

Legal Issues Facing People With Disabilities and Who Can Help

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Debra Weinberg, Disability Rights Louisiana, Director of Community Advocacy

December 4, 2020

Louisiana State Bar Association's Legal Services For Persons With Disabilities Committee

- The mission of the Legal Services for Persons with Disabilities (LSPD) Committee shall be to provide members of the bench, bar and the general public with a greater understanding and knowledge of the legal needs and rights of persons with disabilities; to better meet the legal needs of persons with disabilities; and to increase the knowledge that persons with disabilities have regarding their rights and resources.

Legal Services for Persons with Disabilities Committee History

- The LSPD Committee was established by Judge Jay C. Zainey during his tenure as LSBA Bar President from 1995-1996.

Legal Services for Persons with Disabilities Committee

- Membership has included participants from various parts of the state and representatives from various nonprofit organizations, government agencies, judges, law firms, and law schools.

For the 2020-2021, the Committee consists of members from the following:

- ❖ United States District Court for the Eastern District of Louisiana
- ❖ Southeast Louisiana Legal Services
- ❖ Disability Rights Louisiana
- ❖ Southern Poverty Law Center
- ❖ Louisiana's Mental Health Advocacy Service & Child Advocacy Program
- ❖ Louisiana Department of Education
- ❖ Louisiana Guardianship Services
- ❖ Loyola's Stuart H. Smith Center Law Clinic & Center for Social Justice H. Smith Law Clinic
- ❖ Tulane University Law School
- ❖ Bizer & DeReus, LLC
- ❖ Burns Charest LLP
- ❖ Wendra J. Moran, LLC
- ❖ Wright Abshire Attorneys
- ❖ The Sean Morrison Law Offices LLC
- ❖ The Law Offices of Glenda M. August & Associates

Legal Services for Persons with Disabilities Committee

- Legislative Resource because of the diverse representation of its members

Legal Services for Persons with Disabilities Committee

Seminars and Trainings

- The Committee has several ongoing education initiatives designed to educate members of the public and attorneys. This includes planning a presentation on substantive law topics (i.e. social security appeals, special needs trusts) for attorneys who do not practice disability law. The Committee is also working to educate students and members of the public on issues relevant to disability law.

Legal Services for Persons with Disabilities Committee Seminars and Trainings

- Recent Trainings included the following topics:
 - Uplifting the ADA 30 Years Later
 - Attorney Obligations & the Americans with Disabilities Act (ADA)
 - Ethics: Clients & Capacity
 - Overview of Public Benefits
 - How to Account for Public Benefits
 - Special Education Workshop
 - Interview skills trainings for law school students

Legal Services for Persons with Disabilities Committee Disabilities Assistance Network (DAN)

It is important for persons with a disability, or a disabilities-related legal issue, to have accurate information regarding their rights in order to be better equipped to seek a legal remedy when these rights are violated. As with many other areas of the law, disability law can be very difficult to understand, for both the individual or the legal professional. The Legal Services for Persons with Disabilities Committee activated the Disabilities Assistance Network (DAN) to help a person find an attorney in their area willing to provide representation.

Legal Services for Persons with Disabilities Committee Disabilities Assistance Network (DAN)

- The attorneys listed in this network have asked to be listed here, and have indicated that they have experience in, or are willing to assist with one or more disability law issues. The Committee has listed them in this network, organized by parish, in order to make information or possible resources available to the public and other practitioners handling disability rights cases. A listing does not constitute a recommendation or endorsement by the Louisiana State Bar Association.

Legal Services for Persons with Disabilities Committee

Disabilities Assistance Network (DAN)

- Link for person needing legal assistance:
 - <https://www.lsba.org/Members/DANsearch.aspx>
- Link for Attorneys interested in signing up for the Disabilities Assistance Network:
 - <https://www.lsba.org/Members/Danjoin.aspx>

Legal Services for Persons with Disabilities Committee

How to Join the Committee

Contact:

Stephanie Beaugh

stephanie.beaugh@lsba.org

Access to Justice Projects Counsel

Louisiana State Bar Association

601 St. Charles Avenue

New Orleans, LA 70130

Office: (504) 566-1600, ext. 106

Direct: (504) 619-0106



SOUTHEAST LOUISIANA
LEGAL SERVICES

Southeast Louisiana Legal Services (SLLS)

- **Mission:** To achieve justice for low-income people in Louisiana by enforcing and defending their legal rights through civil legal aid, advocacy, and community education.
- For over 50 years SLLS works every day to protect domestic violence victims from abuse, stand for the rights of abused and neglected children, preserve housing for hard-working families, end homelessness for people with disabilities and veterans, protect elderly consumers, remove barriers to medical care, improve access to employment and education for vulnerable people, and so much more.

Southeast Louisiana Legal Services (SLLS)

Our Service Area



- Ascension Parish
- Assumption Parish
- East Baton Rouge Parish
- East Feliciana Parish
- Iberville Parish
- Jefferson Parish
- Lafourche Parish
- Livingston Parish
- Orleans Parish
- Plaquemines Parish
- Pointe Coupee Parish
- St. Bernard Parish
- St. Charles Parish
- St. Helena Parish
- St. James Parish
- St. John the Baptist Parish
- St. Tammany Parish
- Tangipahoa Parish
- Terrebonne Parish
- Washington Parish
- West Baton Rouge Parish
- West Feliciana Parish

Southeast Louisiana Legal Services (SLLS)

- 6 offices
 - Baton Rouge
 - Covington
 - Gretna
 - Hammond
 - Houma
 - New Orleans
- Covers 22 parishes
- Over 100 employees
- Acadiana Legal Services Corporation (ALSC) is the other legal aid organization representing the other parishes in Louisiana. Website: <https://www.la-law.org/>

Southeast Louisiana Legal Services (SLLS)

- We Help with the Following Civil Legal Issues
 - Representing victims of domestic violence and Other Family Law
 - Home Loan Modification and Foreclosure
 - Government Benefits (ex. Medicaid, Food Stamps/ SNAP, Social Security)
 - Federal Tax Issues involving Low-Income Taxpayer
 - Consumer Law
 - Evictions and Other Housing issues

Southeast Louisiana Legal Services (SLLS)

- We Help with the Following Civil Legal Issues:
 - Disaster Law (ex. FEMA, Road Home)
 - Wills and Successions
 - Bankruptcy
 - Employment Law
 - Child In Need of Care (representing children going through the foster system)
 - Special Projects: ex. Medical Legal Partnerships, Homeless populations, Veterans

Southeast Louisiana Legal Services (SLLS)

- **Theresa**
 - 37 years old, expecting her first child
 - Company closed due to COVID, couldn't pay rent
 - Landlord tried to avoid the law and evict her
 - We represented her regarding the eviction moratorium
 - Theresa is not homeless
- **Florence`**
 - 35 year old mother of two, victim of extensive physical abuse
 - Husband jailed for Domestic Violence
 - We obtained divorce, sole custody
 - Florence and children are safe
- **Paula**
 - 70 years old and disabled
 - Landlord refused to accept her rent
 - We went to court with proof of her attempts to pay
 - Landlord accepted the rent and dismissed the eviction

Southeast Louisiana Legal Services (SLLS) COVID-19

- COVID-19 Know Your Rights Material and Facebook Live events
- Website: slls.org
- Blog Section

Southeast Louisiana Legal Services (SLLS) COVID-19

slls.org

 **SOUTHEAST LOUISIANA
LEGAL SERVICES**
Free Legal Aid for Low-Income People

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Helping People
Clear Life's Legal Hurdles
For Over **50** Years

“ **During the Covid-19 Pandemic, SLLS is here for you.**
SLLS COVID-19 Legal Aid Hotline: 1-844-244-7871
[Click here](#) for updated information about our operations.
[Click here](#) to read an update on SLLS's emergency response to the COVID-19 Crisis.
[Click here](#) to learn about your legal rights during COVID-19. You can also find more information by visiting [LouisianaLawHelp](#). ”

ws/blog/

KNOW YOUR RIGHTS Road Home Collections



Know Your Rights: Road Home Collections

Posted: Nov 18, 2020

[READ →](#)

ESTABA RECIBIENDO BENEFICIOS DE DESEMPLEO, PERO AHORA NO LO ESTOY RECIBIENDO. ¿QUE SON MIS DERECHOS?



Estaba recibiendo Beneficios de Desempleo, pero ahora no lo...

Posted: Nov 16, 2020

[READ →](#)

I WAS GETTING UNEMPLOYMENT, BUT THEN IT WAS CUT OFF. WHAT ARE MY RIGHTS?



I was getting unemployment, but then it was cut...

Posted: Nov 09, 2020

[READ →](#)

Tips for Videoconferenced Court Hearings (also called Remote, Virtual, or Zoom Hearings)



Tips for Videoconferenced Court Hearings (also called Remote, Virtual,...

Posted: Nov 02, 2020

[READ →](#)

¡EN ESPAÑOL! NEW RESOURCES FOR SELF-REPRESENTED PEOPLE IN SPANISH

¡En español! New Resources for Self-represented People in Spanish

Posted: Oct 01, 2020

[READ →](#)



SLLS Helps

SOUTHEAST LOUISIANA LEGAL SERVICES MONTHLY NEWSLETTER

September 2020 Newsletter

Posted: Sep 30, 2020

[READ →](#)

MANY LOUISIANA WORKERS CAN GET \$250 FROM THE STATE IF THEY APPLY FOR THE HAZARD PAY PROGRAM

I have exhausted all of my unemployment benefits.
What do I do now?

How do I complete my weekly work search for my Unemployment Benefits/Pandemic Unemployment Assistance?

How To Handle COVID-19 Stimulus Payments

 COVID-19 (Coronavirus) Legal FAQ 

How to Handle COVID-19 Stimulus Payments from the Government

Posted: Jul 17, 2020

[READ →](#)

¡EL AUMENTO FEDERAL DE \$600 PARA LOS BENEFICIOS DE DESEMPLEO TERMINA EL 25 DE JULIO!
¿QUÉ ES LO QUE USTED DEBE SABER?
 COVID-19 (Coronavirus) Legal FAQs 

¡El Aumento Federal de \$600 para los beneficios de...

Posted: Jul 16, 2020

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SNAP: ¿Quién **no debe** aplicar para la asistencia de estampías para comida?
 COVID-19 (Coronavirus) Legal FAQs 

SNAP – ¿Quién no debe aplicar para la asistencia...

Posted: Jul 16, 2020

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THE \$600 FEDERAL INCREASE IN UNEMPLOYMENT BENEFITS ENDS JULY 25.
WHAT TO KNOW
 COVID-19 (Coronavirus) Legal FAQs 

The \$600 federal increase in Unemployment Benefits ends July...

Posted: Jul 15, 2020

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Cortes de Servicios Públicos y Asistencia
 COVID-19 (Coronavirus) Legal FAQs 

Cortes de Servicios Públicos y Asistencia

Posted: Jul 14, 2020

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Utility Shutoffs and Assistance
 COVID-19 (Coronavirus) Legal FAQs 

Utility Shutoffs and Assistance

Posted: Jul 09, 2020

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SNAP: Who should **not** apply?

 Didn't Get a Stimulus Check? 
You could be one of an estimated 300,000+ eligible people in Louisiana who did not receive their stimulus payment automatically

COVID-19 Food Stamps (SNAP) Benefit Increase

 COVID-19 (Coronavirus) Legal FAQs

Avoiding Common Tax Scams including Tax Scams related to...

Posted: Apr 04, 2020

[READ →](#)

 COVID-19 (Coronavirus) Legal FAQs

Can I be evicted from a hotel during COVID-19?

Posted: Apr 03, 2020

[READ →](#)

 COVID-19 (Coronavirus) Legal FAQs

Puedo ser desalojado durante la crisis de COVID-19 en...

Posted: Apr 03, 2020

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Veteran Affairs

 COVID-19 (Coronavirus) Legal FAQs

Veteran Affairs During COVID-19

Posted: Apr 01, 2020

[READ →](#)

Social Security Benefits

 COVID-19 (Coronavirus) Legal FAQs

Social Security: FAQ for people who are applying for...

Posted: Apr 01, 2020

[READ →](#)

Louisiana Medicaid Cutoffs

 COVID-19 (Coronavirus) Legal FAQs

LA Medicaid Cutoffs During the Covid Crisis

Posted: Mar 31, 2020

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March and April Food Stamps (SNAP) Benefit Increase

 COVID-19 (Coronavirus) Legal FAQs

March and April Food Stamps (SNAP) Benefit Increase

How to talk to your landlord when you can't pay rent

 COVID-19 (Coronavirus) Legal FAQs

How to talk to your landlord when you can't...

Legal Deadlines

 COVID-19 (Coronavirus) Legal FAQs

FAQ for Legal Deadlines During the COVID-19 Crisis

Southeast Louisiana Legal Services (SLLS)

COVID-19

- Court Access
 - Reasonable Accommodations
 - 1st and 2nd City Court began attaching COVID-related protocols and ADA procedures to summons and RFPs.
 - 21st JDC and 32nd JDC refitted their websites to include information on litigants' rights under the ADA
- Cares Act Eviction Protections
- CDC Eviction Moratorium
- Foreclosure Prevention

Southeast Louisiana Legal Services (SLLS)

- Contact information:

Elena Perez, Esq.: eperez@slls.org

- Website: slls.org
- COVID-19 Hotline: 1-844-244-7871
- Apply online: <https://slls.org/get-help/>
 - then choose the “Apply Online” option

Getting to know



**DISABILITY RIGHTS
LOUISIANA**

**Presented by:
Debra Weinberg, Esq.
Director of Community Advocacy**

Mission

Disability Rights Louisiana protects and advocates for the human and legal rights of all children, adults and seniors with disabilities. Our work aims to empower the disability community to live an integrated life, free from abuse, neglect and exploitation.

History

- Disability Rights Louisiana (DRLA) is a 501(c)(3) not-for-profit organization organized in 1977
- The agency was founded pursuant to a federal law establishing protection and advocacy systems in each state and territory in the U.S. The mandate of the protection and advocacy systems is “to pursue legal, administrative, and other appropriate means to ensure the rights of persons with development disabilities in the state.” Since 1977, we have added other populations to our client base including persons with other mental and physical disabilities and senior citizens.
- Effective February, 2020, we changed our name from Advocacy Center of Louisiana to Disability Rights Louisiana

DRLA's Core Services

- Information and Referral (I&R)
- Client Advocacy Programs
- Legal Assistance
- Systems Advocacy
- Outreach and Training (O&T)
- Legislative Information and Education
- Investigations of Abuse and Neglect

Who we serve

- Louisiana residents with disabilities regardless of income
- Includes physical, mental health, behavioral, intellectual, and traumatic brain-injury disabilities
- Includes all ages

Guiding Priorities

- Community Integration/Healthcare
- Physical/Programmatic Access
- Autonomy
- Employment
- Voting
- Rights Protection/Institutions
- Strengthening Protections for Beneficiaries of Social Security
- Education

Community Integration/Healthcare

Legal Assistance, I&R, Systems Advocacy, O&T, SILAP

Legal Assistance, I&R, Systems Advocacy, O&T

DRLA works to ensure that all people with disabilities have access to necessary healthcare, long-term supports and services, including home and community based services that will allow them to remain in their homes or return to their home communities.

Supported Independent Living Program (SILAP)

Through a contract with the Louisiana Department of Justice, SILAP helps adults with developmental disabilities receiving Medicaid Developmental Disability Waiver services obtain and maintain supports in order to live in their homes, in the greater New Orleans and Baton Rouge areas.

Physical/Programmatic Access

Legal Assistance, SILAP

Legal Assistance, I&R, Systems Advocacy, O&T

DRLA works to eliminate barriers related to physical and programmatic access with respect to critical programs, services, housing and transportation.

Autonomy

Legal Assistance, I&R, Systems Advocacy, O&T

Legal Assistance, I&R, Systems Advocacy, O&T

Eliminate barriers to exercising autonomy and promote practices and policies that allow for enhanced independence and self-determination.

Employment

LEGAL ASSISTANCE, I&R, SYSTEMS ADVOCACY, O&T,
FAIR, WIPA, CAP, & PABSS

Legal Assistance, I&R, Systems Advocacy, O&T

DRLA works to ensure that adults with disabilities in day habilitation and sheltered work programs are given opportunities to engage in competitive employment.

Work Incentives Planning and Assistance (WIPA)

WIPA provides free assistance to people who receive Social Security Disability Benefits and want to work. WIPA provides comprehensive benefits guidance to help beneficiaries make informed decisions on going to work, or working more. WIPA has its own intake line at 1-855-877-8599.

Client Assistance Program (CAP)

CAP provides assistance, information, and advocacy to people with disabilities who are getting or applying for vocational rehabilitation services like Louisiana Rehabilitation Services (LRS) which will lead to competitive integrated employment.

Protection & Advocacy for Beneficiaries of Social Security (PABSS)

PABSS assists beneficiaries of Social Security with barriers to employment. SSA funds PABSS to assist PABSS clients to achieve employment goals, including: Obtain, retain and maintain employment; Advance or be promoted on the job; Access Vocational Rehabilitation (VR) services; Access the services of an Employment Network (EN); Improve employability; Challenge discrimination; Receive information and gain knowledge about employment rights.

Financial Access Inclusion and Resources (FAIR)

FAIR provides financial coaching and case management services to assist formerly incarcerated people with disabilities in the Greater New Orleans area in combating barriers to employment and long term financial security. Our services are holistic and are centered around the individual needs of people with disabilities who may require additional support and services to successfully reenter into their communities after incarceration.

Voting

Legal Assistance, I&R, Systems Advocacy, O&T

Legal Assistance, I&R, Systems Advocacy, O&T

DRLA works to eliminate of barriers to voting and increased knowledge of voting rights. DRLA educates potential elected officials regarding the needs of individuals with disabilities.

Rights Protection/Institutions

Legal Assistance, I&R, Systems Advocacy, O&T, CLOP

Legal Assistance, I&R, Systems Advocacy, O&T

DRLA works to ensure that the rights of people with disabilities living in institutions, residential facilities, jails, prisons and/or detention centers are protected and enforced, and that they are able to live in adequate and humane conditions, are able to access services in the community, and able to exercise autonomy to the maximum extent possible.

Community Living Ombudsman Program (CLOP)

Through a contract with the Louisiana Department of Justice, CLOP ombudsmen visit all privately operated, state licensed, group and community homes (ICF/DD's) in the state to assure quality of life for persons with developmental disabilities who reside there. CLOP serves the entire state of Louisiana and ombudsmen regularly visit facilities and help residents with requests and grievances.

Strengthening Protections for Beneficiaries of Social Security

Representative Payee Program

Representative Payee Review Program

When the Social Security Administration decides a beneficiary can no longer manage his or her SSA income, SSA may assign a representative payee to help the beneficiary manage their benefits. A representative payee can be an individual, like a family member, or an organization. Under federal direction, DRLA will interview hundreds of beneficiaries, review how their representative payees have spent their funds, and ensure that payees are following legal requirements and best practices.

Education

Legal Assistance, I&R, Systems Advocacy, O&T

Legal Assistance, I&R, Systems Advocacy, O&T

For students with disabilities in public pre-K through 12 education, DRLA works to reduce incidences of inappropriate discipline and illegal exclusions, obtain appropriate transition services, and ensure educational access.

Public Policy & Legislative Advocacy

Disability Rights Louisiana monitors legislative activity that impact the lives of people with disabilities and works to provide information to relevant stakeholders and various policy makers about the anticipated effects of such legislation. We are guided by the following principles/platforms:

Abuse and Neglect

Individuals with disabilities are far too often the victims of abuse and neglect. Disability Rights Louisiana advocates for policies that act to prevent and remediate instances of individual and systemic abuse and neglect among the disability community, including physical abuse, physiological abuse and financial exploitation. Further, Disability Rights Louisiana supports policies that aim to hold the entities responsible for these acts accountable, including as applicable, individuals, providers, and state agencies.

Autonomy

Individuals with disabilities should be allowed and encouraged to exercise self-determination and independence. We advocate for policies that promote self-direction and that provide individuals with disabilities the necessary amount of support so that they may make their own decisions.

Disaster Relief

Natural disasters and emergencies are often disproportionately harmful to individuals with disabilities. Disability Rights Louisiana promotes policies that ensure the safety of this population in the event of a wide-scale emergency, including preparedness measures, specialized services, and necessary modifications to programs and services during and after emergencies

Criminal Justice

Individuals with disabilities are more likely to come into contact with the criminal justice system due to inadequate public investment in services such as mental health treatment and long-term supports and services. Disability Rights Louisiana advocates for policies that guarantee adequate supports aimed at preventing circumstances that may lead to the incarceration of individuals with disabilities and policies that divert this population away from the criminal justice system. Further, Disability Rights Louisiana supports policies that promote human dignity of those individuals with disabilities residing in prisons, jails and detention centers by ensuring access to appropriate treatment and rehabilitation opportunities, and policies that increase successful reintegration in the community.

Education

All children and young adults should be provided the appropriate supports and services so that they may thrive in educational settings where they can learn alongside their non-disabled peers. Additionally, we support and encourage policies that allow individuals with disabilities the opportunity to access post-secondary education, including vocational schools, community colleges, and university settings.

Employment

Individuals with disabilities have been historically underrepresented in the American workforce despite having marketable skills that can bring immense value to the private, public, and non-profit business sectors. Disability Rights Louisiana supports policies that promote opportunities for individuals with disabilities, regardless of severity, to pursue, obtain and maintain competitive integrated employment.

Healthcare

Individuals with disabilities often have special healthcare needs that may require robust support and services so that they can maintain quality of life and continue to exercise maximum independence in the community. Disability Rights Louisiana supports healthcare policies that promote accessible, community-based, non-discriminatory coverage and health services that are readily available in both urban and rural areas.

Housing

Individuals with disabilities have been relegated to reside in large institutional type settings for decades, hidden away from the community. Disability Rights Louisiana promotes policies that provide opportunities for individuals with disabilities to rent or own their own homes or apartments in the community alongside their non-disabled peers, absent from discrimination.

Long-Term Supports and Services (Medicaid)

Comprehensive long-term supports and services (LTSS) are essential to allowing individuals with disabilities the opportunity to exercise self-determination and live independent lives in the community. Disability Rights Louisiana advocates for policies that strengthen the access and availability of Medicaid, expand services under the program to meet the needs of populations in need of LTSS, avoid unnecessary institutionalization, and promote community integration.

Transportation

Individuals with disabilities may reap little or none of the benefits of policies that promote equal access to healthcare, education and employment if they lack adequate transportation. Disability Rights Louisiana supports policies that aim to increase access and accessibility to all forms of transportation.

COVID-19 and the Hurricanes

- DRLA expanded its website to address COVID-19, hurricanes, and the election to ensure people with disabilities had a place to receive centralized information.
- FAIR and WIPA program staff compiled a FAQ document regarding how people with disabilities can access COVID-19 related financial assistance and how doing so would impact other public benefits they already receive.
- CLOP worked closely with group home providers to remedy issues, including procurement of PPEs and resources through state and federal agencies. CLOP investigated and reported misuse and mishandling of group home residents' stimulus checks. Hurricanes forced group homes to evacuate, displacing many residents for a prolonged period of time. CLOP worked to ensure their safety during this traumatic period, making recommendations and assisting group homes to handle this situation to minimize safety risks and trauma to all residents.

- SILAP quickly came to support individuals on Medicaid Waivers who evacuated from Hurricane Laura, working with the governing entities (LGE's) and state and federal agencies to provide support to these displaced waiver recipients. This support ranged from advocating for (and obtaining) sufficient personal care attendants, accessible hotel rooms, and basic needs, such as a refrigerator for insulin.
- FAIR staff helped formerly incarcerated individuals with disabilities access needed benefits, financial resources, and healthcare services in light of widespread layoffs and their possible higher susceptibility to COVID-19.

- CAP and PABSS staff assisted clients through the uncharted water of pandemic employment, including lost jobs and the need for new and different vocational rehabilitation services.
- Due to loss of income, many persons with disabilities are being or may be subjected to eviction proceedings. We have been working with community organizations in writing to the Louisiana Supreme Court and demanding that the courts develop and implement procedures for accommodations that will provide such individuals with meaningful access to the courts.

Professional Contacts at DRLA

- Christopher Rodriguez, Executive Director- crodriguez@disabilityrightsla.org
- Tory Rocca, Director of Public Policy and Community Engagement- trocca@disabilityrightsla.org
- Ron Lospennato, Director of Legal Services- rlospennato@disabilityrightsla.org
- Debra Weinberg, Director of Community Advocacy- dweinberg@disabilityrightsla.org

How to Ask for Assistance

- Phone: 1-800-960-7705 or 504-522-2337
- Email: info@disabilityrightsla.org
- Website: www.disabilityrightsla.org
- Online intake form: www.disabilityrightsla.org/get-help-now/

