

Advocacy Center
Quarterly Report to the DD Council
(September 28, 2016)

Update/progress on agency initiatives

1. Executive Director Lois Simpson Retires; Kim Jones Named Executive Director

After almost 40 years leading the Advocacy Center's efforts to protect, empower and advocate for people with disabilities, Lois Simpson will retire on September 30th. Kim Jones, an attorney from Washington, DC, will replace Ms. Simpson. Ms. Jones brings more than two decades of legal and non-profit experience to the Advocacy Center, most recently providing indigent defense for parents and caregivers on behalf of the Counsel for Child Abuse and Neglect in the Family Court Division of D.C. Superior Court.

As Executive Director of the Advocacy Center, Ms. Jones will build on AC's legacy of success while addressing the continued challenges facing Louisianans with disabilities and seniors, such as protecting young people with behavioral disabilities from being trapped in the school-to-prison pipeline; empowering clients to obtain services needed to enter or remain in the workforce; and advocating to increase access to in-home and community services to avoid institutionalization.

"The Advocacy Center of Louisiana is a phenomenal organization," Ms. Jones said. "I am humbled, yet excited by the opportunity to work with such a talented team of individuals committed to social justice and equity. I look forward to working with the constituents, including state and local officials, the community, the bench, and the bar to improve the lives of children, youth, families, and seniors in Louisiana."

2. Fetal Alcohol Conference

The Advocacy Center is sponsoring a free conference to address medical, social, emotional and legal issues related to fetal alcohol spectrum disorders on February 3rd at the LSU Human Development Center in New Orleans. The conference is open to the public and all are welcome to attend. For more information, call the Advocacy Center at 1-800-960-7705 or email advocacycenter@advocacyla.org.

3. Election 2016: Be Prepared

The November 8, 2016 election promises to be an exciting one for Louisiana voters. In addition to the presidential race, voters will choose among 24 candidates to replace Senator David Vitter and select their representative from numerous candidates for the US House. Voters will decide on 6 constitutional amendments and vote in local elections, too.

With only six weeks until the election, it's time to make sure that you are prepared to vote. Here are some things you can do to prepare:

Register to Vote

You must register by October 11th to be eligible to vote in the November 8th election. You can register in several ways:

- Online at <http://www.sos.la.gov/ElectionsAndVoting/Pages/OnlineVoterRegistration.aspx>,
- Via mail. Download a voter registration card to mail to the Registrar of Voters in your parish at <http://www.sos.la.gov/ElectionsAndVoting/PublishedDocuments/ApplicationToRegisterToVote.pdf>, or
- In person at the Registrar of Voters in your parish. Visit <https://voterportal.sos.la.gov/Registrar> to see the locations for the Registrar of Voters offices in each parish.

To be eligible to vote in Louisiana, you must:

- be a U.S. citizen;
- be 18 years old by the date of the election;
- not be under an order of imprisonment for conviction of a felony;
- not be under a judgment of full interdiction for mental incompetence or partial interdiction with suspension of voting rights; and
- reside in the state and parish in which you seek to register.

Make a Plan to Vote

You can vote in person during early voting, in person on Election Day or via mail. Early voting is available from October 25th to November 1 for the November 8th election. On Election Day (November 8th), polls will be open from 6:00 am to 8:00 pm.

Visit <https://voterportal.sos.la.gov/> to find the locations of early voting site in your parish and the location of your polling place. If you are planning to vote in person, consider any transportation barriers that you may face.

If you are planning to vote by mail, you can request your absentee by mail ballot now. To request a ballot by mail and learn more about the process of voting absentee by mail, visit <http://www.sos.la.gov/ElectionsAndVoting/Vote/VoteByMail/Pages/default.aspx>.

Seek Help if You Need It

If you encounter any problems or have questions about the election process, the Advocacy Center is here to help. Call 1-800-960-7705 or email at advocacycenter@advocacyla.org.

4. Learn About the Candidates for US Senate and House of Representatives

Disability groups across the state are partnering to conduct a survey of the candidates for US Senate and House. Responses will be posted on October 5th on the Advocacy Center's website, www.advocacyla.org so stay tuned for additional information.

5. Seeking PAIMI Council Members

The Advocacy Center is looking for three new members for its PAIMI (Protection and

Advocacy for Individuals with Mental Illness) Advisory Council. The Council helps set priorities for the Advocacy Center's PAIMI program, communicates with staff regarding issues for people with mental illness across the state, and works with Advocacy Center staff to improve the lives of individuals with mental illness.

Over the past few years, members of the PAIMI Advisory Council have hosted an event for patients at the state's largest psychiatric hospital, held meetings with state officials and Healthy Louisiana company leadership regarding the integration of behavioral health services into Medicaid managed care, recommend the AC investigate issues of arrests of children with disabilities in schools and connected with people with mental illness across the state.

Applicants must commit to contribute their thoughts and ideas at 3-4 in-person meetings scheduled throughout the year, attend interim meetings via telephone and assist with projects as determined by the group. Meetings are held across the state. The Advocacy Center will assist with transportation and travel expenses for meetings and other Council duties.

For more information on the PAIMI Council or to apply for membership, visit <http://advocacyla.org/get-involved/paimi-council> or call Stephanie Patrick at 1-800-960-7705, extension 143.

6. Lawsuit Regarding Access to Interpreter Services for Parolees and Probationers

On August 16, 2016, the Advocacy Center of Louisiana, Proskauer Rose LLP, and the Washington Lawyers' Committee for Civil Rights and Urban Affairs filed a class action lawsuit on behalf of a class of probationers and parolees who are deaf or hard of hearing against the Louisiana Department of Public Safety and Corrections ("LDPSC") and its Secretary, James LeBlanc, alleging violations of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

The LDPSC routinely denies qualified interpreters and other effective auxiliary aids to probationers and parolees who are deaf or hard of hearing during required meetings and classes with probation and parole officers. Instead, the LDPSC frequently, and unlawfully, relies on prisoners and family members to try to interpret for them, requires them to try to communicate verbally or in writing, and, even has insisted that they pay for their own interpreters.

The three men named in the lawsuit are deaf or have very limited hearing. All use American Sign Language as their primary language and have difficulty understanding spoken or written English. The men repeatedly told their parole officers that they could not understand and requested interpreters for meetings and classes, but the LDPSC failed to provide them with effective assistance.

In the lawsuit, the plaintiffs are requesting that the LDPSC provide interpreters and otherwise ensure that deaf and hard of hearing probationers and parolees are able to communicate effectively; that it train parole and probation officers about issues that impact these individuals; and that it retain an independent monitor to measure compliance.

A copy of the lawsuit is available to download at <http://www.advocacyla.org/media/blog/Documents/LDPSC-Complaint-2016.08.16.pdf>.

7. Success stories

Home Sweet Home

The Advocacy Center helped a man who was found not guilty by reason of insanity (NGRI) for a minor crime when he was 19 and was committed to the state mental health hospital, where he remained for almost 20 years. While at the hospital, he recovered from his mental illness and, for years, all of his psychiatrists recommended to the court that he be released. However, that never happened.

The facts of client's case were nearly identical to the facts in *Foucha v. Louisiana*, a 1992 U.S. Supreme Court case which also concerned an NGRI acquittee. In that case, the Court ordered Mr. Foucha released from the state psychiatric hospital because an NGRI acquittee may only be committed to a mental health hospital as long as he is *both* mentally ill *and* dangerous.

The AC attorney filed a petition for a writ of habeas corpus on client's behalf and represented him at the hearing. At the close of evidence, the court agreed that client was being held at the hospital in violation of *Foucha* and released him that day. After over a decade in the hospital, the client could finally see his mom and spend the night in his own bed.

New Opportunities

J.L., a young woman with an intellectual disability, was referred to AC for help in 2014. At the time, she lived with relatives, but wanted to live independently in her own apartment with waiver supports. J. L.'s family vehemently opposed her move and subjected her to verbal and physical abuse.

AC staff got right to work, helping J.L. to secure a new apartment, set up the supports she needed and move out. Her family continued to oppose the move. When they filed a petition to interdict J.L., the AC attorney prepared her defense.

During the time period leading up to the trial, J. L. thrived in supported independent living with her roommate. She had a part-time job, received counseling and had an active social life. Her support staff helped her to build her self-esteem and empowered her to speak up for herself.

These skills paid off at trial, where J.L. eloquently testified to the judge regarding her daily life, decision-making, and strong desire to continue living independently. Without even having to hear J.L.'s defense, the judge agreed that the Plaintiff had not met his burden of proving by clear and convincing evidence that T.D. could not "consistently make reasoned decisions" and dismissed the case.

In stating the reasons for his decision, the judge said "it is one of the founding principles of our country that all people have the right to life, liberty and the pursuit of happiness." He

continued, describing J.L.: "What I see before me is a happy, healthy young woman who can make her own decisions."