

Client Advocacy Plan for Assisting with Community Reintegration

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Disability Rights California

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Disability Rights California staff often meet people who want to leave locked or segregated facilities for more independent living. Obtaining information about the supports the person would need to live in a more integrated setting is the first step in building a case. Attached is an advocacy plan to assist a person who is in a locked or segregated facility toward community reintegration.

1. Client Interview:

- a. Where does s/he prefer to live, e.g., own home, assisted living, transitional residential program, board and care.
- b. What are his or her interests for everyday activities, family relations, friends, social contacts, work options, economic resources, educational opportunities, cultural interests.
- c. How long has s/he been at the current facility.
- d. Why was s/he placed at the facility.
- e. Does s/he have favorite staff person(s) at the facility and, if so, ask about the person(s).
- f. What does s/he like most about the current facility.
- g. What does s/he dislike most about the current facility.
- h. Where has s/he lived over the past five years, and why did s/he leave these places.
- i. What supportive services did s/he receive over the past five years.
- j. Is s/he on any waiting lists for services, e.g., Section 8 housing, nursing facility waiver.
- k. Does s/he have favorite service provider(s) outside the current facility, e.g., social worker or doctor.
- l. Is there anyone who helped him or her in the past; if so, who and how did they help.
- m. Is there anyone either inside or outside the current facility who may support what s/he wants.
- n. Does s/he have a friend or family member or someone else who the client trusts who may support what the client wants now.
- o. Does s/he know who pays for his or her care at the current facility, and the total cost of such care.

- p. Does s/he authorize you to contact people who may have useful information, e.g., favorite staff person at current facility or prior setting, family member or friend.
 - q. Will s/he authorize you to obtain copies of records from mental health service providers over the past five years. Inform the client that you need as much information as possible to determine how you may be able to assist.
 - r. Will s/he authorize you to speak with staff at and obtain copies of medical records from the current facility.
 - s. Explain to the person what you have agreed to do at this time. Explain both the initial step(s) that you will take, and what the potential additional step(s) may be.
 - t. If time permits, ask if s/he wants to go with you at that time to meet with the favorite staff person or other treating professionals at the facility to discuss the client's preferred community living settings. See "Meeting with Facility Staff" below at point 5.
2. **Prepare letter to and/or representation agreement for client confirming what you have agreed to do.**
 3. **Prepare authorization(s) for release of information.**
 4. **Mail or bring confirming letter and/or representation agreement and release(s) to client for signature(s).**
 5. **Meeting with facility staff:**
 - a. Inform the staff of the client's preferences and ask the staff if such setting(s) would be appropriate if they were made available.
 - b. Ask the staff what services and supports would be needed for the client to reside in preferred setting(s).
 - c. Ask the staff if the client is on any waiting lists for services and supports.

- d. Ask the staff to make a written statement outlining the services and supports the client would need to reside in the preferred setting(s).
 - e. If the staff do not support what the client wants, ask them what services and supports the client receives at the facility that he or she could not receive in the preferred setting. Ask if there is anything else that s/he receives at the facility that could not be made available in the community.
 - f. Ask the staff for information about payment for the client's care at the facility, e.g., who pays, total cost.
 - g. Send letter to facility staff confirming what was discussed and agreed at the meeting.
6. **Send cover letter and copy of release to each entity from which you are requesting records with cc to client.** Ask client whether s/he wants you to mail copies of such letters to him or her or if you should keep such copies for him or her with your files.
 7. **Research the services and supports that could be provided to the client in the preferred setting to address the needs raised by facility staff.** This may include research into licensing regulations governing the preferred community living setting. Facility staff may incorrectly believe that licensing or other state regulations preclude the client's admission to a particular setting based on a specific need or behavior.
 8. **Determine cost of providing the services and supports that could be provided to the client in the preferred setting.** Compare this to the cost of providing services to the client in the segregated setting.
 9. **Review facility records to determine whether there is documentation of the needs or behaviors cited by facility staff to preclude movement to the alternate setting.** For example, if the facility staff state that the client wanders at night, check the records to see how often this occurs.
 10. **Review facility and other records to determine what previous attempts have been made to provide services to meet the client's needs in the preferred setting.**

11. **Identify need for experts.** Determine the points that need expert testimony. Also determine the necessary qualifications of experts, e.g., experience with persons who have disabilities similar to the client, experience with persons in the proposed setting(s) and with proposed services, experience with measuring quality of life in institutional and community based settings.
12. **Obtain expert evaluation(s) of whether the client's needs could be appropriately met in the preferred setting, including the specific services and supports that would be needed to do so.** The expert should identify whether the alternative setting is actually available for the client, e.g. a licensed facility that is willing to accept the client if particular services, programs or activities were available. If the preferred setting is not a licensed facility, the expert should identify a particular environment and discuss how this is suitable. For example, if the client wants to live in an apartment, the expert should detail the 24 hour service or support plan including staffing to meet the client's needs. An expert should also obtain information on available units in the preferred area and discuss how this would be suitable. A setting should be close to where the client would shop or work, or learn to shop or work, and near social supports and activities. The expert should also consider how the person will meet friends.
13. **Research whether the services, supports and setting recommended by the expert(s) are existing services, programs or activities, including available rent subsidy programs.**
14. **Research whether existing services, programs or activities would need to be modified to enable the client's needs to be appropriately met in the preferred setting.**
15. **Discuss expert findings with client to determine whether he or she agrees.**
16. **Discuss expert findings with facility staff to determine whether they agree.** If so, send or obtain confirming letter. If not, seriously consider the likelihood of success in legal forum without agreement of treating professionals. Determine whether opposition of treating professionals is based on facts or other reasonable concerns, or whether resistance is unreasonable.

- 17. Identify the legal forum in which to seek provision of the services, programs or activities that are needed for client to reside appropriately in the preferred setting, e.g., Medi-Cal State Fair Hearing, state superior court (LPS conservatorship), federal court.**
- 18. Discuss complaint/request options with client, including: legal complaint (court action), licensing complaint, OCR complaint, tort claim, fair hearing, reasonable modification request.**
- 19. Consider need for revision of representation agreement with client.**
- 20. Draft complaint/request and discuss with others who have experience on the issues.**
- 21. Review complaint/request with client.**
- 22. File complaint/request.**

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