Public Forum on ADAP’s PAIMI Program
Wednesday, July 30, 2008
2:00 PM to 3:00 PM

Birmingham Civil Rights Institute
520 Sixteenth Street North
Birmingham, Alabama 35203

Through its PAIMI program, ADAP provides advocacy services to persons with mental illness.

In conjunction with a monitoring visit by ADAP’s federal PAIMI partner, the Substance Abuse and Mental Health Services Administration (SAMHSA), ADAP is holding a public comment forum.

Members of the public are invited to this forum to share their thoughts on ADAP’s advocacy work on behalf of persons with mental illness with SAMHSA representatives.

Individuals wanting to attend this forum who need accommodations due to disability should contact Vicki Hubbard by email at vhubbard@adap.ua.edu or by phone at 1-800-826-1675 by Monday, July 21.

If you cannot attend this forum but would like to share your views about ADAP’s advocacy on behalf of persons with mental illness, you can provide anonymous comments via phone, letter, or through ADAP’s website.

To provide comments by phone, call 1-800-826-1675. To provide comments by letter, write ADAP/PAIMI Comments at Box 870395, University of Alabama, Tuscaloosa, AL 35487. To provide comments via ADAP’s website log on at www.adap.net.

Questions? Contact Vicki Hubbard by email at vhubbard@adap.ua.edu or by phone at 1-800-826-1675.

Included We Stand: Alabama Developmental Disabilities Network Conference
Thursday – Friday, August 21-22, 2008
Registration starts Aug. 21 at 7:30am, Conference begins at 9:00am
Bryant Conference Center, 240 Bryant Drive, Tuscaloosa, AL 35487

ADAP, the Alabama Council for Developmental Disabilities and the Civitan Center at the University of Alabama in Birmingham make up Alabama’s Developmental Disabilities (DD) Network.

The goal of this first-ever conference for Alabama’s DD Network is to share information that encourages the inclusion of persons with developmental disabilities in their communities.

The conference will feature disability activists Dale DiLeo, Al Condello and Clay Dyer. Breakout sessions will focus on health care systems, case management, juvenile justice, housing, voting, disaster preparedness, employment, special education, transportation, and more.

For more information about the program, sponsorship opportunities or exhibit participation, call Amanda Al-Betar at (205) 348-9966 or Penny Williamson at (205) 348-3014. Fax requests to their attention at (205) 348-9276 or email pwilliamson@ccs.ua.edu.

For more information, visit www.adap.net/publicforum/2008/2008registration.html

ADAP Receives National Awards

ADAP received two awards recognizing its work on behalf of people with disabilities at this year’s Annual Meeting of the National Disability Rights Network in New Orleans.

First, the agency received an award for its work with Hurricane Katrina survivors. Through the Katrina Aid Today (KAT) project, ADAP provided services to over 500 individuals. Senior Attorney Patrick Hackney accepted this award on the agency’s behalf.

ADAP also received a special award for long-term advocacy commitment to improving the lives of children in foster care as part of the R.C. v. Wollty lawsuit.

James Tucker, ADAP Associate Director, accepted this award at the plenary session of the Annual Meeting. Only one other state, California, received this special recognition for outstanding advocacy.

Bryce Hospital Services and Land Sale

By James Tucker, ADAP Associate Director

When Alabama’s Department of Mental Health (DMH) announced in December 2007 it was considering the sale of historic Bryce Hospital to the University of Alabama, observers reacted in different ways. Some families and advocates believe Bryce should continue to serve consumers as it does now. Some consumers believe Bryce should be saved and turned into a museum.

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Appellate Court ends long running R.C. case
By Barbara Lawrence, Senior Staff Attorney

On April 29, 2008, the U.S. Court of Appeals for the 11th Circuit upheld the ruling of the U.S. Middle District Court in Alabama terminating the R.C. Consent Decree. In ending twenty years of class action litigation on behalf of children and families served by the Alabama Department of Human Resources (DHR), the Court of Appeals stated: “We are mindful that federal courts should not be in the business of running important functions of state government for decades at a time.”

Plaintiffs’ attorneys have decided not to pursue a review of the decision.

R.C. v. Walley was filed in 1988 to reform the child welfare system in the state of Alabama. In many important respects, the system has been reformed. Improvements have been made by DHR in several areas including child safety, child and family centered practice, the use of individualized service plans for children and families, including for child welfare services, and caseloads of child welfare staff. Child welfare practice principles, as set out in the R.C. Consent Decree, have been promulgated by state code, policy, and rule.

With this recent ruling, the court has determined that DHR can sustain the gains it has made in child welfare practice. Though ADAP’s role as Plaintiffs’ attorneys in the R.C. case has come to a close, we will continue to advocate for the rights of children with disabilities in Alabama according to our congressional mandates.

Who was R.C.?

After his parents divorced, 8-year-old “R.C.” was taken into the state’s custody. He was sent to a series of psychiatric institutions, even though he was not diagnosed with any serious emotional problems. He spent much of his time in locked isolation rooms, heavily drugged. R.C.’s father protested this treatment and was promptly barred from visiting his son. A year and a half later, after a lawsuit was filed on R.C.’s behalf, the state’s child welfare agency returned R.C., offering no assistance to either the boy or his father.

‘Making Child Welfare Work’ Bazelon Center for Mental Health Law

Bryce Hospital Services and Land Sale
(continued from Page 1)

commitment to places like Bryce. Resources historically devoted to maintaining institutional anachronisms like Bryce must be reinvested in community-based mental health care including acute and crisis services, in-home services, and consumer directed services. Consumers must have more say over services.

Since January, ADAP has worked with the DMH System Reconfiguration Task Force to develop a vision for publicly delivered mental health services that will serve Alabamians for coming decades. ADAP urged that consumers must be served in the least restrictive places possible. ADAP has advocated for the needs of consumers through committees that addressed the needs of youth and adolescents, seniors, and patients who receive acute, long-term and forensic services.

Now, DMH Commissioner Houston has received initial recommendations of the Task Force. After a team of national experts provides its feedback to the Commissioner, he will make a recommendation to the Governor.
The ADA and Child Care Centers
by Lorene Williams, Staff Attorney

The ADA prohibits child care centers from discriminating on the basis of disability. The ADA prohibits child care centers from excluding children on the basis of disabilities, except in certain rare circumstances. The ADA requires that child care centers provide the parent or child with effective communications, up to and including auxiliary aids and services (as determined by the particular communication needed).

Under the ADA, child care centers cannot make assumptions about whether a particular child’s disabilities make him inappropriate for their program. They must make an individualized decision in each circumstance without generalizing about the child based on his particular disability. Child care centers cannot exclude a child by relying on the excuse that including the child would result in higher insurance rates. Although one-on-one supervision may not be required under the ADA, child care centers generally cannot rely on the excuse that some individualized assistance will be required.

General child care centers that diaper children cannot refuse to diaper children beyond a certain age. Even if the child care center does not diaper any children, they may be required to make modifications to policies to allow the inclusion of children who need such assistance. In general, child care centers cannot refuse to help children with mobility impairments transfer to and from the toilet. Generally, centers cannot refuse to administer medications or simple medical procedures (such as glucose testing).

If the child care center is providing a service required by the ADA, they may not charge extra.

Tax credits and deductions are available to assist child care providers in meeting their obligations under the ADA.

If you have a question about a child care center and the ADA, please feel free to contact ADAP to request information or assistance. The department has additional information about the ADA and child care centers, which can be found online at http://www.ada.gov/childq&a.htm.

A Statement from the Alabama Department of Mental Health and Mental Retardation

(May 16, 2008) The Alabama Department of Mental Health and Mental Retardation has recently discovered that a group of index cards from Geil Hospital in Montgomery, Alabama that contain a limited amount of patient information is missing. Although the cards do not record health information, they contain personal information such as the person’s name, social security number and date of birth.

The department’s Bureau of Special Investigations has launched an investigation regarding the matter and affected individuals are being directly notified. In a letter sent to these individuals the department encourages them to monitor their personal finance and credit information carefully and to notify the department of any irregular or suspicious activity. Commissioner John Houston of the Alabama DMH/MR said, “If these items were stolen, this behavior was not only in violation of our policies but Federal law as well. We have zero tolerance for violation of these policies and if criminal activity has occurred we will pursue prosecution vigorously. We apologize for any anxiety this may cause to patients or their family members.”

The department is working to help ensure that affected individuals are aware of the situation and of the steps they may take to protect themselves from misuse of their personal information. To every extent possible, individual notification letters will be sent to the affected individuals. Information will also be available on the department’s website at www.my.alabama.gov. Additionally, the department has set up a call center that individuals may use to get information about this situation and learn more about consumer identity protections. The toll free number is 1-866-577-7299. The call center will be open beginning Monday, May 19, 2008, and will operate from 8:00 am to 8:00 pm Monday-Friday as long as it is needed. Consumers who are deaf or hard of hearing may call the 800 number by either Alabama Relay (711) or video relay and leave a call back number for a direct callback by the means of your choice.

The department has been proactive in staff training and consumer training regarding potential identity theft. The Office of Consumer Rights and Advocacy Protection conducted trainings on ‘Identity Theft’ prevention as recently as last month at the annual consumer Recovery Conference. More than 900 people with mental illnesses attended the conference and had the opportunity to receive the training. “We take issues surrounding the rights and privacy of the people we serve very seriously,” said Commissioner Houston. “So far there is no indication that illegal activity has occurred through the use of personal information contained on the missing group of cards. The department will continue the investigation and is reviewing internal procedures to assure every possible measure is in place to prevent any unauthorized disclosures of personal information.”

Alabama Ultimate Access
by Angie Allen, Case Advocate

Alabamians with all types of disabilities are invited to participate in a new initiative called Alabama Ultimate Access Parks.

A joint effort of the Governor’s Office on Disability, the Alabama Department of Transportation, the Alabama Department of Economic and Consumer Affairs, the Department of Conservation, and the Department of Senior Services, the project seeks to ensure that all Alabamians have an opportunity to enjoy the outdoor splendor found in our state parks.

The initial meeting of Alabama Ultimate Access Parks was held at Camp ASCCA in Jackson’s Gap so everyone could see all the ways in which outdoor recreational features have been made accessible. It was a relaxed and fun way to hear persons with disabilities and their families share their experiences with accessing the state parks.

Please get involved in this exciting new endeavor. Share your experiences and knowledge about disabilities so that this information can help transform and increase access in the state parks.

For more information about Alabama Ultimate Access and to learn about future meeting dates, call or email Alison Blanton at Alison.Blanton@adeca.alabama.gov or at 334-300-2036. ADAP case advocate Angie Allen serves as a committee member of Alabama Ultimate Access Parks. Angie can be reached at ADAP at 1-800-826-1675 in-state, 205-348-4928 or via email at adap@adap.ua.edu.

If you want to use a state park but cannot because it’s inaccessible or if you have ideas about state park accessibility improvements, please contact Angie with your concerns or ideas.
Northside High School
Andrew Buck Bowman Scholarship

When Brian and Ellen Bowman welcomed their brand new baby boy, Andrew Buck Bowman, into the world in 1996, little did they know he would lead them on the adventure of their lives. As Andrew grew his parents began to realize that he was falling behind in meeting some of his developmental milestones. When Andrew was 14 months old, after many doctor visits and consultations, he was diagnosed with mucopolysaccharidosis III-A (MPS-III-A). This is a life-threatening disease that, among other things, impairs the body’s ability to produce certain enzymes. Since that time, Andrew and his parents have learned a lot about the internal workings of hospitals, clinical trials, and long distance travel to get to medical appointments and therapies - all of which enable Andrew to live a life that is as close as possible to his typical peers.

In 2000, the Bowmans funded a $500 scholarship that is given annually to a graduating senior at Northside High School in the Tuscaloosa County School System. Northside is the high school Andrew will attend some day. There is a tri-fold purpose to this scholarship. First, the Bowmans want to honor Andrew’s life and the lives of other children who live with extraordinary challenges each day. Second, Ellen and Brian wanted to thank their community for its support. Finally, they wanted to increase awareness of how individuals with disabilities can live and contribute within their own communities each and every day.

To be eligible for this honor, a student submits an essay highlighting how the student’s life has been impacted by a person with a disability or how disability issues have shaped his view of the world. The essay has to include why the student feels he deserves the scholarship. This year’s winner is Caleb Morrison. You can read his essay below. It embodies what the Bowmans want everyone to know about how we can learn from everyone we encounter.

Bowman Scholarship Winning Essay
by Caleb Landan Morrison

My mom is a special education teacher at a local county school and I have spent many afternoons in her classroom as a toddler and into my teenage years. Therefore, I believe I have a different outlook of those who have a disability because of my experiences with them rather than someone who has limited experiences with individuals with disabilities. In fact, for years I never realized the students in her classroom were any different from the other students in the school. Even though I have been around students with various disabilities all throughout my life, I have not been as impacted by them before as I have this school year.

Due to scheduling, I was left with an open class between first and third block. Several of us seniors decided to ask if we could have a teacher’s assistant’s position. We were given assistance positions in the special education classroom. This has proven to be one of the highlights of my senior year. We were given the opportunity to work individually with the students in centers, read with them, play games with them and develop relationships with them. My eyes were opened in a way I could not have imagined. All these years I thought I knew a little something about individuals with disabilities.

The students in this special education class have made me aware that everyone has worth and that everyone has the potential to learn no matter what I.Q. he or she may have. I have been amazed with how much they are able to do academically. They truly want to learn all the time and are happy to complete any task they are given. These students, who I now consider to be my friends, have taught me that I should wake up to each new day with passion. They have made me realize I have taken so many things for granted for so many of my school years. The fact that they try so hard at everything they attempt, in spite of their limitations, has caused me to take a long hard look at my own attitude.

I have made a conscious effort to see things from their perspective. I now realize that just because we learn in different ways does not make anyone any smarter or any better than anyone else. Being in this class has given me a better understanding of the saying that we all have talents in different areas and we use them in many different ways. I am a better person due to time I have spent with my peers with disabilities. I now have more respect and patience with people from all walks of life. As a result, I feel I will be more effective in all areas of my life.

I believe I deserve this scholarship because I have set high goals for myself and I am willing to work hard to achieve my goals in order to get my degree. I am a very diligent person with a strong work ethic and I will not give up or quit until the task at hand is complete. With this scholarship, it would help my parents out financially and would be a way to reward them for raising me right and teaching me the right way to live and conduct myself. If given this scholarship, I pledge to work hard toward achieving my goals and to contribute something positive to my community.

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