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ALABAMA DISABILITIES ADVOCACY PROGRAM
December 22, 2014

The Alabama Disabilities Advocacy Program (ADAP) is part of the nation's federally-funded protection and advocacy (P&A) system. ADAP provides legal services to Alabamians with disabilities to protect, promote and expand their rights. ADAP's vision is one of a society in which persons with disabilities are valued and exercise self-determination through meaningful choices, and have equality of opportunity. ADAP is part of the [National Disability Rights Network \(NDRN\)](#).

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www.adap.net

ADAP's Access Authority Affirmed in Federal Court

ADAP's authority to monitor in facilities to ensure the safety and well being of persons with disabilities was affirmed in a recently issued federal court order. On December 12, 2014, US District Court Judge Callie S. Granade granted ADAP's Motion for Summary Judgment in *ADAP v. SafetyNet Youth Care, Inc.* ADAP filed suit against SafetyNet in October 2013 when SafetyNet, at the direction of the Alabama Department of Human Resources (DHR), repeatedly denied ADAP access to monitor the conditions at the SafetyNet Academy Moderate Program, a residential treatment center for male youth in DHR's custody. As Alabama's Protection and Advocacy Agency, ADAP has federal authority to access facilities providing care and treatment to individuals with disabilities in order to monitor conditions and to inform individuals of their right to be free from abuse and neglect.

In denying ADAP access, SafetyNet and DHR claimed that all youth in the SafetyNet Moderate Program have only "moderate" mental illness or disability and are not entitled to the protection of ADAP. Rejecting Defendants' arguments, the Court noted that "SafetyNet exists for one purpose: to provide care and treatment for children with a variety of mental health and emotional disorders" which puts it "squarely under the purview of the Protection and Advocacy for Individuals with Mental Illness Act (PAIMI)." (*Order, pg. 22*) The Court held that "DHR and SafetyNet thwarted the purpose of the P&A system by refusing to grant ADAP any access whatsoever to the moderate program. Such inaction clearly violates federal law." (*Order, pg. 26*)

As a result of the Court's order, ADAP will be resuming its monitoring activity at the SafetyNet

Moderate Program, thus fulfilling its federally authorized mandate to ensure that some of Alabama's most vulnerable children are protected from abuse and neglect in residential treatment settings.

ADAP comments on DMH's waiver renewal and state transition plan

The Alabama Department of Mental Health ("DMH") recently applied to the federal government to renew the State's largest Medicaid waiver, the Intellectual Disabilities ("ID") waiver. DMH's waiver application can be found [here](#). As part of the renewal process, DMH sought public comments. ADAP, along with UCP of Alabama and the Disabilities Leadership Coalition of Alabama, filed joint comments expressing concern that the waiver continues to only serve persons with ID, and not other developmental disabilities. The joint comments can be found [here](#).

ADAP filed separate comments regarding the waiver applications. ADAP's comments discuss: 1) use of reserve slots; 2) increased community integration; 3) additional self-directed services opportunities; 4) truly individualized Person-Centered Planning; 5) access to transportation services; and 6) notice of rights. ADAP's separate comments can be found [here](#).

Along with the ID waiver application, DMH submitted a revised state transition plan in an effort to comply with new federal Home and Community-Based Services (HCBS) regulations. Like the waiver application, DMH invited interested parties to provide comments to the plan. ADAP submitted comments as requested. ADAP's transition plan comments focus on ensuring compliance with the HCBS regulation by current providers and providing information about HCBS requirements to waiver recipients and their family members/caregivers. ADAP's transition plan comments can be found [here](#).

Bill boosting financial security for persons with disabilities clears U.S. House, awaits passage in Senate

At a time of widespread complaints about Washington gridlock, [the Achieving a Better Life Experience \(ABLE\) Act](#) was signed into law by President Obama on December 19. The ABLE Act is the most bipartisan and bicameral bill that was passed by the 113th Congress, drawing support from both Majority Leader Reid and Minority Leader McConnell in the U.S. Senate.

Under the ABLE Act, a person with a disability can have a tax-advantaged savings account worth up to \$100,000 without losing any federal benefits. The money can include friend and family contributions as well as what the person with a disability earns. Withdrawals would not be taxed if used for education, housing, health care or other life-long expenses not covered by Medicaid and federal disability benefits.

As work opportunities increase for persons with disabilities, the ABLE Act represents an important support for meaningful

.

Read more [here](#), in a December 13 Washington Post article.



Special Education in Alabama: A Right Not a Favor



ADAP is pleased to announce the publication of the newest edition of its popular special education parent manual – “Special Education in Alabama: A Right Not a Favor” (RNF).

RNF helps families and child advocates understand how to access special education services and ensure that eligible children with disabilities are provided the free, appropriate public education to which they are entitled. The manual is written in lay-friendly terms and is filled with helpful advocacy tips and resources.

Publication of RNF was underwritten by a generous grant from the [Alabama Council on Developmental Disabilities](#).

The first edition of RNF was published in the mid-80’s. Since its last revision and printing in 2007, 50,000 free copies have been distributed across the state.

To view the manual on-line, click [here](#). To order copies, click [here](#).



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