

DISABILITY RIGHTS NEW YORK

2022-2023

OVERVIEW OF ACHIEVEMENTS

DRNY closed 1,898 individual cases with 2,296 people benefiting from our services. DRNY also closed 6 impact cases which benefited 911,130 people. The primary population DRNY serves is people with disabilities residing in New York State or receiving services funded by New York State. As a result of our advocacy people with disabilities recouped, saved, or received \$33,390.40 in direct dollar benefit and \$656,238.18 in lump sum dollar savings, with an additional \$171,920.86 in monthly dollar savings. This figure includes the cost of direct services, assistive and medical devices, and cash awards. Furthermore, DRNY’s advocacy increased access to justice for people with disabilities across New York State by challenging unnecessary institutionalization, combatting housing discrimination and expanding access to education, voting, community integration, assistive technology and autonomy in decision-making.

Examples of these efforts include:

- New York’s vocational rehabilitation agency has been refusing to fund vehicle modifications based upon an outdated and illegal policy. As a result of our advocacy, the VR agency reversed its denial for four individuals seeking this needed modification. Our clients received vehicle modifications total \$144,904. Our clients can now independently get to and from their jobs and medical appointments.
- We continue to challenge the use of an archaic and discriminatory guardianship statute used to terminate the rights of people with intellectual and developmental disabilities. We successfully restored the rights of six individuals subject to guardianship. One client had been living under guardianship for over a decade even though her guardian was largely uninvolved in her life. Another client wanted to end her guardianship so she could finally move out of her guardian’s home and into a home with her husband of three years.



Population Served: Persons with Disabilities

Total Funding: \$8,638,296

Total IOLA Grant: \$47,772

Staffing Full Time Equivalents:

- Total Staff: 57
- Paralegals: 19
- Lawyers: 26
- Other: 12

A third client had been living independently since 2018 when his guardian passed away, nevertheless, he remained under a restrictive guardianship. When we were successful in restoring his rights, his cry of relief resulted in even the presiding judge showing emotion.

Benefits:

People with disabilities are often unnecessarily institutionalized at greater cost to tax payers. We continue to work to improve access to community based services for our clients thereby reducing the cost to tax payers. The cost of institutional care far exceeds the cost of services in the community. Tax payers save an average cost of \$7,400 per person per month for those discharged from nursing facilities, and an average savings of \$19,000 per person per month for those discharged from psychiatric hospitalization or intermediate care facilities to community based services. We obtained community residential services for five people with intellectual and developmental disabilities who had been languishing in hospitals, nursing homes, psychiatric hospitals, and intermediate care institutions. Even though they had been found eligible for community placement and services, they each had been waiting from six months to six years, with no end in sight. As a result of our advocacy, five individuals were offered a placement in their community. We estimate the monthly cost savings to tax payers to be \$83,400.

DIRECT LEGAL SERVICES: CASES

Income Maintenance:

While our client was in a skilled nursing facility her sister was stealing her benefits and trying to remove her belongings from her apartment. Prior to her stay at the facility, our client lived independently in her apartment with round the clock healthcare, including day programming that she enjoyed. During her short stay at the facility, her sister, who was her power of attorney, lied to the hospital, nursing facility, and her representative payee in order to steal her SNAP benefits card and SSDI checks. Her sister had also started clearing out her belongings in her apartment so she could not return home and be forced to remain institutionalized. We assisted our client to revoke her sister's power of attorney, report the financial abuse to her representative payee, and to contact her apartment manager to prevent her sister's access to her apartment. We also ensured that our client was able to return home. Our client is now relieved that her sister no longer controls her finances and other critical aspects of her life.

Other (Civil Rights):

Our client was languishing in a county jail because of systemic failures in the State’s processes for adjudicating criminal cases for individuals who lack capacity to stand trial. Despite having no ability to care for himself or communicate effectively, he was living in a jail that was completely unable to provide appropriate care and treatment.

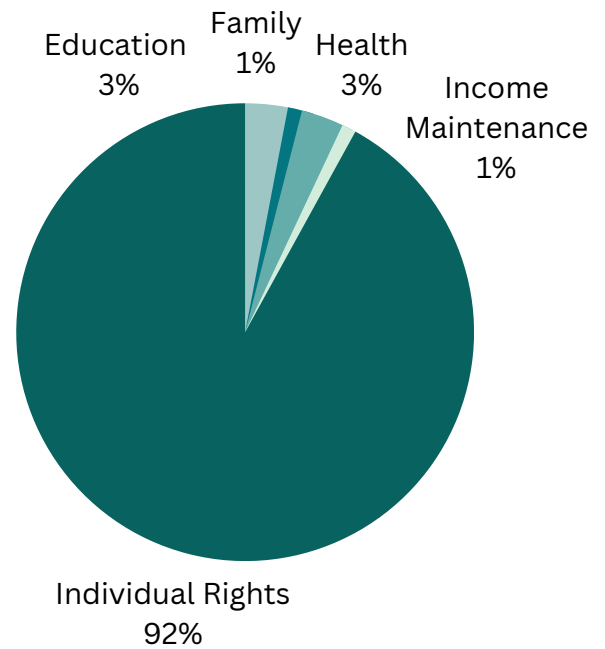
As a result, he was kept chemically restrained. The court ordered that the Office for People with Developmental Disabilities (OPWDD) remove him from jail and provide him with care and treatment that would be able to meet his needs. Despite the court order and our vigorous advocacy, OPWDD refused to transfer him from jail, claiming shortages of staff and placements.

We promptly filed a lawsuit in State Supreme Court alleging that OPWDD’s failure to transfer our client from jail to a less restrictive setting violated the Americans with Disabilities Act, the Due Process clause of the United States Constitution, and other state and federal laws.

We were granted an emergency hearing and the Supreme Court judge ordered OPWDD to provide an appropriate setting where our client could receive care and treatment within 72 hours.

Within three days, our client was transferred from jail to an appropriate and less restrictive setting.

2,296 people benefitted from 1,898 legal cases closed



Cases by Legal Problem Area

OTHER SERVICES: OVERVIEW

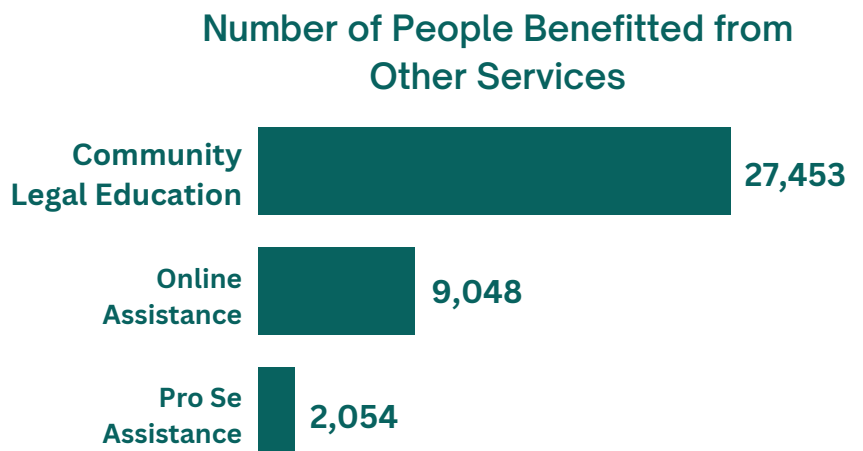
DRNY ensures that individuals with disabilities and the people who serve them are aware of the availability of federal, state, and local services through the use of remote monitoring and through training. DRNY provides information about the rights of individuals including: employment services, voting access, community integration in and outside institutions, health care choice, and self-determination. During this reporting period, DRNY hosted virtual and in-person roundtable events and regularly provided rights trainings to individuals with disabilities, families, and providers throughout New York. The total number of people served in other legal related services is 27,453.

Know Your Voting Rights Training: We conducted 31 voting-related outreach Know Your Rights events, trainings, and roundtables. These events educated the public about their voting rights and assisted the community to register to vote. We trained, directly assisted, and provided technical assistance to 2,996 New York voters through these events.

Special Education: DRNY continued our outreach and educational efforts targeting special education and a student’s rights. DRNY distributed tools previously created to students, parents and advocates in English, Spanish and Simplified Chinese. We offered over 30 trainings and a statewide full-day conference on special education law topics, reaching over 1,000 parents, students, school personnel, and service providers.

Alternatives to Guardianship: We continued our efforts to educate our community on the impact of guardianship and lesser restrictive alternatives. We held several events, including hosting an expert panel, training to members of Chinese-Speaking communities, and training judges and lawyers, to expose the impact of guardianship on people with disabilities and the need to reform our guardianship laws. As a result over 700 people were served.

38,555 People Benefitted from Services Other Than Direct Legal Services



OTHER SERVICES: TECHNOLOGY

During this reporting period DRNY continued to address end of life technology and equipment. DRNY worked with our contractor, CNS, to evaluate all current equipment and to replace older or end of life systems such as desktops, laptops, servers and printers/copiers.

DRNY has a strong investment in technological infrastructure which has helped DRNY to continue to serve our clients with staff working remotely. DRNY supplies the equipment and technology necessary to allow all staff to work remotely. We have adapted and expanded procedures and systems to improve our use of technology and our communication capabilities. This includes developing resources and training to ensure that staff are capable of using these technological platforms and supplying new equipment to address the need of a remote working staff.

OTHER SERVICES: TRAININGS

We send staff to national and state training events, we conduct in-house trainings, state bar association trainings, and webinars through our video conferencing platform. All new staff and board members are required to attend the National Disability Rights Network (NDRN) annual conference. DRNY also sends other staff as funding permits. This is a week-long training that targets the work of the Protection and Advocacy system in each state and territory. This year all staff were eligible to attend the conference which was held virtually.

DRNY creates skills development programming for our staff. Lawyers and non-lawyers attend our in-house programs that include the following sessions: Storytelling and Chaptering and Legal Writing. Staff are also registered for and regularly attend no-cost CLE programming offered by the Practicing Law Institute (www.pli.org). Lunch-and-Learn sessions are a core feature of DRNY's in-house educational programs. These sessions included: Understanding Guardianship, Housing Works, Disability Awareness and Sensitivity, Identifying Your Client, and Hypermobility Disabilities. Staff may attend these trainings in-person or by video conferencing. Trainings are recorded and shown to new staff during on-boarding.

DRNY holds two annual events with mandatory staff training. This reporting period we held our events virtually. The multiple day event focuses on training to support staff and promote increased collaboration within the organization.

IMPACT CASES

DRNY prioritizes individual and group advocacy that seeks systemic resolution to barriers faced by people with disabilities in NYS. Therefore, the vast majority of DRNY's efforts include impact cases and matters seeking systems change on behalf of the people we serve.

Rossman, et al v. Dollar General, et al:

DRNY brought a lawsuit on behalf of individuals who were repeatedly unable to navigate through their local Dollar General stores because of mobility disabilities.

MILESTONE: In May 2021, a federal court approved a comprehensive settlement agreement that requires Dollar General Stores to ensure accessibility of its stores nationwide. With our co-counsel, we surveyed over 125 stores in 19 states. After documenting compliance problems, we met with Dollar General who committed to compliance. We continue monitor across the country.

Hernandez et al v. NYSBOE et al:

We brought a class action lawsuit against the New York State Board of Elections (NYSBOE) to challenge its inaccessible absentee ballot program.

MILESTONE: We obtained a settlement agreement under which the NYSBOE will create a statewide process to allow voters with disabilities to fill out a remote, accessible vote-by-mail ballot. On July 8, 2022, we filed a motion for breach of the settlement agreement because the agreed-upon remote accessible vote-by-mail (RAVBM) system was not in place. As a result, the NYSBOE implemented the RAVBM system ahead of the November 8, 2022 General Election. This effort benefited 2,800 voters.

913,936
Beneficiaries
were affected
by **20** Impact
Cases

Impact Cases:

- *Rossman, et. al v. Dollar General, et. al.*
- *Tobias v. ArchCare et al*
- *O'Toole et al. v. Cuomo*
- *DRNY v. New York State et. al.*
- *LoGerfo v. City of New York et.al.*
- *Johnson et al v. DOCCS*
- *Lugo v. The City of Troy*
- *M.G. v. Cuomo*
- *Walker v. City of New York*
- *Hernandez et al v. NYSBOE*
- *C.K, C.W et al v. Bassett et al*
- *DRNY, Leon v. NYC*
- *A.H. et al v. NYS DOH/OPWDD*

PRO BONO VOLUNTEERS

DRNY actively recruits law students and other volunteers. DRNY has established a presence among law schools within and outside of New York State for recruiting talent. DRNY had 19 law students in our internship program, including four pro bono scholar students.

DRNY also hosts volunteer students. This reporting period we had 3 volunteers assisting our advocacy department and 4 assisting our Marketing and Communication Department. DRNY’s Marketing and Communication Department creates outreach materials, manages our resources on-line, and provides resources to the people we serve through our social media platforms.

DRNY also works with volunteer attorneys. Our Attorney Emeritus volunteer devoted over 471 hours updating the New York Special Education Case Law Digest. The Digest provides summaries of cases on well over 100 special education issues. Since parents of students with disabilities are the primary enforcers of educational rights for students, there was a great need for a free resource dedicated to special education advocacy.



1 Attorney volunteered 472 hours

19 Law Students volunteered 5,243 hours

7 Other Volunteers volunteered 915 hours

Each  icon is equal to 2.7 volunteers.

Attorneys are represented through the Green Figure.

Law Students and Other Volunteers are represented through the Grey Figure.

SIGNIFICANT COLLABORATIONS

In order for DRNY to facilitate lasting systemic change in areas that adversely impact on people with disabilities, DRNY must successfully promote its mission and its unique role as New York State's P&A. DRNY connects and collaborates with community partners and leaders who promote the rights of people with disabilities.

NYSBA Task Force on Mental Health and Trauma Informed Representation:

Beginning in August 2022, the 28 appointed members of the Task Force convened regularly to explore, study, and evaluate the intersection between the mental health crisis and our civil and criminal justice systems. DRNY had two staff serving on the Task Force, with one serving as the chair of a subcommittee. The Task Force produced a 126 page report with recommendations to NYSBA.

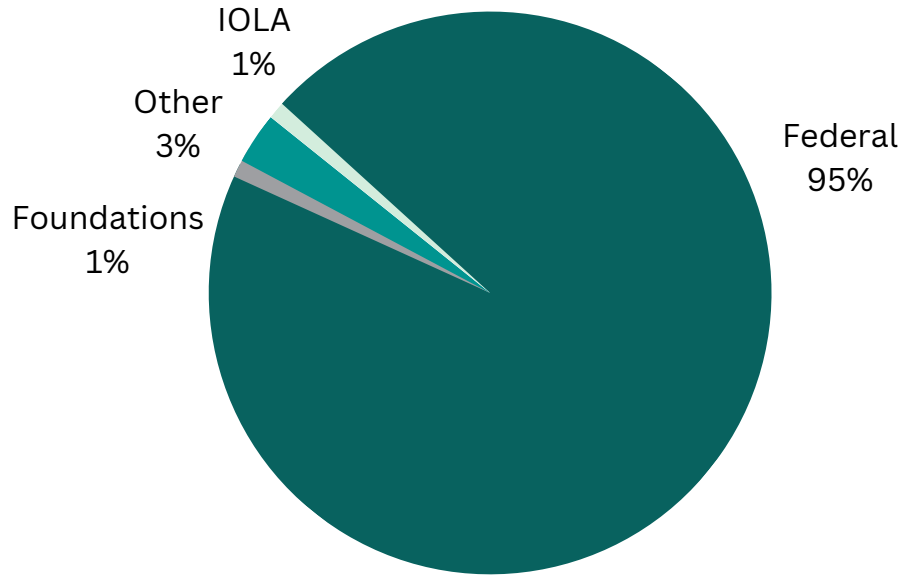
Emergency Preparedness: We partnered with national experts to address the failure of federal, state and local emergency preparedness management to engage people with disabilities in planning processes. We developed a week-long event entitled "Nothing About Us Without Us: Emergency Preparedness" that was held in May 2023. Our partners, the majority of whom identify as people with disabilities, will present their findings and future objectives to attendees from around the country, and DRNY will use their information to create a public report for the education of policymakers and the public at large.

Supported Decision Making: DRNY has been collaborating with the City University of New York Hunter College since 2016 on Supported Decision Making (SDM). We continue to pursue restoration of the rights of people placed under guardianship. This reporting period we have a 100% success rate in restoring the rights of clients who use SDM.

Voter Access: DRNY collaborated with Let NY Vote, a nonpartisan, state coalition working to make sure voting is more accessible and equitable for every eligible New Yorker. Through the coalition, we ensured that 26,000 people are better able to participate fully in the electoral process.

SOURCES OF FUNDING

Disability Rights New York received **\$8,638,296** in total funding this past year



Federal Funding	\$8,333,370
Other Funding	\$194,881
Foundations	\$56,690
IOLA Grant	\$47,772
Fundraising	\$5,583
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Total	\$8,638,296