Overview of Protection and Advocacy (P&A) Systems

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P&As

• Protection and Advocacy for Individuals with Developmental Disabilities (PADD) program
• Funded under Part C of the DD Act
• 57 P&As:
  – In each State, Territory & District of Columbia
  – There is a Native American Consortium P&A located in New Mexico that serves the Hopi and Navajo Nations in New Mexico, Arizona and Utah.
P&As

Minimum allotment States:
- Puerto Rico
- Virgin Islands
- Guam
- American Samoa
- Hawaii
- N. Mariana Islands

State P&A agencies:
- Puerto Rico
- Virgin Islands
- American Samoa

Legend:
- Minimum allotment States
- State P&A agencies
Purpose of a Protection and Advocacy System

• P&As help individuals with developmental disabilities secure their human and civil rights.
• P&As help people with developmental disabilities who have been:
  – Neglected or abused
  – Denied access to a service
  – Denied control or choice of a service to which they have a right
  – Denied the opportunity to participate in an activity
PADD is the keystone of the P&A System

- The Protection and Advocacy for Individuals with Developmental Disabilities began in 1975.
- Overtime, P&A Systems have been designated to administer other programs:
  - PAIMI: Protection and Advocacy for Individuals with Mental Illness
  - PAIR: Protection and Advocacy for Individual Rights
  - PAAT: Protection and Advocacy for Assistive Technology
  - PABSS: Protection and Advocacy for Beneficiaries of Social Security
  - PATBI: Protection and Advocacy for Traumatic Brain Injury
  - PAVA: Protection and Advocacy of Voting Act
  - Client Assistance Program: Half are located with the P&A and the others are their own separate agency.
Designated by the Governor

- Designated by the Governor to be the P&A system for the state. The Governor is the responsible official.
- The Governor can only re-designate the P&A if there is ‘good cause’.
Areas of Emphasis

• P&As **identify** goals and priorities in the areas of emphasis in the DD Act based on public input
• Each P&A is different and their expertise is diverse
• The Statement of Goals and Priorities drive the work that is done
How P&As Do Their Job

• Train people about their civil and human rights
• Educate others about the rights of individuals with developmental disabilities
• Investigate complaints of violations of rights
• Information and referral
• Work to resolve complaints through discussion, mediation, alternative dispute resolution and litigation
• Referrals to other agencies (State, Federal, local)
How P&As Do Their Job

• P&As will exhaust all of their remedies before going to court.
• Litigation is the smallest percentage of work that the P&As carry out.
Examples of P&A Accomplishments

• Through various intervention strategies, individuals:
  – Received job training, gained employment, or maintained employment
  – Secured and maintained an appropriate education
  – Gained equal access to housing
  – Had greater access to transportation
  – Enjoyed a higher quality of life free of abuse and neglect
  – Achieved systems change
Selected Highlights of P&A Requirements

- Authority and independence
- P&A Governing Board
- Planning responsibilities
- Reporting responsibilities
- Obligation to collaborate
Authority & Independence

• The P&A System must have independence to pursue legal and other appropriate measures on behalf of clients with developmental disabilities without state or other interference
  – Access to people, access to records, access to institutions for monitoring
  – Authority to pursue legal remedies
• The System must have the ability to investigate incidents of abuse & neglect of individuals with developmental disabilities.
P&A Governing Board

• Membership
  – Majority must be individuals with disabilities, including individuals with developmental disabilities (51%)
  – Family members and Guardians
  – Advocates or Authorized representatives
  – May include a representative from the State Council, UCEDD and Self-advocacy organizations

• The Board is important because they:
  – Hire and fire the Executive Director
  – Set policy
  – Make certain the P&A is fiscally sound
  – Set the direction of the agency.
• The Board must have and implement a rotation policy

• The Board must have a shared commitment to the protection of the rights of all individuals eligible for the program
Planning Responsibilities

• Goals and Priorities Setting
  – The Goals and Priorities of each P&A are based on data driven strategic planning... multi-year cycle with annual updates
  – The P&A provides an annual opportunity for the public to comment on Goals & Priorities and activities of the System, including comments by the Council and UCEDDs
  – Goals and Priorities are submitted to ADD annually
Reporting Responsibilities

• Program Performance Report
  – Data Collection (on individual advocacy, types of cases, resolution of cases, systems change and group advocacy, and information and referral)
  – Outcomes of Goals
  – Reporting on Collaborative Activities
  – Program Evaluation... outcome measures and procedures for evaluating the impact of its advocacy activities
Collaboration

• The P&A must collaborate with other organizations including the State Council on Developmental Disabilities and the University Centers for Excellence

• Examples include collaborating on
  – legal research
  – legal advocacy
  – training in rights issues
Funding

• FY 2013 Funding: $37.7 million
• Funds distributed based on a formula
• Minimum Allotment States