



HAWAII
DISABILITY
RIGHTS
CENTER

Welcome...

HAWAII DISABILITY RIGHTS CENTER

**"P&A" - Protection and Advocacy System for
Hawaii's 258,000+ PWDs**



Who We Are

The Hawaii Disability Rights Center (HDRC) is Hawaii's designated Protection and Advocacy (P&A) system for persons with disabilities (PWD).

HDRC defends and enforces the human, civil and legal rights of PWD through the provision of information and advocacy.



Who We Are

HDRC is the federally designated, Governor appointed Protection and Advocacy agency for Hawaii and has been since 1978



Who Qualifies?

**Our Services Are Always Free
There Are No Income Eligibility Requirements**

**If you have a disability, you are part of our
protected class.**

All services are confidential.



WHO WE ARE

HUMAN RIGHTS

**“right to life, liberty
and the pursuit of happiness”.**

US Constitution



Who We Are

CIVIL RIGHTS

Freedom of religion, speech, press, right to assemble; petition for change; equal protection under the law; privacy; confidentiality; appeal decisions; freedom from oppression, unlawful search and seizure; and cruel and unusual punishment.



WHO WE ARE

LEGAL RIGHTS

are an expansion of our human and civil rights by specific laws, such as those laws which authorize protection and advocacy for people with disabilities, the ADA, the IDEA, the Fair Housing Act, etc.



WHERE WE CAME FROM & WHY WE ARE HERE

In the 1970's, Congress began to hear about terrible living conditions and the bad treatment of people who were intellectually disabled and living in institutions.

Congress decided to create a new program to **protect** people with developmental disabilities from abuse and neglect, and to **advocate** for their rights –

thus, the birth of the **Protection & Advocacy (P&A) System** for PWDs.



WHERE WE CAME FROM & WHY WE ARE HERE

Over the years since 1975,
Congress has expanded the
scope and authority of the
nation's **Protection and Advocacy
(P&A) System** for people with
disabilities . . .



WHERE WE CAME FROM & WHY WE ARE HERE

Protection and Advocacy (P&A) for people with disabilities is now mandated in separate federal laws:

- 1. 1975 - Protection and Advocacy for Individuals with Developmental Disabilities (PADD)** was authorized in the Developmental Disabilities Assistance and Bill of Rights Act. (42 USC 15001, PL 106-402)
- 2. 1986 - Protection and Advocacy for Individuals with Mental Illness (PAIMI)** was authorized in the Protection and Advocacy for Mentally Ill Individuals Act. (42 USC 10801, PL 106-310)



WHERE WE CAME FROM & WHY WE ARE HERE

Protection and Advocacy (P&A) for people with disabilities is now mandated in seven separate federal laws:

- 3. 1992 - Protection and Advocacy for Individual Rights (PAIR)** was authorized in the Rehabilitation Act.
(29USC 794e, PL 106-402)
- 4. 1995 - Protection and Advocacy for [Individuals in Need of] Assistive Technology (PAAT)** was authorized in the Assistive Technology Act.
(29 USC 3011,3012, PL 105-394)



WHERE WE COME FROM & WHY WE ARE HERE

Protection and Advocacy (P&A) for people with disabilities is now mandated in seven separate federal laws:

- 5. 2000 - Protection and Advocacy for Beneficiaries of Social Security (PABSS)** was authorized in the Ticket to Work and Work Incentives Improvement Act.
(42 USC 1320b-20, PL 106-170)

- 6. 2000 - Protection and Advocacy for Individuals with Traumatic Brain Injury (PATBI)** in the Children's Health Act of 2000.
(42 USC 300d-53, PL 106- 310)



WHERE WE COME FROM & WHY WE ARE HERE

- 7. 2002 - Protection and Advocacy for Voter Access (PAVA) in the Help America Vote Act of 2002.**
(42 USC 15461-62, PL 107-252)

In summary, four laws provide P&A based on disability:

- Developmental Disabilities (PADD)
- Mental Illness (PAIMI)
- Traumatic Brain Injuries (PATBI)
- All Other Disabilities (PAIR)

And laws provide P&A for specific issues or problems:

- Assistive Technology (PAAT)
- Beneficiaries of Social Security (PABSS)
- Voter Access (PAVA)
- Rep Payee/Strengthening Protections (PASPSSB)



WHO WE SERVE

OUR PROTECTED POPULATION: PERSONS WITH DISABILITIES

Disability is usually defined in terms of functional limitation in the following areas:

- **Mobility**
- **Cognition**
- **Independent living**
- **Economic self-sufficiency**
- **Learning**
- **Self-care**
- **Hearing/Vision**
- **Receptive and expressive language**



WHO WE SERVE

OUR CONSTITUENTS: PEOPLE WITH DISABILITIES

The Americans with Disabilities Act (ADA) definition of disability consists of three parts:

- **A physical or mental impairment that substantially limits one or more major life activities;**
- **A record of such impairments(s); or**
- **The perception of having such an impairment.**



WHO WE SERVE

OUR CONSTITUENTS: PEOPLE WITH DISABILITIES

According to the 2020 U.S. Census Bureau data, the State of Hawaii has about 1,455,271 residents.

The CDC estimates that 17.7% of Hawaii's population has a disability; therefore:

It is estimated that 258,000+ of Hawaii's residents have a disability.



WHAT WE DO

RIGHTS ISSUES

HDRC has identified and organized the ***“universe of issues”*** in which the agency may protect and advocate for the human, civil and legal rights of people with disabilities, as follows:



WHAT WE DO

RIGHTS ISSUES

1. Care and Treatment
2. Citizenship
3. Education
4. Employment
5. Housing
6. Freedom of Association
7. Justice
8. Programs



WHAT WE DO

PROTECTION AND ADVOCACY TRAUMATIC BRAIN INJURY

Passage of the Traumatic Brain Injury ACT of 1996 signaled a national recognition of the need to improve state TBI services. HDRC is part of that system of care. Use us!



WHAT WE DO

PATBI – HOW CAN WE HELP?

- 1. Information and Referral**
- 2. Individual Advocacy**
- 3. Assistance with Self-Advocacy**
- 4. Legal Representation**

Additionally, through any of our other programs such as:

- Care and Treatment**
- Education/Employment**
- Housing**
- Programs (Medicaid, SSI/SSDI)**



WHO WE SERVED

FFY 2020

- Served 12 individual TBI cases
- Breakdown: 3 Education, 2 Social Security, 3 Medicaid, 2 Housing and 2 Transportation
- Gender: 5 Female, 7 Male



WHO WE SERVED

FFY 2020

- Living: 3 Independent, 5 Family, 3 SNF or Foster, 1 Homeless
- Age: 10 – 65+, most 23-64
- Ethnicity: NH/Pacific, Asian, Hispanic and 2+



WHO WE SERVED

Case History

Middle school student sustained two head injuries in wrestling practice in which the 2nd injury resulted in loss of consciousness for 2 hours.

Neurologist put on home-hospital until healed.



WHO WE SERVED

Case History, continued

HDRC was called. Advocate attended 5 IEPs to get need services, developed a BSP as well as TBI training for the staff. At a 5 month follow-up was positive, no suspensions and improved grades.



WHO WE SERVED

Case History, continued 2

Mom noted home behaviors became very challenging, aggressions, stealing, etc. Once back in school multiple suspensions due to insubordination and removed from General Ed classrooms.



HOW TO SERVE MORE, ID OTHERS

HDRC can assist in improving outcomes for our youth and adults. We can use your help in identifying underserved and TBI impacted individuals.



WHAT WE DO

PROTECTION AND ADVOCACY BENEFICIARIES OF SOCIAL SECURITY

Under PABSS, HDRC can:

- Investigate complaints regarding services provided to a beneficiary in connection with returning to work
- Provide information and referrals on services that are available to assist beneficiaries in being gainfully employed (Ticket to Work Program, help from Employer Networks)
- Legal representation to protect the rights of beneficiaries with disabilities to work free of discrimination and with reasonable accommodations
- Pursue appeals of continuing disability review determinations by SSA and overpayment claims due to excess earnings
- Resolve disputes with the Division of Vocational Rehabilitation (“DVR”) and Employer Networks



WHAT WE DO

PROTECTION AND ADVOCACY BENEFICIARIES OF SOCIAL SECURITY

Social Security Application Process:

- SSA contracts with each state for 1st two denials.
- For HI, SSA contracts with DHS DVR Disability Determination Branch (DDB).



WHAT WE DO

PROTECTION AND ADVOCACY BENEFICIARIES OF SOCIAL SECURITY

Social Security Application, cont.

- 1. Do not give up**
- 2. 80% of denied cases are overturned at administrative hearing level**
- 3. If you are overwhelmed, seek help.**



WHAT WE DO

ADVOCACY PRINCIPLES

HDRC strives to provide services that are:

- Sensitive to the personal dignity, choice and cultural/ethnic diversity of each client;
- Offered with appropriate accommodations;
- Distributed based on the needs of people with disabilities; and
- Consumer driven and consumer responsive.



When to Use Our Services

HDRC does not provide representation in the following areas, except in compelling and unique circumstances:

- 1. Bankruptcy**
- 2. Consumer protection or products liability**
- 3. Conservatorship or guardianship of the person or property**
- 4. Criminal proceedings**
- 5. Estate planning and wills**
- 6. Family law - adoption, child support, custody, divorce**
- 7. Malpractice**



How to Get Our Services & Where to Find Us

Lydia Hardie Hemmings

lydia@hawaiidisabilityrights.org

808-275-4008

Hawaii Disability Rights Center

1132 Bishop Street

Suite 2102

Honolulu, Hawaii 96813

HDRC is Here When You Need Us



How to Get Our Services & Where to Find Us

You Can Call Us Toll Free:

1 (800) 882-1057
(Voice & TTY)

HDRC is Here When You Need Us



How to Get Our Services & Where to Find Us

You Can Visit Our Website:

www.HawaiiDisabilityRights.org

http://www.hawaiidisabilityrights.org/Services_Assistance.aspx

HDRC is Here When You Need Us



Who Qualifies?

**Our Services Are Always Free
There Are No Income Eligibility Requirements**

**If you have a disability, you are part of our
protected class.**



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Mahalo...

HAWAII DISABILITY RIGHTS CENTER

**For Additional Information or Assistance,
Please Contact Us At:**

1132 Bishop Street, Suite 2102, Honolulu, Hawaii 96813

Telephone (v/tty): **(808) 949-2922** . Statewide Toll Free (v/tty) : **1-800-882-1057**

Email: **Info@HawaiiDisabilityRights.org** Website: **www.HawaiiDisabilityRights.org**