



City of Tucson Non-Compliant with Federal Disability Rights Laws

The City of Tucson continues to be out of compliance with federal disability laws and has been so for nearly four decades. [*A recent article in the Arizona Daily Star*](#) points to the fact that the City will need an estimated \$17 million to correct more than 2,800 problems. These problems were uncovered during a federal audit by the U.S. Department of Justice and subsequent self-audits of 150 buildings citywide..

According to Peri Jude Radecic, executive director of the Arizona Center for Disability Law, the City has disregarded the federal law and must do everything in its power to become compliant. The disability community in Tucson deserves full and complete access to City facilities.

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Listening to DAD

What do you think of when you hear the word Dad? Someone who offers guidance. Someone you listen to. Someone who seems to know all the answers. Here at the Arizona Center for Disability Law, our “DAD” offers guidance. He seems to know all the answers. “And when our DAD talks, we listen,” exclaims Elaine Timmins, information systems and grants manager at the Center.

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Letter From the Executive Director



Peri Jude Radecic (R) and the ACDL Board of Directors presents Sheree Lloyd (L) with an award for her leadership of the ACDL PAIMI Council.

One of the many ways the Arizona Center for Disability Law makes an impact is through the volunteer work of our mental health advisory council, officially known as our Protection and Advocacy for Individuals with Mental Illness (PAIMI) Council.

Our PAIMI Council has 13 members made up of individuals from the community who meet regularly to provide our staff and Board with advice and recommendations about our mental health priorities, help us to conduct outreach and site visits to mental health treatment facilities, and receive training in the area of mental health policy and advocacy.

For the last two years, our PAIMI Council has been led by Sheree Lloyd. Sheree is a state and national self-advocacy leader who joined our PAIMI Council because Sheree wanted to protect and advocate for her twin sister, who is a person with a mental illness.

Under Sheree's leadership, our PAIMI Council has traveled the state to conduct outreach visits to the Arizona State Hospital, Kino Hospital, and Mohave Mental Health Clinic.

The PAIMI Council has also worked collaboratively with the Florence Immigrant Rights and Refugee Project in support of detainees with mental illness at the Eloy Detention Center.

Sheree has led the Council in public policy activities by organizing PAIMI Council meetings at the State Capitol and joining Council activities with our state disability policy coalition, the Arizona Disability Advocacy Coalition.

In addition, she has written numerous letters on behalf of the Council and made trips to the State Capitol to deliver them in person to Governor Jan Brewer's staff, sometimes even "getting our foot in the door" as Sheree says.

The Arizona Center for Disability Law is a dedicated group of staff and volunteers, just like Sheree, who care deeply about our mission and want to see independence and equality a reality for all persons with disabilities – now.

We've prepared a short video so you can learn more about Sheree and her advocacy work. [Click here to see her video.](#)

A handwritten signature in black ink that reads "Peri Jude Radecic".

Peri Jude Radecic
Executive Director

Priorities are set for 2012

Every year the Arizona Center for Disability Law develops priorities in its three major program areas, Protection and Advocacy for Persons with Developmental Disabilities (PADD), Protection and Advocacy for Individuals with Mental Illness (PAIMI) and Protection and Advocacy for Individual Rights (PAIR). The document is used as a tool to focus limited staff and resources to those areas that will have the most impact on the disability community. After soliciting input from the Center's Board, PAIMI Advisory Council, and staff, a draft priorities document is released for a 45-day public comment period. We hold three public forums to listen to persons with disabilities and their family members' concerns about issues impacting their lives. The public forums this year were held in Phoenix, Tucson and Yuma.

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At the public forums, the disability community overwhelmingly expressed concern regarding the legislative cuts to health care programs and services in general. Many fear that further cuts to provider rates, respite services and personal care attendant services will leave them no choice but to leave the community and enter into a more institutionalized setting.

Comments also included concerns regarding employment discrimination and equal access to programs and services especially from those who are deaf and hard of hearing. Others commented on cuts to transportation and the difficulty it poses in traveling for work, and obtaining health care. Special education remains at the top of the list for concerns of parents of children with disabilities.

After the 45-day comment period ended, the Center adjusted its priorities which were finalized by the Board in September.

[A copy of the FY 2012 priorities can be viewed here.](#)

AHCCCS Petition Filed

Arizona Center for Disability Law, along with the Arizona Center for Law in the Public Interest and the William E. Morris Institute for Justice, filed a special action petition in the Arizona Supreme Court. The petition challenged the Arizona State Legislature and Governor Jan Brewer's unlawful repeal of AHCCCS coverage for hundreds of thousands of individuals. The suit sought to maintain coverage and enrollment for individuals up to 100% of the Federal Poverty Level, as required by Proposition 204, an Arizona voter approved proposition passed in 2000.

The Center subsequently filed a motion for expedited relief and a request for oral argument. The motion for expedited consideration was granted, but our requests for oral argument and injunctive relief were denied on June 24, 2011.

We then filed a motion for temporary restraining order and preliminary injunction in the Superior Court of Maricopa County. Our motion for temporary restraining order was considered on June 30, 2011 by Judge Mark H. Brain. He denied our motion at that hearing, but scheduled another hearing to consider our motion for a preliminary injunction on August 3, 2011. We amended our complaint to include additional plaintiffs harmed by the freeze on enrollment that had gone into effect on July 8, 2011. On August 3, 2011, Judge Brain considered our motion for preliminary and permanent injunction. On August 10, 2011, Judge Brain issued an order denying our motions. His ruling stated that the Legislature does not have an enforceable duty to fund Proposition 204.

On August 18, 2011, we appealed to the Arizona Court of Appeals in a special action petition. Our appeal was scheduled to be considered by the Court of Appeals on September 14, 2011. On that day, the Court of Appeals set our case for oral argument on October 14, 2011.

The ACDL PAIMI Advisory Council is making a difference in our community

One important component of our work at the Arizona Center for Disability Law is accomplished through our Protection and Advocacy for Individuals with Mental Illness (PAIMI) Advisory Council. Twelve members serve as an extension of the ACDL across Arizona by:

- Referring persons with mental illness to ACDL for our legal and self-advocacy services;
- Advising staff about systemic issues in the community;
- Making recommendations for program priorities; and
- Conducting outreach and site visits to facilities.

In the last year, our PAIMI Advisory Council held meetings at the Disability Empowerment Center and the Arizona State Capitol in Phoenix and at the Florence Immigrant Rights and Refugee Project.



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In August, the PAIMI Advisory Council traveled to Kingman to conduct a quarterly meeting and lead a site visit at the Mohave Mental Health Clinic in Kingman. Staff and Council members also trained Clinic staff on the state grievance and appeals process for persons with mental illness.

PAIMI Advisory Council members participated in public policy advocacy efforts at the Arizona Capitol to educate lawmakers about the impact of state budget cuts on persons with mental illness and attended two Asylum hearings for detainees with mental illness at Arizona's immigration facilities in Eloy. Members also spoke out against cuts to Medicaid in rallies in Phoenix and Washington, DC.

PAIMI Advisory Council members include:

Laura Belous, Esq. – Tucson

Jerry Boehm – Phoenix

Wendy Gibler - Tucson

Juliana Huereña – Phoenix

Peg Kepner – Tucson

Sheree Lloyd - Glendale

Thalassa Kingsnorth, Esq. – Tucson

Sherri McClain – Tucson

Lopeti Penima'ani – Casa Grande

Georgette Sbarounis – Tucson

Claire Swinford – Tucson

Nicholas Zuniga – Mesa

What is STAT?

STAT stands for Short Term Assistance Team and is a group of four Intake Advocates in the Arizona Center for Disability Law Phoenix office, who handle all incoming requests for help. You can reach them by phone each Monday, Tuesday, Thursday or Friday from 9 a.m. to 1 p.m. by calling (602) 274-6287 (VOICE/TTY) or 1-800-927-2260 (toll free).

Requests for help via e-mail, fax, voice-message and regular mail are also accepted. We will try to respond within 48 hours. Because our advocates are usually on the phones, we may not be able to help those who walk into our office with a request for help right away. We will try to keep the wait short, if we can.

The receptionist will be the first to answer your call. Simply tell the receptionist you would like to speak with STAT or you would like to do an intake. S/he will connect you to the next available STAT Advocate. The STAT Advocate will gather information and ask questions about the issue you presented. Finally, the STAT Advocate will explain options available to you so that you can resolve the issue and advocate for yourself. Generally, we follow up most calls with a letter and additional resource material that further explain the options the advocate gave to you.

Some issues may require additional assistance. Those calls may be “sent up for review.” This means that our Litigation Director will review a request and, if we have available resources, assign it to a Senior Advocate or Attorney for additional advocacy.

Kathy Roberts, STAT supervisor, says “to give you an idea of our intake workload, during this fiscal year (October 2010 to September 2011), we responded to 2,281 requests for various services. Nearly 41% of those calls were requesting services for people with a developmental disability.”



Reception area of the Center's office at the DEC.



Donna Powers (left), STAT Advocate, and Kathy Roberts, I&R Supervisor, discuss one of the intakes that Donna received recently.

STAT stands for Short Term Assistance Team and is a group of four Intake Advocates in the Arizona Center for Disability Law Phoenix office who handle all incoming requests for help.

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“The fact that this issue has been studied and studied and little done to remedy the situation for 38 years points to poor management, deliberate indifference, and disrespect for the disability community. The Americans with Disabilities Act and the 1973 Rehabilitation Act were enacted by the people’s representatives to ensure equality of opportunity and independence. The City’s failure to comply is a violation of federal laws,” said Radecic.

The fact that changes to these facilities could have been made when the City had resources but failed to prioritize these fixes is appalling and is no excuse for not moving forward. The Center will continue to monitor the situation in Tucson.

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ACDL efforts to serve military families

This summer Cathy Hunt and Peg Kepner, Arizona Center for Disability Law’s Tucson Board members began to brainstorm ideas of how military families could better access the services of the Center.

Both Cathy and Peg had raised their sons with disabilities on Air Force Bases across America. Often, Peg and Cathy found no support or services for their sons while their husbands served their country.

Peg and Cathy want the path for today’s military families to be easier than the road they traveled. That’s why they volunteer their time to help lead the Arizona Center for Disability Law.

For years, the Center has conducted outreach and training activities on every major military installation in Arizona. For most families, their contact with us is through our special education work. We provide families with information about their special education rights for schools located on base and off base. We have represented military families dealing with special education rights issues on and off base.

Peg and Cathy would like to hear from you to help us learn more about the issues of concern to military families in Arizona. [*Please take our 2-minute confidential survey.*](#) As Board members, we want to learn more about the critical issues military families face today to help us better plan our budget and program work.

Thank you for your time. We will report on our results in our next newsletter.



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Listening to DAD

Here are some of the interesting facts that our DAD, short for Disability Advocacy Database, told us this year:

- Center staff responded to 760 requests for information and referrals.
- We received 1,521 requests for service – up from 1,367 last year.
- Male clients outnumbered females by 125. Male clients made up 823 of our callers while females were 698.
- Hispanic clients were up 22% from last fiscal year and made up 17% of our service requests.
- Most of the callers requested services in three major funding sources – PADD (Protection and Advocacy for Individuals with a Developmental Disabilities); PAIR (Protection and Advocacy for Individual Rights); and PAIMI (Protection and Advocacy for Individuals with Mental Illness). PADD had 621 service requests; PAIR, 420; and PAIMI, 296.
- The counties with the most service requests were Maricopa (895), Pima (317), Pinal (77), Yavapai (44) and Coconino (36).
- Zip codes with the most callers consisted of 85008 (33), 85710 (29), 85730 (18), 85706 (19) and 85326 (18).

- The top 10 requests for services fell into the following categories: education, employment, healthcare, housing, rehabilitation, rights violations, neglect, abuse, services related to Social Security, and accessibility issues.
- We distributed 2,297 pieces of information including guides, brochures, forms, referral lists, and manuals to callers this past fiscal year.

So, what do we do with all of this information provided by DAD? We listen and then act.

With the data amassed in DAD, we compile all of the information to prepare our federally mandated Program Performance Reports at the end of the year. We also use the data to prioritize the Center's goals and objectives for the next fiscal year. When we develop our training and outreach programs for the year, we use the data to pinpoint areas of concern in each community that we plan to visit. In January 2011, when our staff visited the office of Congressman Trent Franks, we provided his staff with information on the main requests for service from the 35 zip codes that comprise his district. When we looked for trends relating to restraint and seclusion, bullying and other behavioral issues, we were able to isolate certain schools and districts with those issues by using data obtained in DAD.

For the Center, DAD is the main source of information for a variety of reasons. And when DAD dispenses that information, we have learned to listen.

Legal Options Update

During our summer legal options tour, the Arizona Center for Disability Law along with Arizona Developmental Disabilities Planning Council had the opportunity to travel to some of Arizona's beautiful rural counties to teach advocates, parents and persons with disabilities about different legal options available to folks who might need assistance in one or more aspects of life. Center representatives were able to provide on-the-spot counseling about what types of options are appropriate, along with teaching attendees about other services the Center offers. We were also able to do outreach to mental health providers in several of these underserved counties as well, providing information about the types of assistance provided through the PAIMI program.



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