

# 2020 Impact Report

January 1 - December 31, 2020

Empowerment Through Advocacy



## 2,044

Service Requests



## 432

Total Monitoring Visits

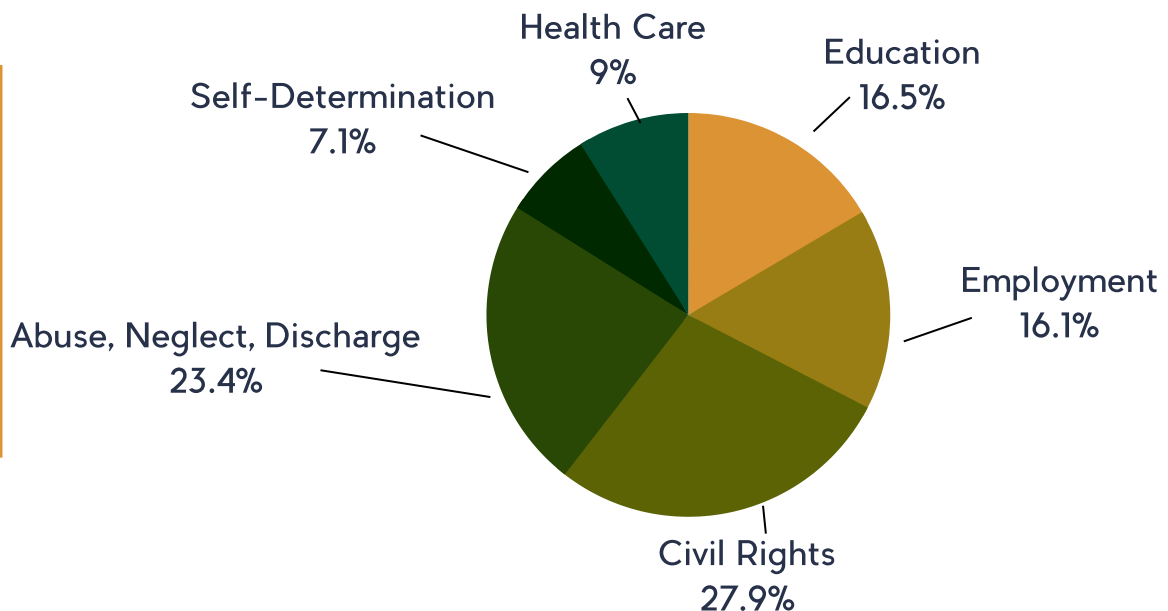


## 191

New Cases Opened

## CASE BREAKDOWN BY TEAM

**491**  
Total Cases Worked During 2020



# COVID-19



346

Visitors to COVID-19  
Webpage



03:22

Average Time  
Spent on Page

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Like many organizations, Indiana Disability Rights (IDR) actively addressed and responded to new issues related to COVID-19 that emerged on a daily basis. IDR staff participated in local, state, and national meetings, completed continuing education in COVID-19 advocacy-related work, and learned how to apply their work in the ever-changing landscape of 2020. The team provided comments, guidance, FAQs, and policy statements in the areas of educational services, access to government communication for people who are Deaf and hard of hearing, hospital visitor policies, voting rights, and medical rationing.

COVID-19 related work and documents are available on IDR's website with new material uploaded as it becomes available. Hoosiers have used the resources available on the IDR COVID-19 webpage to advocate for themselves and their loved ones.

## MONITORING

391 Virtual Monitoring Visits



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In response to COVID-19 restrictions and regulations, IDR modified its regular monitoring activities and approaches. What was previously an in-person activity was quickly adapted to become virtual. The first facilities where IDR began implementing virtual monitoring were in locations where strong in-person monitoring relationships already existed. After developing the new virtual monitoring process, IDR staff contacted facilities inquiring how they were responding internally to the virus spread and pandemic regulations. IDR wanted to ensure appropriate policies and planning, including continued appropriate staffing and services to prevent abuse and neglect, were in place. After initial contact with facility administrators, IDR personnel contacted residents at each facility and had one-on-one "visits." IDR personnel conducted virtual monitoring "visits" with all state-operated facilities and comprehensive rehabilitative needs facilities (CRMNFs) and expanded the project to private secure facilities, long-term care facilities (nursing homes), and assisted living facilities. IDR was one of the first P&As to successfully implement strategies to continue monitoring activities and will continue to do so until it is determined safe to resume in-person activities.

# ABUSE, NEGLECT, AND DISCHARGE

15 Cases investigated

66% Cases with Substantiated Findings

Private Secure Facilities (PSFs) are residential facilities that serve children ages 6 - 21. IDR staff investigated and monitored one PSF from 2018 - 2021. Because of IDR's work, 55 children have:



Access to clean drinking water

No use of the "turtle suit" (anti-suicide smock) or paper aprons



Appropriate educational services and tutoring

In October 2020, a provider had a staffing crisis and discharged 31 individuals with very little notice. IDR was notified of the discharge and sent staff to the receiving provider to ensure that discharged individuals arrived safely and had access to their medications, treatment, and appropriate access to toilets and showers. IDR found that the receiving facility had contracted with an inaccessible hotel therefore individuals had to be taken to the day program for showers and five individuals had to sleep in classrooms because the equipment they needed would not fit into the hotel room. "Matthew" was hospitalized within an hour of arriving at the hotel due to a pressure wound that was not reported to the receiving provider. Sadly, he passed away within weeks of his discharge without ever having a new home. IDR found another individual, "Tyrell" screaming from the pain of rotten and infected teeth. IDR advocated for him to get to a hospital or dental clinic for assessment where it was discovered that he was supposed to have a full extraction at the beginning of the year. "Jacob" was removed from his family home, which had been left to him in a trust, because the original provider did not have sufficient staff for Jacob to receive in-home services. IDR successfully advocated for him to return to his home. Sadly, four other individuals have passed away since the unplanned discharge. IDR continued to conduct monitoring visits to ensure the new placements were appropriate and safe.

# CIVIL RIGHTS

138 Cases Opened



83

Fair Housing Cases



11

ADA Title II\* Cases



44

ADA Title III\*\* Cases

\*Protects from discrimination on basis of disability in services, programs, and activities provided by State and local government entities.

\*\*Prohibits discrimination on the basis of disability in places of public accommodations such as restaurants, movie theaters, schools, day care facilities, doctor's offices, etc.

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In April 2019, IDR met “Ricky” while monitoring a state psychiatric hospital. Ricky’s treatment team had determined that he had reached his maximum treatment benefit and he was ready to move back into the community. However, after waiting for over a year, his gatekeeper, the Bureau of Developmental Disabilities Services (BDDS), had failed to find him an appropriate community placement. IDR reviewed his records and asked BDDS why Ricky had not yet been able to move out of the hospital. Shortly after this inquiry, Ricky was notified that he had been approved for the Community Integration and Habilitation (CIH) waiver and that he was being assigned a case manager. IDR then supported Ricky through the process and encouraged him to self-advocate to ensure he was connected with a service provider and moved to a home in the location of his choice. Ricky moved into the community 8 months after meeting IDR.

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IDR opened a case for “Brent,” an inmate within the Pendleton Correction Facility. Brent has a significant visual impairment and was unable to read the documents being filed in his federal lawsuit and he was also unable to access the facility’s law library. IDR provided advocacy services that resulted in a standing order in his case that all court documents are to be sent as large print and he was provided with a pro bono attorney to represent him in his civil lawsuit. Further, IDOC provided him with a magnifying glass, and the medical team ordered the special glasses he had needed for over a year.

# EDUCATION



7 Students moved to full-day of school and/or general education classroom



29 Students Receiving Appropriate Services

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“Derion” takes several medications to help reduce seizures. Some of his prescribed medications were “off label” meaning that while they were Federal Drug Administration (FDA) approved drugs, the doctor was prescribing them for a different use than what is approved. However, his school nurse refused to administer a prescribed “off label” drug for Derion during the school day based on a school district policy.

Derion's mother did not feel comfortable sending Derion to school without him taking his prescribed medication. So, at the time the case was referred to IDR, Derion was unable to attend school in person. During IDR's advocacy, the school district at first allowed the school nurse to administer Derion's prescribed medication, in spite of its policy, and then eventually changed the policy which helps other children in a similar situation. They also agreed to provide Derion compensatory education services because of the school time he missed.

# EMPLOYMENT

79 Cases opened



17 Employees received reasonable accommodations at work



14 Individuals received advocacy services during their Vocational Rehabilitation (VR) Cases

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“Scott” requested IDR's advocacy to maintain his job with a janitorial company that subcontracts to a large manufacturing plant. Scott has Traumatic Brain Injury from an accident about 20 years ago, leaving him with limitations in bending and lifting. Over the past several years, the employer was accommodating Scott by assigning him to a lower-activity, less stressful job. Scott contacted IDR because the supervisor had started assigning him to perform extra tasks that required more bending and lifting, thereby exacerbating his disability. Although he provided a doctor's letter, the employer eventually placed him on unpaid medical leave. IDR sent the employer a letter and asked to meet with them to discuss Scott's situation. IDR also contacted Scott's neurologist's office and obtained information about his disability and accommodation needs. After IDR explained Scott's current medical status and the doctor's recommended accommodations, the employer agreed to allow Scott to return to work with the accommodations he needed.

# HEALTH CARE



2

Clients obtained  
emergency CIH Waivers

COVID Visitor Restriction Policy

exemption letter  
accessed **33** times



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“Guadalupe” was ready to be discharged from the hospital after getting accustomed to a tracheotomy and ventilator support. However, the hospital planned to transfer Guadalupe to a nursing home, rather than her own home, because its COVID-19 visitation policy precluded Guadalupe's family from coming to the hospital and learning how to care for her trach, a prerequisite for her returning to her home. Guadalupe's granddaughter and daughter contacted IDR for assistance because Guadalupe did not want to be transferred to a nursing home. IDR provided direction to Guadalupe's family for requesting a reasonable accommodation to the hospital's visitation policy on Gladys' behalf. These instructions helped Guadalupe's family advocate for her, and the hospital eventually agreed to send respiratory therapists to Guadalupe's home to train Guadalupe's family in trach care. These simple actions allowed Guadalupe to return to her home rather than go to a nursing home.

# SELF-DETERMINATION

19 Cases Opened

11



People received  
document preparation  
and technical assistance

4



People had successful  
termination/contest of guardianship  
or removal of guardian

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“Clint” is an individual with autism whose parents obtained guardianship over his person and estate around the time he turned eighteen. His mother was later removed as guardian, leaving only his father to continue in the role. Over the years that followed, Clint became more independent and self-sufficient; reaching a point in which he only relied on his father's assistance for financial matters. Clint and his father contacted IDR after learning about Supported Decision-Making. Following some initial options counseling, Clint decided that he wanted his father to remain guardian over his finances only. With IDR assistance, the guardianship over Clint's person was changed to a limited guardianship with a Supported Decision-Making Agreement and Healthcare Power of Attorney/Healthcare Representative form taking its place.

# VOTING RIGHTS

99 

Calls to the  
HoosiersVote Hotline

 78,584

Clicks on Voting  
Rights ads

During FY2020, the 2020 Primary Election and the voting rights outreach work for the 2020 General Election were not only met with an unprecedented increase in registered voters and voter turnout but the challenges of voting during a global pandemic. IDR continued to provide training and support to individuals regarding their voting rights; updated digital and print materials, and expanded information covering ways to vote-by-mail as demand for this option increased due to safety concerns. In-person trainings were modified and made virtual and new partnerships were established to reach new audiences during this time.

IDR worked with Well Done Marketing to increase the reach of voting rights messages and materials to individuals with disabilities that were of voting age in Indiana across social media platforms.

# OUTREACH AND TRAINING

 19

Interviews with  
Subject Matter  
Experts



Free To Be  
Documentary

3 

Supporting  
Independence  
Videos

36 

Presentations,  
Trainings,  
Webinars



303,039

Website Users

# REPRESENTATIVE PAYEE

 31 Completed Reviews



Review Beneficiary's  
Financials



1-to-1 Interviews with  
Beneficiary and Rep-Payee



Observational  
Monitoring Visit at Home

# LITIGATION



4

Cases Filed in  
Federal Court



3

Cases Regarding Failure to  
Provide Effective Communication



Working with 8  
Partners in Litigation



4

Cases Settled in  
Favor of Client

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9 Active Federal Cases in 2020

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## Franklin v. Walthall et al.

- Summary: This case is a judicial review of VR's decision to insufficiently fund Client's postsecondary services for the Fall 2018 semester. More specifically, VR fails to recognize Client must attend a particular college in order to participate in a disability-related support program.
- Status: Case settled.

## Ashley W. et. al. v. Holcomb, et al.

- Partners: Nonprofit advocacy organization A Better Childhood (as co-counsel) and international law firm Kirkland & Ellis LLP (as pro bono co-counsel).
- Summary: Plaintiffs initiated this class-action lawsuit against the Governor and the Department of Child Services. Plaintiffs allege that the systemic failures within the foster care system have led to an over-reliance on institutional placements for children with disabilities and have placed children at unnecessary risk of harm. IDR is chiefly focused on the ADA subclass that represents children with disabilities that are placed in residential/institutional settings.
- Status: Defendants' first motion to dismiss was denied in part and granted as to plaintiffs' claim under the Federal Adoption Act. Defendants filed a second motion to dismiss alleging that plaintiffs lack standing. This motion has been fully briefed. Discovery is ongoing. The next step is to file for class certification.

## Meyer et al. v. Sullivan et al.

- Partners: The National Federation of the Blind (plaintiff) and national civil rights law firm Brown Goldstein & Levy (co-counsel).
- Summary: This case, brought by two blind siblings and the National Federation of the Blind, maintains that Indiana's Family & Social Services Administration and its Division of Family Resources discriminated against blind individuals by failing to provide them with effective communications. The parties have finished their respective dispositive motions and responses, and await a decision from the court.
- Status: Parties working towards a settlement.



### **Franklin v. Indiana Family and Social Services Administration et al.**

- Summary: This case brings Americans with Disabilities Act (ADA) and Rehabilitation Act claims against Indiana's Family & Social Services Administration and related parties. Specifically, this case challenges VR's 2017-2018 postsecondary fee schedule under the ADA and Rehabilitation Act.
- Status: Case settled.

### **Crumley v. Forestal, et al.**

- Summary: The client's mother filed this lawsuit against individual and municipal defendants with the Indianapolis Metropolitan Police Department and the Marion County Sheriff's Office for violations under the Americans with Disabilities Act, the Rehabilitation Act, and the United States Constitution. The lawsuit alleges that the client suffered unexplained injuries while incarcerated and the defendants failed to provide him with accommodations nor supports while in their custody.
- Status: Summary judgment has been fully briefed.

### **Rowe v. IMPD, et al.**

- Summary: Plaintiff has asserted claims against the Indianapolis Metropolitan Police Department and Marion County Jail under the Americans with Disabilities Act and the Rehabilitation Act for defendants' failure to provide the plaintiff with access to a qualified American Sign Language interpreter or any other means of effective communication during his underlying arrest and subsequent incarceration.
- Status: Case settled.

### **Fair Housing Center of Central Indiana et al. vs. Hartford Place, L.P. et al.**

- Partners: Nonprofit fair housing organization Fair Housing Center of Central Indiana (plaintiff) and national civil rights law firm Brancart & Brancart (co-counsel).
- Summary: Plaintiff has asserted claims against Hartford Place LP and Crownpointe Communities LLC under the federal Fair Housing Act and related state laws. This landlord implemented a "Mandatory Relocation policy" that plaintiff alleges to be discriminatory.
- Status: Parties working toward a settlement.

### **Ray v. Madison Co., et al.**

- Summary: Plaintiff has asserted claims against Madison County defendants under the Americans with Disabilities Act, the Rehabilitation Act and State law for defendants' failure to provide the client with access to a qualified American Sign Language interpreter or any other means of effective communication during her incarceration within the Madison County Jail.
- Status: Case settled.

### **American Council of the Blind of Indiana, et al. v. Indiana Election Commission et al.**

- Partners: American Council of the Blind of Indiana (plaintiff) and nonprofit advocacy organization Disability Rights Advocates (co-counsel).
- Summary: Plaintiff has asserted claims against Indiana Election Commission, Indiana Secretary of State, and Individual Members of the Indiana Election Commission under the Americans with Disabilities Act and the Rehabilitation Act alleging that the Indiana absentee voting options are inaccessible to blind voters and voters with significant visual impairments.
- Status: Discovery ongoing.