

## LEGAL ADVOCACY SERVICES PLAN 2025

Disability Rights Maryland (DRM) strives to create a just and inclusive society by advancing the human and legal rights of people with disabilities, securing their opportunities to participate fully in community life, and defending their rights to self-determination, dignity, equality, choice, and safety. In determining the focus of its advocacy work, each year DRM engages the community and solicits ideas and opinions from people with disabilities, their families, other advocates and members of the disability community, and various other stakeholders about the matters that are most essential for a legal organization with limited resources to address.

DRM's Legal Advocacy Services Plan is the product of this community input coupled with DRM's extensive expertise in providing legal services to Marylanders with disabilities, and its responsibilities as Maryland's designated Protection & Advocacy organization. The plan lists the services that will take precedence in the allocation of DRM's resources and is designed to cover a three-year period to be reviewed annually based on community input. DRM will advocate for people with disabilities within this scope of work as our resources permit. The decisions to accept individual cases for representation are informed by the plan and DRM's commitment to producing broad-based, systemic change, within our resource limitations.

### MENTAL HEALTH

Individuals who are diagnosed with psychiatric disabilities and receive services from state hospitals, prisons or jails, and residential treatment facilities should receive services that are free from harm, abuse, or coercion, and are trauma-informed and recovery-oriented. Access to support services and equal opportunities in the community should promote recovery, self-direction, and offer alternatives to hospitalization, congregate care settings, emergency departments, and jails or prison. Individuals with disabilities must have access to information and resources to exercise their rights.

**Goal 1:** Advocate for PAIMI-eligible individuals to be free from abuse and neglect.

**Priority 1.1:** Review and investigate sexual assault reports provided to DRM in accord with the Doe consent decree, and advocate for changes in policy and practice to ensure accurate reporting and the safety of PAIMI-eligible individuals.

**Priority 1.2:** Review and investigate death reports received in accord with federal reporting requirements to identify abuse and neglect and improve service delivery and oversight of PAIMI-eligible individuals.

**Priority 1.3:** Conduct monitoring visits and identify and resolve systemic complaints for PAIMI-eligible individuals living in facilities and community programs.

**Goal 2:** Advocate for the rights of PAIMI-eligible individuals in psychiatric facilities or programs to receive appropriate supports and services and appropriate discharge planning.

**Priority 2.1:** Conduct “Know Your Rights” workshops in psychiatric hospitals across Maryland to educate PAIMI-eligible individuals about their rights while hospitalized.

**Priority 2.2:** Advocate for PAIMI-eligible individuals to have the right to counsel in involuntary medication hearings.

**Priority 2.3:** Advocate for the rights of PAIMI-eligible individuals in psychiatric facilities to have appropriate access to personal electronic devices, by producing one ‘white paper’ guide to identify best practices.

**Goal 3:** Advocate for the right to choose and refuse mental health supports in the most integrated setting available, and advocate for access to high quality, culturally responsive, trauma-informed, community-based supports that prioritize the use of peers and eliminate the use of law enforcement.

**Priority 3.1:** Educate stakeholders, raise awareness, and advocate for self-directed services for PAIMI-eligible individuals.

**Priority 3.2** Monitor implementation of the 2024 assisted outpatient treatment law and advocate for practices that will protect people with disabilities to the greatest extent possible by working with other organizations to comment on proposed regulations, attend public hearings and raise concerns with state officials. *(NOTE: Activities defined as “lobbying” are not allowed with federal funds)*

**Goal 4:** Advocate for the elimination of restraint, seclusion and similar practices in facilities and programs serving PAIMI-eligible individuals.

**Priority 4.1:** DRM will comment on proposed regulations, policies and practices regarding restraint, seclusion and related practices.

**Priority 4.2:** Represent individuals who raise concerns about the use of restraint, seclusion or other practices such as “voluntary safe space monitoring” in facilities and programs.

**Goal 5:** Advocate for the provision of high quality, appropriate care and access to services for PAIMI-eligible individuals in Maryland detention centers, jails and prisons.

**Priority 5.1:** Continue to serve as co-counsel and associational plaintiff in *DRM v. Scruggs, et al.* to eliminate the use of segregation or restrictive housing for people with psychiatric disabilities.

**Priority 5.2:** Serve as co-counsel and associational plaintiff in a lawsuit on behalf of people with disabilities found Incompetent to Stand Trial (IST), detained indefinitely in jails and detention centers and unable to access appropriate competency restoration services, mental health treatment and supports, and community services.

**Goal 6:** Advocate for expansion of high quality community-based supports, including appropriate medical and mental health services, crisis prevention and intervention, and wraparound services, for PAIMI-eligible children and youth.

**Priority 6.1:** Continue to serve as co-counsel and associational plaintiff in *T.G., et.al. v. Maryland Department of Human Services, et.al.*, a lawsuit brought to require the state to create more home- and community-based placements and services to eliminate the occurrence of hospital overstay for PAIMI-eligible children in foster care.

**Priority 6.2:** Continue to co-counsel *Y.A., et.al. v. Padilla*, a lawsuit brought to remedy systemic deficiencies in the state's oversight and administration of psychotropic medications to PAIMI-eligible children in foster care.

## **HOUSING**

Individuals with disabilities must have access to quality, affordable and accessible housing, including the right to reasonable accommodations to ensure they have an equal opportunity to use and enjoy their dwellings. Such housing is essential to ensure people with disabilities can live fully inclusive lives in the community.

**Goal 1:** Advocate for people with disabilities who currently live in subsidized housing, including Public Housing, Rental Assistance Demonstration, HUD properties, Low Income Housing Tax Credit dwellings, and other types of subsidized properties, as well as those with housing vouchers, to maintain their subsidies and remain securely and sustainably housed. Priority counties are Baltimore City, Baltimore County, and Prince George's County.

**Priority 1.1:** Provide direct advocacy and representation to people with disabilities living in subsidized housing who are threatened with eviction.

**Priority 1.2:** Provide direct representation to people with disabilities who have housing vouchers and are threatened with termination of their voucher or whose housing vouchers have been recently terminated for reasons related to their disabilities.

**Priority 1.3:** Provide direct representation to people with disabilities who need a reasonable accommodation to avoid eviction or a reasonable modification to prevent constructive eviction.

**Goal 2:** Engage in individual and systemic advocacy to advance tenants' rights, fair housing rights, and access to affordable and accessible housing for people with disabilities living in the community.

**Priority 2.1:** Advocate for the rights of individuals in need of reasonable accommodations or modifications to afford them an equal opportunity to use and enjoy their dwelling.

**Priority 2.2:** Engage in systemic advocacy for the rights of tenants with disabilities.

**Priority 2.3:** Advocate for the creation and retention of affordable, accessible housing in Maryland.

**Priority 2.4:** Educate the community, including individuals, community stakeholders, service providers, property managers, attorneys and judges about the Fair Housing Act, the Maryland Human Relations Act, disability rights and justice.

**Goal 3:** Secure enforcement of the multi-year obligations of Baltimore City and Housing Authority of Baltimore City (HABC) to provide accessible and affordable housing to persons with disabilities as set forth in the federal court consent decree in *Bailey et al. v. Housing Authority of Baltimore City*.

**Goal 4:** Secure enforcement, together with co-counsel, of the multi-year obligations of Baltimore County to create accessible and affordable housing and provide voucher mobility counseling and modifications to persons with disabilities as set forth in the 2016 Conciliation Agreement and Voluntary Compliance Agreement signed with the U.S. Department of Housing and Urban Development.

**Goal 5:** Serve as co-counsel and associational plaintiff to secure enforcement of the multi-year obligations of Prince George's County to provide accessible and affordable housing to persons with disabilities as set forth in the federal court settlement in *Ripley et al. v. Housing Authority of Prince George's County*.

## **EDUCATION**

Children and youth with disabilities, from birth through age 21, must receive a free and appropriate public education in the least restrictive environment in compliance with federal and state special education laws. Families of children and youth with disabilities must have access to information and resources to exercise their rights under these laws. Implementation of these principles is guided by DRM's focus on individual and family empowerment, systemic change through individual case representation, class representation, systemic legal advocacy, and coalition work.

**Goal 1:** Decrease systemic barriers that prevent students with disabilities from being educated in the least restrictive environment, as required by federal and state special education laws.

**Priority 1.1:** Educate stakeholders, raise awareness, and advocate for statewide reforms regarding Maryland's lack of continuum of services which results in a high rate of placement of students with disabilities in more restrictive settings, including separate non-public placements.

**Priority 1.2:** Identify and investigate counties with a lack of continuum of services and conduct targeted outreach and advocacy in collaboration with partners to effect policy changes and reform, and to ensure that each school system has the full continuum of services required by federal and state law, including the provision of supplementary aids and programmatic modifications and supports in the general education setting.

**Goal 2:** Protect the rights of students with disabilities who are subjected to inappropriate school exclusion, restraint, seclusion, other forms of discipline, and to the use of arrests for school-related behavior; and advocate for the use of positive behavior interventions and evidence-based alternatives.

**Priority 2.1:** Educate stakeholders, raise awareness, and advocate for statewide reforms regarding the use of emergency petitions as a mechanism for informal disciplinary removal.

**Priority 2.2:** Through use of our access authority, investigate the school discipline policies and practices of a targeted school district and share findings and recommendations for reform with appropriate stakeholders and state agencies.

**Goal 3:** Advocate to eliminate barriers that prevent students with disabilities from graduating with a high school diploma.

**Priority 3.1:** Educate and empower parents who wish to refuse consent for very young students to take the alternate assessment and advocate for policy changes that would prevent the removal of students from state standards before they are of assessment-age.

**Priority 3.2** Utilize Person Centered Planning (PCP) with clients and outreach to students 14-21 to empower students to be full and active participants in the development of their Individualized Education Programs (IEPs), especially their transition services.

**Priority 3.3** Advocate for a state-wide increase in the availability of micro-credentialing options that make it possible for students to be career-ready upon exit from high school.

**Goal 4:** Advocate for the rights of students with disabilities who have been, or who are at risk of being, subjected to abuse or neglect in school.

**Priority 4.1:** Continue an ongoing a school-based investigation into abuse and neglect and write a report with recommendations for corrective action.

**Priority 4.2:** Respond to allegations of suspected abuse and neglect of students in Maryland's public and non-public schools through investigation, provision of referrals, and/or publication of P&A reports.

**Goal 5:** Advocate for students in residential treatment centers and Department of Juvenile Services detention and placement centers to access and receive appropriate special education and related services.

**Priority 5.1:** Work in partnership with the Maryland Office of the Public Defender to conduct monitoring visits to identify systemic education issues for students in DJS placements and advocate with the Department of Juvenile Services and the Juvenile Services Education Program for resolution of student concerns.

**Priority 5.2:** Conduct monitoring visits and identify and resolve systemic education issues for students living in RTCs and hospitals.

## **INTELLECTUAL & DEVELOPMENTAL DISABILITIES and MEDICAID**

People with intellectual and developmental disabilities (I/DD) must have access to high quality and responsive services in the community as needed and desired, be free from abuse and neglect, and be empowered to advance their right to self-determination so that they can live fully inclusive lives in the community. Further, Maryland's Medicaid and health care services should be consumer-based, consumer-centered and be free from health care discrimination and inequities.

**Goal 1:** Increase access to home and community-based services for people with disabilities that support self-direction and provide services in the most integrated setting.

**Priority 1.1:** Through individual representation, systemic advocacy and collaboration with partners, affect policy changes that deinstitutionalize people with disabilities and address overreliance on nursing facilities, state institutions, hospitals, and emergency rooms as placements for people with disabilities in lieu of home and community-based services.

**Priority 1.2:** Through individual representation and systemic advocacy, expand private duty nursing services and personal assistance services for people with complex medical needs.

**Priority 1.3:** Through individual representation and systemic advocacy, decrease delays in nursing home residents returning to the community with Medicaid home and community-based services.

**Priority 1.4:** Through individual representation and systemic advocacy, decrease delays in accessing home modifications through Medicaid's home and community-based service programs.

**Priority 1.5:** Educate attorneys, judges, and other professionals within the criminal justice system about people with developmental disabilities to prevent institutionalization and incarceration.

**Goal 2:** Decrease the risk of abuse, neglect, death, and rights violations of people with developmental disabilities receiving state funded services.

**Priority 2.1:** Monitor and investigate individual reports of death, abuse, neglect, and other rights violations of people with developmental disabilities in state funded settings to improve service delivery and oversight.

**Priority 2.2:** Provide technical assistance and limited individual case representation for individuals subject to abuse, neglect, or other rights violations to ensure they receive appropriate remedies, with particular attention to individuals residing in state-funded settings.

**Priority 2.3:** Track trends, investigate systemic abuses by providers, and share findings and recommendations for reform with appropriate state agencies and providers.

**Goal 3:** Advocate with and for people with developmental disabilities to maintain or regain their decision-making authority.

**Priority 3.1:** Investigate and resolve violations of people’s decision-making authority and provide technical assistance or limited individual case representation to people with developmental disabilities to ensure their choices are respected.

**Priority 3.2:** Educate attorneys, judges, and other professionals on less restrictive alternatives to guardianship, in particular supported decision-making.

**Priority 3.3:** Provide systemic advocacy for reform of the guardianship and court system to enhance people with developmental disabilities’ right to self-determination.

## **ASSISTIVE TECHNOLOGY**

People with disabilities must have access to assistive technology devices and services that increase their independence and ability to communicate with others.

**Goal 1:** Improve access to assistive technology, specifically durable medical equipment and communication devices, that enhance independence and community access for Marylanders with disabilities.

## **TRANSPORTATION**

People with disabilities must have access to safe, reliable transportation and accessible rights-of-way to participate fully in their communities. This access is vital for economic opportunities, healthcare, education, and social inclusion, enabling independence and community engagement.

**Goal 1:** Improve access to quality transportation services for Marylanders with disabilities.

**Priority 1.1:** Through systemic advocacy, monitoring, and partnership with stakeholders and community members, advocate for improvements to paratransit services that improve reliability and performance while maintaining or increasing ridership levels.

**Priority 1.2:** Investigate barriers to accessing Maryland’s Non-Emergency Medical Transport (NEMT) program and share findings and recommendations for reform with appropriate state agencies and providers.

**Priority 1.3:** Increase the number of accessible pedestrian rights-of-way for persons with mobility disabilities by continuing to serve as co-counsel in *Goodlaxson et. al v. Mayor & City Council of Baltimore City*, in federal district court.

## **TRAUMATIC BRAIN INJURY**

Individuals with traumatic brain injury (TBI) must have access to high quality, community-based services that will enable them to participate fully in community life. Through outreach, training, participation on the Maryland TBI Board, and legal representation of individuals in select cases, DRM works to ensure that children and adults with TBI are free from discrimination and can access the accommodations they need to participate in their communities.

**Goal 1:** Increase access for individuals with traumatic brain injury (TBI) to high quality, community-based services that will enable them to participate fully in community life.

**Priority 1.1:** Serve on Maryland’s Traumatic Brain Injury Advisory Board to advocate for policy changes and resource allocation that improve service availability and quality.

**Priority 1.2:** Educate stakeholders and advocate for statewide reforms to increase access to rehabilitation services and supports for individuals with TBI.

## **VOTING**

Individuals with disabilities who are of voting age must have the opportunity to participate fully in the voting process, including registering to vote and voting privately and independently.

**Goal 1:** Ensure full participation in the electoral process for individuals with disabilities.

**Priority 1.1:** Register individuals with disabilities to vote, with an emphasis on people in facilities and institutions.

**Priority 1.2:** Operate a voter hotline and email account to address barriers to voting for people with disabilities.

**Goal 2:** Conduct outreach and provide education, training, and assistance to individuals with disabilities about voting rights, how to participate in the electoral process, and accessible voting options.

**Goal 3:** Participate in coalitions and educate policy makers and state and local agencies regarding policies that may impact the voting rights of persons with disabilities.

**Goal 4:** Engage election officials, poll workers, and election volunteers to ensure they are trained and educated about the rights of voters with disabilities and best practices in working with individuals with disabilities to decrease or eliminate barriers to voting for individuals with disabilities.

**Goal 5:** Assist individuals with disabilities, as necessary, in filing complaints under the State-based administrative grievance procedure required by the Help America Vote Act.



**Goal 6:** Monitor and survey the accessibility of polling places and election websites, information, and materials and advise state and other governmental entities regarding the accessibility of polling places.

### **ADVOCACY FOR SOCIAL SECURITY BENEFICIARIES**

Recipients of Social Security Administration (SSA) benefits must be aware of work incentives available to them under current law. SSA beneficiaries need access to appropriate services and assistance, including access to reliable public transportation, transition planning from school to work, and continuing Medicaid & Medicare services to support them in meeting employment goals.

**Goal 1:** Within the limits and restrictions of SSA grant funding, provide information and referral, advice, short term assistance legal representation and systemic advocacy to SSA beneficiaries regarding issues that result in barriers to employment.

**Goal 2:** Provide outreach, information and referral to Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) beneficiaries about the process of reporting work timely, returning to work and work incentives, and other efforts to mitigate the effect of overpayments for working beneficiaries.

**Goal 3:** Advocate for SSA-eligible youth with disabilities aged 14-21 to ensure appropriate transition planning to reduce barriers to employment upon their exit from school.

**Goal 4:** Provide information and referral regarding accommodations, assistive technology, and other support for individuals with disabilities in the workplace and advocate for SSI-eligible adults with disabilities to obtain work in competitive, integrated employment.

**Goal 5:** Pursuant to the Strengthening Protections for Social Security Beneficiaries Act of 2018, review, investigate and if necessary, correct the practices of individuals and agencies acting as representative payees, ensuring Social Security funds are spent on behalf of the beneficiary and in their best interests.