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Advocacy Appeal

Arizona Center for Disability Law

Protection and Advocacy System for Arizona

March 2003

Dear Friends,

The Arizona Center for Disability Law lost one of its best last month. Maureen Zeeb, Center Staff Advocate, died on January 25th after a long illness. Maureen had worked at the Center's Phoenix office for the last twelve years, assisting long term residents of the Arizona State Hospital (ASH) with discharge into appropriate community settings and advocating for the rights of persons with serious mental illness to get the services they need.



Staff Members: Kathy Ross, Kris Stocking (Husband, David Stocking), Maureen Zeeb, & Julie Carter

Maureen's commitment to protecting the rights of people with mental illness and advocating for all poor and disadvantaged groups went well beyond a 9 to 5 job. She was there at every march and rally in support of mental health issues, active in her local Arizona Alliance for the Mentally Ill chapter, and always willing to go that extra mile for family, friends or a colleague in need.

At the Center, you always knew that, if there was an injustice (or a perceived injustice) - whether it was a patient at ASH who was not receiving grounds privileges, a Native American man who was unable to obtain services close to his home on the reservation, or a new provision in the Center's health insurance policy which could adversely affect staff - Maureen would speak up. Through the years, Maureen's persistent advocacy resulted in numerous successes, including:

- ¥ Obtaining sign language interpreter services and appropriate evaluations for a long-term patient at ASH, which in turn led to his discharge to a home for seniors. This was one of many cases where Maureen was able to see beyond current behaviors caused by years of institutionalization to obtain a place in the community for someone who had been given up on by everyone else.
- ¥ Elimination of the "banding" system at ASH. Patients were required to wear wrist bands noting their level of privileges on the grounds at ASH. Maureen was concerned that this "branded" patients and was able to convince the administration that there were other ways of keeping track of patients than making them wear easily identifiable wristbands.
- ¥ A new policy at ASH aimed at ensuring patient safety. When Maureen's client at ASH cut himself with a razorblade, she not only asked the hospital for a better treatment plan but also requested that the hospital look more closely at how he was able to obtain a razorblade in the first place. As a result of Maureen's advocacy, her client received the treatment he needed to control his self-abusive behaviors and ASH instituted a new policy to keep track of the number and location of razorblades on each ward.

(continued on page 2)

Calling *Best Buy* To Task

In its ongoing efforts to ensure equal employment opportunity in hiring and recruitment for people with disabilities, the Arizona Center for Disability Law recently represented two individuals who tried unsuccessfully to apply for jobs at Best Buy using their automated telephone hiring system. Esteban Altamirano and Carlos Rodriguez, both of whom are deaf, were unable to operate the company's automated hiring system, which is used for the hiring of all entry-level positions and requires that job applicants follow a series of telephone voice prompts. The system maintained by Best Buy was not capable of accommodating callers who use a telecommunications relay service or a text telephone to complete calls. A settlement agreed upon on January 2nd changed this however.

On January 2nd, in exchange for Altamirano and Rodriguez agreeing to dismiss the lawsuit, Best Buy said that it would take a number of steps to alleviate the problem, including:

¥ Making its automated system compatible with text telephones by May 2003;

¥ Ensuring that it will in no way segregate the applications resulting from callers who use a text telephone to apply;

¥ Staffing a toll free "Special Accommodation" number with a live operator 24 hours a day/7days per week to assist text callers until the automated system is made fully accessible; and

¥ Taking steps to ensure applicants who are deaf have adequate notice about how to apply at Best Buy through its existing system.

Center Attorney, Rose Daly-Rooney, noted the importance of the settlement, stating, "This [settlement] is a wake up call for other employers who use technology for hiring: design and construct your technology - whether it's automated telephone systems or kiosks - so as not to exclude or segregate people with disabilities."

(continued from page 1-Executive Director Letter)

In order for Maureen's legacy to live on, the Center is creating the "Maureen Zeeb Mental Health Advocacy Award," which will be presented to a deserving community member each year at the Center's Spring Event in Phoenix. This year the award will be given to Maureen posthumously and will be presented to her family at the Center's reception on May 1, 2003, from 5-7 p.m., at the Law Firm of Squire, Sanders & Dempsey. More information on the event and how to purchase tickets is contained on page 4 of this newsletter.

Speaking on behalf of all Center staff, I know that Maureen's legacy will live on for us as we continue her efforts to ensure that individuals with mental illness are not subject to abuse and neglect and that each person is provided the assistance they need to live the most fulfilling and independent life possible.

Sincerely,

Leslie J. Cohen

Executive Director

Where There's A Will...

Last spring, Patricia found out first hand what it means to "advocate" for someone's rights and that experience changed her life. Patricia's son, Javier, was ready to transition from preschool to kindergarten. His school district had willingly provided Javier, who has speech and language impairments, with a bilingual educational pre-school program. The bilingual program allowed Javier to use his first language, Spanish, to learn, which, in turn, made it easier for Javier to overcome some of the challenges he faced related to his disability.

Unfortunately, though, when it came time for Javier to advance to kindergarten, the school district refused to provide Javier with the services previously offered by his pre-school and attempted to place him in an English immersion program even though his communication disorder prevented him from fully comprehending a second language. Patricia would not accept no for an answer, however. She went to a school board meeting and demanded that children such as her son be provided with programs suited to serve their individualized needs. When that didn't work, Patricia contacted the Center.

The Center's Special Education Team offered their assistance to Javier and his mother. After the initiation of legal action, the district agreed to provide Javier with a bilingual aide and a bilingual speech therapist to address his disability-related language needs. The district also agreed to incorporate many other elements of the bilingual program offered by the pre-school into the Javier's current learning program.

According to Patricia, it was this experience that really spurred her interest in advocacy. While working to obtain services for Javier, she became aware of the needs of other children in



Javier's district and began thinking about how she could most effectively influence the system to ensure that all students were provided a free, appropriate public education. Patricia decided to run for the school board. She not only won a seat on the school board, but she received more votes than any other candidate in the district.

In a matter of months, Patricia has gone from being an advocate for her son to being an advocate for all students and parents facing challenges in the school system. Not surprisingly, Patricia attributes her desire to rise to the next level to Javier, stating, "I ran for the school board because of him. His situation helped me recognize that other children were losing out too. From that point on I knew that I wouldn't be satisfied until all kids in his district were getting the services that they need to live, learn and grow."

In a matter of months, Patricia has gone from being an advocate for her son to being an advocate for all students and parents facing challenges in the school system.

Legislative Advocacy Group

Formed By Center

The 2003 state legislative session is already upon us. In preparing for this session and future sessions, the Center initiated a project in February 2002 to take a look at how to improve public policy coordination within the disability community. The project began with 7 disability advocacy groups and now includes 14 groups from around Arizona, committed to working together to promote public policy that enhances the choice, dignity, rights and responsibilities of people with disabilities and their families. Now known as the Arizona Disability Advocacy Coalition (AzDAC), the group seeks to engage individuals with disabilities, their families and organizations in the public policy process in order to ensure that the policies that succeed are those that improve the lives of individuals with disabilities.

On January 21, 2003 AzDAC held its first legislative event of this session. In conjunction with the Governor's Council on Developmental Disabilities' Legislative Awareness Day, AzDAC held a workshop for individuals with disabilities and their family members on the legislative process. Over 100 people attended the workshop to learn more about topics such as how to effectively communicate with their legislator and how to find bills on-line. By all accounts, the event was a success.

The Center looks forward to working with AzDAC over the course of the session and in legislative sessions to come to provide members of the community with information that they can use to let public policy makers know that the disability community has a voice that will not go unheard.

House Bill 2181-

Making Limited Guardianship More Accessible

Prior to the start of the 2003 legislative session, Center staff convened a workgroup to explore ways to ensure that the guardianship laws fairly assess the individual's need for a guardian in different life areas. While both full and limited guardianships are available in Arizona, it is widely recognized that full guardianship is routinely established for individuals who need a guardian, but retain the capacity to make decisions about certain areas of their life.

In order to promote the increased establishment of limited guardianships, which limit an individual's decision-making authority only in specific areas, such as entering into contracts or accessing health care, while preserving their rights in others areas, the workgroup developed language to amend Arizona Revised Statutes 14-5303 and 14-5304. The language, now being proposed in House Bill (HB) 2181, promotes the establishment of limited guardianships for individuals who retain the capacity to make decisions about certain areas of their life, while in no way interfering with the establishment of full guardianships when appropriate.

The new language asks the Court to consider a number of things when establishing a guardianship, including whether an individual could be better served by alternatives other than guardianship, such as conservatorship or mental health power of attorney. In doing so, the amendment clarifies the options available to the Court, thus ensuring that individuals maintain the maximum amount of personal freedom possible, while still continuing to receive the support needed to make certain major life decisions.

We would like to ask that you please support HB 2181, sponsored by Representative Pete Hershberger. If you have any questions regarding the bill or would like more information, please contact Jami at 602-274-6287 (voice/TTY).

Join The Center

*In Honoring Community
Members This Spring*

The Arizona Center for Disability Law will host two events this spring to honor members of the community who have dedicated time and energy to furthering the Center's mission of protecting the rights of people with disabilities and promoting their inclusion in community life. The first reception will be held in Tucson on March 11, 2003 and the second will be held in Phoenix on May 1, 2003.

The Tucson event will honor community members who have demonstrated a commitment to ensuring the inclusion of people with disabilities in community life. Three individuals will be recognized at the event, including: Margaret "Peg" Haley Kepner, for her long time advocacy efforts on behalf of people with developmental disabilities; John Wesley Miller, for his commitment to building universally accessible housing; and, Betty Seery, for her dedication to the employment of individuals with mental illness.

The Phoenix reception will honor two individuals whose advocacy efforts have been aimed at promoting the rights of individuals with mental illness: Dr. Max Dine, retired oncologist and mental health advocate, and Laura Lawless, Miss Arizona 2002. Dr. Dine and Ms. Lawless have dedicated a combined 16 years to ensuring that individuals with mental illness have access to services that they need and remain free from discrimination. In addition, a special award will be presented in honor of Center staff member, Maureen Zeeb, who recently passed away.

Cocktails and hors d'oeuvres will be served at both events. Tickets are \$25 per person and the events will be held on March 11th (Tucson) and May 1st (Phoenix) from 5 p.m. to 7 p.m. For more information on the Tucson event and/or to RSVP, please call 520-327-9547 (voice/TTY). For additional information on the Phoenix event and/or to RSVP, call 602-274-6287 (voice/TTY).

June Conference

*Scheduled for Individuals with
Traumatic Brain Injury (TBI)*

The Arizona Center for Disability Law, in conjunction with the Arizona Governor's Council on Spinal and Head Injuries, will sponsor a conference in June for individuals with traumatic brain injury and their family members. The conference, to be held on June 13, 2003 from 9 a.m. to 1 p.m., will feature a number of workshops and speakers. Workshops will include information on the legal rights of people with traumatic brain injury as well as the resources available to individuals with brain injury in Phoenix and around Arizona.

The conference will be held at the Sheraton Crescent Hotel, 2620 West Dunlap Avenue in Phoenix and is free to all who wish to participate. A continental breakfast will be served. If you are interested in attending the conference, please call Judy at 602-274-6287 (voice/TTY, in Phoenix) or 1-800-927-2260 (voice/TTY, outside of Phoenix).

