

23. MPAS

Federal Mandate (P & A Nat'l)

Local Support (P & A MI)

Access Authority

MPAS - 61 FR 51158 – Additional Access Rights

When Will MPAS Represent Me?

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Mission and Guiding Principles

The mission of Michigan Protection & Advocacy Service, Inc. (MPAS) is to advocate and protect the legal rights of people with disabilities.

We work to fulfill our mission by (1) working toward systemic changes that advance the rights of all people with disabilities and (2) advocating for individual rights when a case meets our board adopted priorities and case selection criteria.

Due to limited resources, it is not possible for MPAS to provide legal services or direct representation to everyone who calls for assistance, however, MPAS provides several different levels of support and assistance.

MPAS believes that, as a person with a disability, you are your own best advocate when armed with accurate information and advice. Therefore, when appropriate, MPAS will provide you with information, training, advice, and written materials that can assist you in speaking for yourself.

MPAS' systemic advocacy work is designed to protect and advance your rights as a person with disabilities so that:

- ◆ You are legally protected from abuse, neglect, and exploitation.
- ◆ You can choose where and with whom you live and can determine for yourself what supports you need.
- ◆ You have equal employment opportunities.
- ◆ Communities are accessible and inclusive.
- ◆ All children with disabilities are provided a quality education with all supports and accommodations needed to develop marketable skills.
- ◆ You have equal access to affordable, quality health care.
- ◆ You and all other individuals with disabilities fully enjoy the rights, benefits, and privileges the law guarantees you.

MPAS Services Provided

Anyone may call the MPAS Information and Referral Service when they have a rights or advocacy question related to their disability. When appropriate, MPAS will provide information, referrals, or short-term technical assistance.

You may be referred for MPAS direct advocacy and/or legal representation if you are eligible and if your disability issue falls into one of the agency priorities listed on the following pages. ***MPAS is not, however, able to take every case for direct representation.*** MPAS reserves the right to select cases that:

- ◆ are in accordance with the MPAS mission
- ◆ have sound legal merit
- ◆ have the potential for effecting broad policy or systemic change and
- ◆ are consistent with legal ethical standards.

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Fiscal Year - 2012 – 2014

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MPAS will not be able to take your case if you have other advocacy assistance, if you have other legal counsel, or you have the right to appointed counsel.

We periodically redefine the priority issues that allow us to directly represent you after gaining input from consumers, advocates, and family members. Reviews of disability research, local and national trends, and data analysis also help us determine our priority issues.

Priority Issues Considered for Direct Representation

Priority #1 - Eliminate abuse/neglect

Objectives:

1. Individuals will not be subjected to restraint or seclusion.
2. Individuals will not have staff working with them who have abused or neglected someone.
3. Individuals with disabilities will not be subjected to abuse or neglect.

Types of possible cases:

- ◆ Investigations into allegations of abuse/neglect including all deaths involving a person with a disability in school, nursing homes, child caring institutions, juvenile detention and jails.
- ◆ Investigation and representation into complaints of inappropriate or excessive use of restraint or seclusion.
- ◆ Investigation and representation into complaints of bullying directly linked to disability, resulting in injury (physical or emotional).

Priority #2 - Improve the rights protection systems

Objectives:

1. Individuals will not be deprived of their rights as a result of guardianship.
2. Individuals will have access to independent and effective rights protection systems.

Types of possible cases:

- ◆ Calls from an individual who wants to challenge their guardianship order due to abuse/neglect, financial exploitation, or forced treatment.
- ◆ Calls alleging a violation of a right identified in Chapter 7 of the Michigan Mental Health Code, the Public Health Code, licensing rules, etc.
- ◆ Calls regarding a client who has filed a complaint with the Office of Recipient Rights and is:
 - Dissatisfied with how the complaint was handled
 - Dissatisfied with the outcome of the investigation or
 - Informed that the office would “intervene” (instead of investigate) on their behalf.

Priority #3 - Eliminate employment barriers and enforce rights

Objectives:

1. Improve access and rights to services within vocational rehabilitation and centers for independent living.
2. Individuals will assert their employment rights under the ADA and/or Section 504, as well as other employment laws.

Types of possible cases:

- ◆ Individuals who have been denied services through Michigan Rehabilitation Services, Bureau of Services for Blind Persons, and Centers for Independent Living.
- ◆ Calls from individuals in sheltered employment settings or community based employment who are not compensated fairly, as required by law.
- ◆ ADA eligible individuals who are unable to request an accommodation or file a complaint on their own.

Priority #4 - Improve access to necessary services**Objectives:**

1. Individuals will have access to services that support them in their community and prevent institutionalizations.
2. Governmental entities and providers of critical services will be accessible and provide needed accommodations.
3. Individuals will have access to services that support them in institutional/facility settings in order to promote discharge and community inclusion.

Types of possible cases:

- ◆ Calls regarding a denial or termination of a public service (e.g. Community Mental Health, Human Services).
- ◆ Denial or need of an accommodation in order to remain in current home/setting.
- ◆ Calls regarding a resident having difficulty accessing community based services and supports or an individual who has been waiting 30 days or more for discharge from a facility to a less restrictive setting.
- ◆ Individuals who have been denied access to a polling site, access to a critical service, or assistive technology accommodations in order to access a critical service.

Priority #5 - Ensure the right to high quality education**Objectives:**

1. Students will be identified and evaluated for special education.
2. Eligible students at risk of discipline or push-out due to disability related behavior will remain in school.
3. Assure effective transition planning as students move from education entitlements to post education and full community participation.

Types of possible cases:

- ◆ Calls regarding children who are experiencing or at risk of school failure because of disability related behavior.
- ◆ Call regarding failure to evaluate or provide appropriate transition activities in the least restrictive environment.