

**DISABILITIES LAW PROGRAM  
DEVELOPMENTAL DISABILITIES PRIORITIES  
AND CASE ACCEPTANCE STANDARDS FOR FY 2018**

**INTRODUCTION**

The Disabilities Law Program ("DLP") of Community Legal Aid Society, Inc. ("CLASI") provides services to individuals consistent with the Developmental Disabilities Act (codified at 42 U.S.C. 15001 *et seq.*) and its implementing regulations ( 80 Fed Reg. 44796 (July 27, 2015)]. This document identifies the goals, priorities, and case acceptance standards of the DLP's Protection and Advocacy for individuals with Developmental Disabilities (PADD) advocacy program.

Eligibility for DD services is limited to persons who meet the federal definition of developmental disability, or those acting on behalf of persons with developmental disabilities. Information and referral services, which do not require assessment for eligibility as a DD client, are also provided.

**I. GOVERNMENT BENEFITS & SERVICES**

GOAL: Effective and non-discriminatory access to publicly funded or regulated health, financial, transportation, family support, and vocational benefits and services will be assured.

PRIORITIES

- 0100 A. Protect rights through individual advocacy in at least sixty (60) select cases involving barriers to access to publicly funded or regulated health, financial, transportation, family support, and vocational benefits and services.
  
- 0101 B. Consistent with state council request, prepare or revise at least two (2) bills affecting publicly funded or regulated health, financial, transportation, family support, and vocational benefits and services, including legislation amending State "mental incapacity" termination of parental rights law to conform to joint federal HHS/DOJ guidance issued in August, 2015 and legislation promoting accessible parking.

- 0102 C. Prepare written analyses of all proposed State legislation, regulations, and policies with significant impact on publicly funded or regulated health, financial, transportation, family support, and vocational benefits and services referred by state councils resulting in a minimum of forty (40) improvements or amendments, including pending initiatives affecting infants born with substance-abuse profiles and adults with terminal illnesses (H.B. Nos. 140 and 160).
- 0103 D. Provide advocacy and educational assistance resulting in successful, client-oriented implementation of a new Division of Developmental Disabilities Services (DDDS) Lifespan Medicaid Waiver offering a wide array of supports effective July 1, 2017.

## **II. PUBLIC ACCOMMODATIONS**

GOAL: Effective and non-discriminatory access to places of public accommodation will be assured.

### PRIORITIES

- 0200 A. Protect rights through individual advocacy in at least ten (10) select cases to individuals prevented from accessing important public accommodations because of discriminatory policies or barriers proscribed by federal or state law.
- 0201 B. Prepare written analyses of all proposed State legislation, regulations, and policies with significant impact on access to public accommodations referred by state councils resulting in a minimum of five (5) improvements or amendments.

## **III. EDUCATION**

GOAL: Students will be provided non-discriminatory, high-quality, individualized educational programs resulting in attainment of objectively favorable outcomes commensurate with their potential.

### PRIORITIES

- 0300 A. Protect rights through individual advocacy in at least fifteen (15) select cases when systemic issues are presented, there is actual or proposed expulsion or long-term suspension without alternative education, lack of services poses a significant threat to health or safety, or there is actual or proposed total exclusion from needed direct or related services.
- 0301 B. In concert with State councils, deter pending State systemic initiatives which would discourage and suppress the availability of legal assistance and

administrative remedies for special education students.

- 0302 C. Prepare written analyses of all proposed State legislation, regulations, and policies with significant impact on special education referred by state councils resulting in a minimum of twenty-five (25) improvements or amendments.

#### **IV. RESIDENTIAL SETTINGS & HOUSING**

GOAL: Safe, non-discriminatory, and integrated residential settings with desired support services will be readily available.

##### PRIORITIES

- 0400 A. Protect rights through individual advocacy in at least ten (10) select cases involving residential settings, including enforcement of laws promoting fair housing and integrated housing, diversion from restrictive settings, access to support services, and freedom from abuse/neglect.
- 0401 B. Protect rights of DDDS residential clients through participation in Human Rights and Mortality Review Committees resulting in review and selected revision of at least two hundred and fifty (250) individual plans, practices, or policies.
- 0402 C. Provide technical assistance and advocacy promoting full implementation of Delaware's Medicaid HCBS Statewide Transition Plan (covering period 3/15 to 3/19) resulting in significantly enhanced integration in residential and related settings.
- 0403 D. Prepare written analyses of all proposed State legislation, regulations, and policies with significant impact on the availability, integration, linked support services, and safety of residential settings referred by state councils resulting in a minimum of ten (10) improvements or amendments, including a pending legislative package (H.B. Nos. 195, 196, 208, and 225) affecting health care in residential long-term care settings.

#### **GENERAL STANDARDS AFFECTING LEVEL AND TYPE OF SERVICES OFFERED**

Recognizing that the demand for assistance has historically outstripped available resources, the following factors will be considered in determining the level and type of services which will be offered to a group or individual:

- (1) potential impact on client;
- (2) merits of case (both factually and legally);
- (3) realistic alternate sources for referral and assistance [e.g. State agencies; other

advocacy groups; Delaware Volunteer Legal Services (“DVLS”); private bar];

(4) applicant’s ability to self-advocate; and

(5) potential impact on other constituents or systems.

All five of the above factors should be considered for each case being evaluated for services.