

**Report to the Developmental Disabilities Council
From the Advocacy Center
July, 2010**

New Orleans Office to Move in Late July

The New Orleans office is packing up and moving. From late July until the new office space is ready, staff will work from home.

NO staff will be able to be contacted in the same way as usual - i.e. via email, phone, instant messaging.

Success Stories

G.B was placed under a limited interdiction in 1993 because of mental health issues. Her ability to make financial decisions was taken away and given to her sisters.

In 2009, when G.B. became eligible for a pension from the Jefferson Parish School District, it was discovered that letters of curatorship had never been issued back in 1993. Without these, the School District would not release G.B.'s pension either to her or her curator.

G.B. hired two separate private attorneys, both of whom "gave up" before resolving the issue.

In November, 2010 G.B. called the Advocacy Center. After meeting with G.B. her curator, and undercurator (both of whom were in support of revocation) AC Attorney Mark Perron, prepared pleadings, affidavits, and a legal memo written in support of the petition to revoke.

These were brought to the judge in Orleans Parish who inherited the file from the long retired judge who issued the original order. In spite of the fact that this was an unopposed motion to revoke the interdiction, the judge, who had never handled an interdiction before, wanted to "do it right". He said: "I need an affidavit from a doctor or psychologist, and I want to take testimony for the record from the curator and undercurator. "

Mark arranged for G.B. to have a five-part psychological evaluation. The result was a three page, detailed evaluation concluding: 1) G.B. is of sound mind and able to make her own decisions; 2) G.B. is able to make all decisions regarding finances and is capable of managing her own resources; 3) There is no longer a need for interdiction and G.B. should be released from under a judgment of interdiction.

The judge said he would set a hearing date once he had an evaluation in hand. When the evaluation was taken to court and the judge reviewed it, he immediately signed the order revoking the interdiction. No court hearing was necessary. G.B. is thrilled, can now get her pension and manage all of her financial affairs!

Marla Dorsey, CAP Advocate, just wrapped up a case with Mr. G who is blind and lives in St. Charles Parish. Mr. G had received a promotion at his job but was unable to perform all of the duties because of outdated assistive technology. Mr. G came to the Advocacy Center for assistance after Louisiana Rehabilitation Services (LRS) denied him the technology he needed to perform his job duties, making him dependant on fellow co-workers for some of his new responsibilities.

Marla first reviewed Mr. G's LRS case file to determine the reason for denial. She determined that the decision not to provide financial assistance to Mr. G was made by the LRS state office. Their position was that the employer should purchase the equipment. However, the employer was not able to afford such expensive equipment, and maintained that Mr. G was the right person to receive this promotion. Marla also spoke with the persons at the local level who were supportive of Mr. G's request. She researched state policy and federal regulations and prepared for a fair hearing. With a Fair Hearing looming, LRS state office took another look at his request, reconsidered and changed its position. They agreed to purchase the assistive technology (Braille embosser, Braille display and a reading device) so that Mr. G could retain and advance in his employment.

As a result of AC's representation Mr. G has been promoted and can now work and perform his new job duties independently. He told Ms. Dorsey that her assistance restored his confidence, self-worth and dignity as a respected employee and supervisor.

David Gallegos was able to get a sheltered employment agency in N. Louisiana to conduct a time & motion study, with the goal of reassessing his client's pay rate. In spite of the sheltered employment provider's resistance to conducting another evaluation, David persisted, with this wonderful outcome: The client was previously getting .87 cents per hour; he is now earning 4.43 per hour!

A student with a disability was expelled from a charter school, even though the parent and student insisted that the child did not commit the act that triggered the

expulsion. Although the student was entitled to due process protections under the IDEA, he was not afforded any of these protections; rather, the expulsion was administered through regular education procedures. The parent and student attended the expulsion hearing, lost, then appealed to the school board, losing again.

When the parent was advised that her next opportunity for appeal was in Federal Court, she contacted the Advocacy Center at 3 p.m. on a Friday afternoon. The deadline for appeal was midnight on that same Friday. While it was arguable that the midnight deadline should not apply, Ken Kolb did not want to take any chances; he stayed until very late on Friday night to get an expedited request for due process fax filed by midnight. He argued that the student should be returned to the charter school immediately, that the expulsion should be removed from the student's record, and that he should receive compensatory educational services for the weeks he had been sitting home without any educational services.

Ken was contacted on the following Monday morning by opposing counsel, a meeting was scheduled. At the meeting, the district agreed to all of Ken's demands, the student returned to school, the expulsion was expunged from his record, and he received compensatory services for all of the days that he missed as a result of the illegal expulsion.