issue is related to the crime the individual has experienced, including but not limited to Community Inclusion, Employment, Health Care, Housing, Human Rights, Public Accommodations, and Special Education (e.g., Abuse, Neglect, Bullying, Restraint, Seclusion).

Funding: CLAVC

Civil Rights

Goal for Systemic Change

DLC will ensure that people with disabilities have full and equal access to all aspects of society, with a focus on combating discrimination and ensuring appropriate provision of reasonable accommodations and modifications, including communication access, in both public and private settings throughout the Commonwealth.

Our Work in 2023

- DLC will work to address (systemically and through a limited number of individual cases) issues where people with disabilities are systematically discriminated against or denied services or access to public or private entities because of their disabilities. This includes ensuring physical access, access to programs and services provided by state entities (including but not limited to the Department of Correction, Department of Mental Health, and Department of Developmental Services), communication access for individuals who are Deaf/Hard of Hearing engaging in programs and services provided by state entities, accessible medical and mental health care, accessible medical transportation, housing, appropriate employment practices, etc. **Funding: PAIR, PAAT, PAIMI, PAIDD, PATBI, GS**
- DLC will, as resources permit, take housing discrimination cases where individuals with disabilities and their families need reasonable accommodations or modifications so they can obtain or retain their housing. **Funding: GS, UW, PAIR, PAAT**

- DLC will work in collaboration with other disability organizations to ensure that residential, day and employment services for persons with developmental disabilities are operated in a manner consistent with the Americans with Disabilities Act and other federal directives, such as the CMS HCBS Guidelines. **Funding: PAIDD, GS**
- DLC will work towards expanding the Public Health Workforce within the disability networks by highlighting the impact of the workforce crisis on people with disabilities; advocating to help people move from congregate settings to independent situations and to prevent people from unnecessarily entering congregate settings due to the unavailability of community-based supports; strengthening provider and governmental oversight; and advocating for incentives to expand the community-based workforce. **Funding: PAHP**
- DLC will explore the current workforce crisis in continuous skilled nursing (CSN) and potential legal and policy solutions. **Funding: PAIDD**
- DLC will take cases where people with disabilities encounter voter registration barriers or barriers at polling locations. **Funding: PAVA, PAIR**
- DLC will continue its work with the REV UP Mass campaign and maintain the Revupma.org website to ensure access to voting continues to be a priority among disability and other advocacy groups, both regionally and nationally. **Funding: PAVA**

Coronavirus Disease 2019 (COVID-19) Response

Our Work in 2023

DLC will collaborate with disability and other organizations to help ensure vaccines are equally accessible to the disability population, including communities at the intersection of disability, immigration status, race/ethnicity, LGBTQIA+ status, etc. through:

- Educational resources and training about the importance of receiving a vaccine;
- Providing technical assistance to local health departments or other entities on vaccine accessibility.

Funding: PAC5

Health Care

Our Goal for Systemic Change

All people with disabilities have access to the health care services and long term supports and services they need including the accommodations they may need to access those services.

Our Work in 2023

- DLC will evaluate cases of individuals on Mass Health to assess the need for medically necessary durable medical equipment, including wheelchairs, and determine the level of legal advocacy required. **Funding: PAIR, GS, PAAT, PABSS**
- DLC will collaborate with other disability organizations to systemically address existing barriers that prevent or delay wheelchair repairs and how to eliminate those barriers. **Funding: PAIR, GS, PAAT**
- DLC will evaluate cases of individuals who are Deaf or Hard of Hearing who are denied access to effective communication in health care settings for systemic litigation. **Funding: PAIR, GS**
- DLC, in collaboration with other disability organizations, will systemically address issues that become barriers to receiving health care services by providers accepting MassHealth funding (including

addressing issues with accessible exam/diagnostic equipment and the MassHealth PT1 transportation services). **Funding: GS**

Human Rights

Goal for Systemic Change

People with disabilities know their rights and have the means necessary to effectively communicate with others when their rights are being violated or threatened and be protected from human rights violations in congregate settings.

Our Work in 2023

- DLC will accept cases involving complaints of abuse and neglect, serious and systemic violations of human rights of individuals with disabilities where they live or receive services. **Funding: PAIDD, PAIMI, PAIR, PAAT, PATBI**
- DLC will systemically address issues where there is a cross-agency, system-wide failure to provide dually diagnosed individuals with appropriate, comprehensive, and effective supports and services. **Funding: PAIDD, PAIMI, PATBI**
- DLC will systemically address issues where there is system-wide failure to provide individuals with disabilities access to AT/AAC devices that allow individuals to communicate. **Funding: PAIDD, PAIR, PAAT**
- DLC will work in collaboration with self-advocates and disability organizations to join a growing number of states with legislative recognition of supported decision-making as an alternative to guardianship. **Funding: PAIDD, GS**

***Funding Explanations**

A majority of DLC's funding is obtained through grants and contracts from the federal government. Approximately 20% of DLC's funding is derived from grants and contracts from the Massachusetts Legal Assistance Corporation (MLAC). DLC also receives funding from the United Way of the Massachusetts Bay and Merrimack Valley, and holds fundraising events and campaigns to supplement its grants and contracts. Below is a listing of the funding DLC uses to operate its programs:

U.S. Health & Human Services

Protection and Advocacy for Individuals with Intellectual and Developmental Disabilities (PAIDD)

Protection and Advocacy for Individuals with Mental Illness (PAIMI)

Protection and Advocacy for Traumatic Brain Injury (PATBI)

Protection and Advocacy Vote Act (PAVA)

Protection and Advocacy for Assistive Technologies (PAAT)

Protection and Advocacy for Expanding Disability Network Access to COVID-19 Vaccines (PAC5)

Protection and Advocacy for Expanding the Public Health Workforce (PAPH)

U.S. Department of Education

Protection and Advocacy for Individual Rights (PAIR)

Social Security Administration

Protection and Advocacy for Beneficiaries of Social Security (PABSS)

Protection and Advocacy for Beneficiaries with Representative Payees (PABRP)

Massachusetts Legal Assistance Corporation (MLAC)

General Support Program (MLAC GS)

Disability Benefits Project (DBP)

Civil Legal Aid for Victims of Crimes (CLAVC)

United Way of Massachusetts Bay and Merrimack Valley (UW)

A full explanation of each of the funding sources can be found at: <https://www.dlc-ma.org/funding/>