



## **Disability Rights Louisiana Report to the Louisiana Developmental Disabilities Council for April 2024**

### **Program Updates**

DRLA's Client Assistance Program (CAP) helps people with disabilities who are receiving or applying for services from Louisiana Rehabilitation Services (LRS) and American Indian Rehabilitation Services (AIRS) to understand all their benefits and rights under the Rehabilitation Act of 1973. CAP may assist consumers and applicants in pursuing legal, administrative or other appropriate avenues to protect their rights. The CAP program is currently assisting 27 people with obtaining appropriate and necessary services from LRS, including assistance in accessing licensing exams, obtaining computers, linking to job training problems, accessing college, and getting adaptive work equipment.

In DRLA's Community Living Ombudsmen Program (CLOP), trained advocates, who are known as ombudsmen, advocate for the people with developmental disabilities who live in state-licensed, privately-run group homes (ICFs/DD) across the state to ensure their rights are protected and they are free from abuse or neglect. In January 2024, CLOP Ombudsmen visited 144 ICF/DD facilities across the state. During this time period, DRLA's Community Living Ombudsmen received 83 requests for assistance, and took action on all of the 83 requests. As a result of these actions, ICF/DD residents: received opportunities to visit with family; no longer had a staff person in the home who was physically and verbally abusive; received updates on their Waiver status; received information on their rights; received desired transfer to another facility; received improved personal care; received improvements to the physical environment; and had bed bugs removed from their environment.

Between October of 2023 and December of 2023, DRLA's Work Incentives Planning and Assistance Program's (WIPA) three Community Work Incentives Coordinators (CWICs) received 96 referrals for assistance. During the quarter, 37 beneficiaries entered into initial individualized services, 44 beneficiaries completed initial individualized services, and 53 established WIPA program clients recontacted their CWIC with new issues to be addressed. The WIPA program serves people who are already working, or who are about to start work. It helps beneficiaries by providing information about the availability of work supports. It also provides accurate and individualized information about the effect of work on benefits and health insurance. WIPA's CWICs verify a person's benefits to make sure



they give information about the right programs, and they provide in-depth counseling about benefits and discuss the effect of work on those benefits.

DRLA's Supported Independent Living Advocacy Program (SILAP) serves individuals with developmental disabilities who are receiving OCDD waiver services and supports in order to live in their homes in the community. SILAP provides free services to persons residing in supported independent living environments in the State of Louisiana Human Services Districts I, II, and X, which encompass the greater New Orleans and Baton Rouge areas. The SILAP program is currently assisting 29 people with obtaining and maintaining appropriate and necessary supports so that they can remain in the community on their waivers.

DRLA's Representative Payee Program strengthens protections for social security beneficiaries. The program provides oversight to representative payees regarding their services to beneficiaries, as well as giving them support to better understand their role and responsibilities. The Rep Payee program has a target number of 50 cases for its current grant year. As of 2/17, Representative Payee staff had finished 66% (33) of the target number of cases. Additionally, they have another 21 in progress, and anticipate exceeding their target number during the current grant year.

### **Legal Work**

DRLA's legal department continues its day-to-day work of advising callers with disabilities about their rights under applicable law in areas such as waiver benefits, discrimination in housing and employment, education, and interdictions/supported decision making. We continue to experience a high number of callers seeking our services. Each of these contacts received a referral, self-advocacy information, or were referred to a DRLA attorney for further consultation and potentially full representation.

### **Litigation Highlights from the Last Few Months**

Protection and Advocacy for Individuals with Developmental Disabilities (PADD) and interdiction: DRLA has been involved in a few different interdiction cases. (1) A woman had suffered a stroke a number of years ago which left her needing to relearn to walk. Today, she has recovered to the point that her doctors supported her request to have her interdiction terminated. Her curator did not



oppose the motion to terminate her interdiction. At the end of January, all her rights were officially restored. (2) A young woman that DRLA has been working with for years is seeking to limit her interdiction to regain some control over her life decisions. A hearing was scheduled for the beginning of April at which the Court agreed to modify her interdiction from full to limited over her finances only. She is now responsible for making her own decisions about where she lives and medical needs. (3) A young man is fighting a petition for interdiction filed by his mother. The young man is in no way a candidate for interdiction: he has gainful employment, is interested in attending college, and moved out of his parental home with his girlfriend where they manage their finances. DRLA is co-counseling with the court appointed attorney to defend against an interdiction. At a preliminary hearing, the Judge ruled in favor of the young man that the petition did not comply with the rules and ordered the other side to amend it. It was a small victory because the Court is following the letter of the law and holding the mother to the heightened standard in an interdiction case.

Special Education: DRLA continues to manage a large caseload of special education cases, particularly issues of children facing expulsion for behaviors related to their disabilities or children not receiving necessary services to ensure they receive FAPE. DRLA staff have achieved some positive results including findings that a behavior was related to a disability and therefore a student should not be expelled; obtaining needed services in school so a child could receive FAPE; and attending an IEP with the parents to ensure the school included all the services the child needs.

Investigations: (1) Our investigation of a juvenile facility is ongoing. We are currently waiting on a response to our request for records and will need to schedule another visit to the facility to collect our records. (2) DRLA has been conducting monthly monitoring visits at ELMHS again. These visits have been productive, and have renewed our presence at the facility, which was temporarily impeded by the pandemic. We are addressing issues as they arise there and are tracking the issues reported to us so we can identify any trends.