

MAINSTREAM

A Disability and Elder Rights Advocacy News Magazine



DISABILITY LAW
COLORADO™

Colorado's Protection & Advocacy System

Disability Law Colorado protects and promotes the rights of individuals with disabilities and older people.

Spring 2021

DAVID MONROE, ESQ.

New Director of Legal Services

Disability Law Colorado, the state's designated Protection & Advocacy agency, announces David Monroe, Esq. as the organization's new Director of Legal Services. David succeeds Alison Butler, Esq. who left Disability Law Colorado in September to accept a position at the State of Colorado's Office of Respondent Parents Counsel as the Carrie Ann Lucas Program Director. "We are delighted to name David as Director of Legal Services. He brings exceptional leadership, a strong commitment to disability rights, and a deep understanding of the community we serve," said Mary Anne Harvey, Disability Law Colorado's Executive Director.



David is no stranger to Disability Law Colorado. He has served as the Grand Junction Office Managing Attorney since January 2017, representing individuals with workplace and housing discrimination issues as well as students and parents with disability-related legal issues in schools. As Director of Legal Services, David will provide vision and guidance for all of Disability Law Colorado's legal work, from leading major systems change initiatives to ensuring the rights and wellbeing of every individual who turns to the Protection and Advocacy System for help.

"I am honored to be named just the third Director of Legal Services in Disability Law Colorado's 45-year history. This leadership role has previously been filled by two very talented and dedicated attorneys who blazed a trail for disability rights and left a powerful legacy. I am steadfast in my commitment to live up to that legacy, as I work with our team to further the promise of the protection and advocacy system."

David Monroe, Esq.
Director of Legal Services for Disability Law Colorado

David has established a reputation as a fierce disability rights advocate and a tenacious attorney along the Western Slope. He is passionate about protecting children with disabilities from abusive disciplinary practices and providing them with the opportunity to be educated to their fullest potential so that they can grow up to be independent and productive adults. Disability Law Colorado's community integration work has also benefited from David's advocacy on behalf of people with disabilities who want to leave nursing homes for an independent life in the community. David began his legal career as a criminal defense attorney in private practice in 1992. Over the past 30 years he has worked as an educator, educational and grant administrator and as executive director of a non-profit agency providing services to people with disabilities.



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Case filed against CO Department of Corrections for violation of ADA and civil rights on behalf of incarcerated people who are Deaf and hard of hearing.



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Expanding Disabilities Network Access to COVID-19 Vaccines grant helps those in Colorado with disabilities to receive the COVID vaccine.



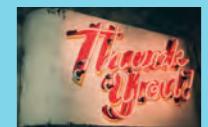
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Discover how our work was impacted by the COVID19 pandemic and what measures have been put in place to respond to the needs of those we serve.



Thank You Donors | Page 10

We're grateful for the loyal support of donors who empower us to do our life-changing work. Check out our list of contributors.



Least Restrictive | Page 12

Learn about our Community Integration team's work to advocate for community services and least-restrictive environments for those with disabilities.



CHALLENGES AND OPPORTUNITIES IN A CHANGING WORLD



Dear Friends,

I hope that you and those you love are safe and well, and hopeful for the future. These days, when I ask my friends and family “How are you?” it is not a casual conversation starter. I truly want to know, but I also know that their true answer may be hard to hear.

As we emerge from this devastating global pandemic, it is with the recognition that nothing will be the same. For those who have lost loved ones, the loss will always be there, no matter how many happy memories temper the sorrow. For those who lost their home or their livelihood and with it their sense of purpose, the journey back to financial stability and self-confidence may be long and arduous.

In addition to assessing the impact of the past year on our own individual lives, all of us at Disability Law Colorado have been reflecting on the changes we have seen throughout the U.S. and what that means for the direction of our advocacy work.

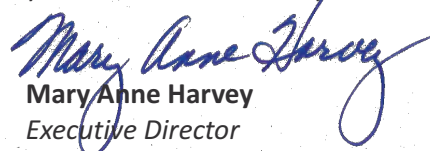
One thing is clear: the pandemic ripped apart and exposed our society's deep and dangerous inequities across racial, income and disability lines. Those of us who advocate for civil rights, social justice and systems change, have always known this – it has been our mission to change it – but perhaps now, with the undeniable evidence in full view, we truly can forge lasting change. Where do we start?

We also must examine the inconsistency of state and federal policy where Colorado health officials find poor infection control and other COVID failures in nursing homes, fine the facilities for thousands of dollars and then those same nursing homes receive bonuses from the Health Resources and Services Administration in the US Department of Health and Human Services that are in one case four and a half times MORE than the fines. This was recently reported by a 9Wants to Know investigation

Our work at Disability Law Colorado going forward must continue to vigorously address systems change as the people we serve – people with disabilities and older people – are so very vulnerable to the casual indifference of faceless systems that hide countless individual instances of cruelty. The most obvious area for action is the criminal justice system, which has consistently failed people with disabilities and people of color. DLC has made significant advances in our work to protect people with mental illness in Colorado's jails and prisons, but clearly so much more needs to be done. When Loveland police officers take obvious pleasure in ill-treating and injuring an elderly woman with dementia, we still have a huge problem.

In the coming months, our Board, staff and volunteers will be looking at all the systems that impact the lives of the people we serve. We will look at our own initiatives, and where we can partner with other advocates to effect long-term change. Education, health and human services, housing, long-term care, the justice system - all of these systems are interconnected, and in too many cases, they interlock to close out opportunity rather than to ensure a strong and supportive safety net.

For 45 years, Disability Law Colorado has worked to change systems and improve the lives of individuals with disabilities and older adults. As we look to the next 45 years, what do you think should be our priorities? I welcome your thoughts.


Mary Anne Harvey
Executive Director

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RIGHTS VIOLATIONS CASE FILED

DLC Files Suit Against Department of Corrections

Disability Law Colorado (DLC) filed suit against the Colorado Department of Corrections (CDOC) in federal court in Denver on March 18, 2021 seeking effective communication and reasonable accommodations for Deaf and hard of hearing people in CDOC's custody.

The lawsuit alleges that CDOC violates the Americans with Disabilities Act (ADA) by (among other things) failing to provide sign language interpreters for medical appointments, classes, and other significant interactions; failing to provide equal access to notifications and alarms; and failing to provide and maintain hearing aids.

The ADA requires CDOC to provide Deaf and hard of hearing incarcerated people with communication "as effective as" that provided to non-disabled incarcerated people and requires reasonable accommodations where necessary to avoid discrimination and ensure equal opportunity. DLC brings the suit on behalf of all Deaf and hard of hearing people incarcerated in CDOC's custody; the complaint provides extensive evidence of the experiences of nineteen individuals who have repeatedly been deprived of equally effective communication and reasonable accommodations.



"The CDOC has had over thirty years to comply with the ADA," said Mark Ivandick, DLC's Managing Attorney. "Deaf and hard of hearing prisoners have fought hard for their rights; we are proud to join our constituents in this fight." The lawsuit seeks systemic changes to CDOC's treatment of d/Deaf and hard of hearing incarcerated people, including providing ready access to qualified sign language interpreters, Communication Access Realtime Translation ("CART"), and other effective communication services; providing visual alarms and notification systems; ceasing the use of restraints that limit the ability of people to communicate in sign language; and providing and maintaining hearing aids for those who need them. The lawsuit does not seek damages.

This lawsuit is the result of a two-year investigation, spearheaded by Alia Haley, Stephanie Frisinger, Thomas Ford, and Kassidy Roberts, student attorneys at the Civil Rights Clinic (CRC) at the University of Denver Sturm College of Law. "Our investigation uncovered how CDOC systemically discriminates against Deaf and hard of hearing people in its custody. Systemic problems require systemic solutions. We file this lawsuit to obtain systemic relief for all Deaf and hard of hearing people in CDOC custody, now and in the future," said Stephanie Frisinger, CRC student attorney. "CREEC was successful – in 2019 – in getting a court order requiring CDOC to provide videophones for Deaf prisoners," said CREEC's Co-Executive Director Amy Robertson.



"We are exceptionally grateful for the hard work from our partners in this lawsuit. Their due diligence and thorough investigation has been critical as we protect the civil rights of Deaf and hard of hearing individuals in Colorado jails," Ivandick said.



COMMUNITY INTEGRATION TEAM

Less-Restrictive Settings

The Community Integration Team was created to help ensure individuals residing in facilities could gain access to less-restrictive settings in the community and those already living in the community could remain doing so.

This team's mission includes working on systemic solutions to guarantee the provision of appropriate services in the community, representing individuals at risk of losing their needed home-based services, and monitoring our on-going complaint with the U.S. Department of Justice regarding the State's failure to adequately enforce the provisions of Olmstead and provide transitions out of nursing homes for those who can live successfully in the community.

Living & Thriving In The Community –

Though the team determined last fall that it would shift focus away from representing individuals in Medicaid hearings, we found ourselves in a situation where the team felt individual representation was the best way to further systemic efforts to correct deficiencies in the state's administration of these precious community services. This led to the team setting three cases for hearing and successfully completing two of them, allowing the individuals to stave off institutionalization.



COVID-19 VACCINE GRANT

Expanding Disabilities Network Access Grant Received

In late March, Disability Law Colorado received a federal grant, Expanding Disabilities Network's Access to COVID-19 Vaccines. The grant is designed to serve people with disabilities in Colorado by providing assistance and education around the COVID-19 vaccinations. We are mandated through the grant to work with our statewide partners to maximize coordination of the vaccine rollout wherever possible. The grant's directive is to serve people with disabilities in the following purposes: Education about COVID-19 vaccines, identification of people who may need help getting a vaccination, identifying barriers such as transportation, scheduling, peer support, and appointment reminders, or other technical assistance to entities providing vaccinations on vaccine accessibility.



We have created surveys for individuals, service providers, and facilities to help guide us in determining the most significant barriers people with disabilities are facing with regard to the vaccine rollout, which will help direct our efforts moving forward. If you are interested in participating in the survey and want to share your experiences with the vaccine rollout here in Colorado, please feel free to visit the links below:

Individuals & Service Providers (English): <https://www.surveymonkey.com/r/DLC-vaccine-survey>
Individuals & Service Providers (Spanish): <https://www.surveymonkey.com/r/DLC-encuesta-de-vacuna>

FACILITIES IMPACTED BY COVID19

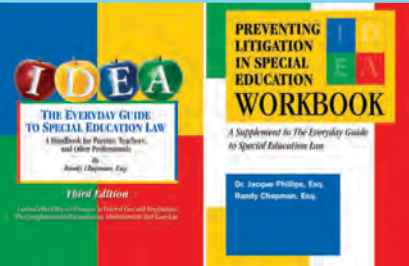
Concern for Residents with Disabilities & High Risk Complications

The Facilities Team fights hard to protect the rights of Coloradans with disabilities who are living in facilities across the state. Their work includes extensive monitoring and advocacy in jails and state mental health institutions, as well as participating in community outreach and training to educate state and advocacy partners on the rights of individuals with disabilities in facilities. Many times, these individuals are overlooked, so the team takes their mission seriously and has devoted many resources to making sure that each person that contacts DLC receives a timely and appropriate response and assistance.



COVID-19 struck facilities particularly hard and institutionalization continues to be a concern for residents with disabilities and others at high risk of complications from the disease. As a result, the team decided to focus much of its efforts in the last six months to outreach and monitoring of facilities. They accomplished this through individual surveys sent to all residents at numerous jails across the state, engaging in video monitoring at several other jails, and working with state and advocacy partners to identify problem areas in other institutions. The team is very proud of the work and we have heard from many, many more folks who are incarcerated and plan to use those communications to help guide our work in the coming year.

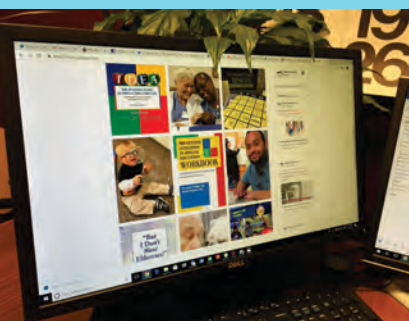
Constitutional violation remedied – After years of litigation, followed by three years of comprehensive monitoring Disability Law Colorado is winding up its work in the lawsuit against the federal maximum-security prison in Florence Colorado, known as ADX. Attorneys in the facilities team partnered with major law firms to sue the U.S. Bureau of Prisons for violation of the Eighth Amendment's prohibition against cruel and unusual punishment. The ADX now provides constitutionally acceptable screening and treatment of individuals with mental illness and inmates with serious mental illness are no longer incarcerated in the ADX. This litigation will benefit an untold number of federal inmates through the years.



MIGHTY RIGHTS PRESS

Mighty Rights Press, the publications division of Disability Law Colorado, was created with a goal of reaching more people with disabilities and older people with the tools they need to advocate for their rights. The name, "Mighty Rights Press" was chosen to emphasize the powerful rights of the people we serve. We remain steadfast and committed to providing powerful tools to advocate for disability and eldercare rights.

MightyRightsPress.org



MEET MARY KAY KISSEBERTH

Passionate About Elder Rights and Quality Eldercare



Mary Kay Kisseberth is a passionate advocate for our state's elders. She retired in 2000 after working for 34 years at the U.S. Department of Health and Human Services, most recently as the Regional Administrator for the Centers for Medicare & Medicaid Services. Mary Kay left her paid job just as Congress was instituting far-reaching changes to Medicare - with the introduction of Part D, which governs prescription benefits, the term "doughnut hole" became a byword. Across the nation, elders and their families were plunged into confusion, while frail and incapacitated elders without family members to assist them were unable to understand or access their benefits. This left many long-term care staff in a tough situation, as they could not legally act for residents. Something needed to be done, so Mary Kay ramped up her volunteer career and began working harder than ever!

To reach elders, family members and long-term care professionals, Mary Kay traveled throughout the state as a volunteer trainer on Medicare Part D. To address the need for Medicare decision-making help for those unable to independently manage the complexities of their benefits, she joined the legal team at Disability Law Colorado to propose legislation for surrogate decision-makers. That legislation passed. This work introduced her to Executive Director Mary Anne Harvey and the work of Disability Law Colorado.

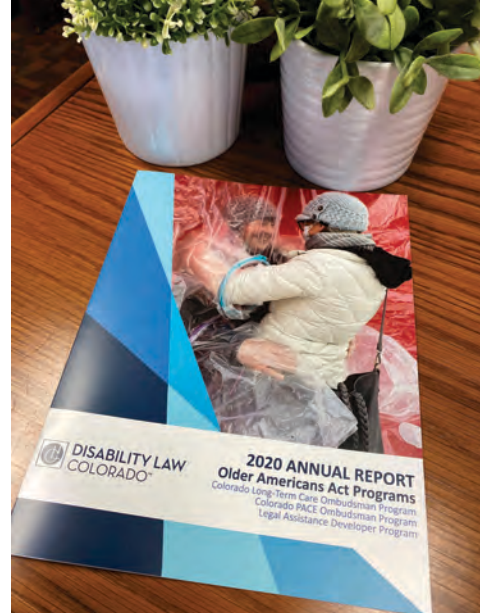
Mary Kay and Mary Anne served together on the Medicaid program advisory committee for the state's demonstration project to coordinate care for those dually eligible for Medicare and Medicaid. The Ombudsman program, the Medicare-Medicaid Advocate, was developed and operated by Disability Law Colorado. Mary Kay co-chaired the Beneficiary Rights and Protections Alliance advisory group that guided the advocate program for the dually eligible until its termination by the state. She continued to press for improvements in the care of low income, medically vulnerable people through her work with several state Medicaid commissions and work groups.

It was Mary Kay's dedication to improving the lives of older people that led to her joining the Board of Disability Law Colorado in 2018. As she notes, "When Mary Anne asked me, I had to say yes." When her colleagues on the Board asked if she would take on the role of President as the organization wrestles with the impact of COVID-19, Mary Kay again said yes, but agreed only to serve on an interim basis until the annual meeting in September 2021.



"Mary Kay's steady leadership and collaborative style is helping drive Disability Law Colorado's work to assess our organizational structure and the Board's role in helping us meet the needs of those we serve," said Mary Anne Harvey, Executive Director. "She is devoted to our work and is exactly what we need to meet this moment."

Mary Kay is a graduate of the University of Maryland and the Johns Hopkins University. She lives in Denver with her husband, Richard.



PROTECT RIGHTS

Ombudsmen & Legal Providers

The Colorado Long-Term Care Ombudsman and Legal Assistance Developer programs were created by the federal Older Americans Act. The two programs are administered by Disability Law Colorado under a contract with the Colorado Department of Human Services, Division of Aging and Adult Services and work in conjunction with the 16 regional Area Agencies on Aging (AAA). The Colorado Long-Term Care Ombudsman and the Legal Assistance Developer support our state's local ombudsmen and legal providers with the information and resources they need to protect the rights and promote the wellbeing of Colorado's elders and residents in long-term care communities. More information: disabilitylawco.org/OAA2020Report



ON THE FRONT LINES OF How COVID19 Impacted Our Work to Protect Rights

The following reports are direct from our staff who for the past 15 months have worked at the key intersections of the pandemic: one-on-one with the vulnerable people most affected; in the community with our partners to coordinate rapid response; and at the systems level with policymakers to ensure that resources and support flow to those most in need.

LONG-TERM CARE ISOLATION

Leah McMahon, Long-Term Care Ombudsman – When the pandemic swept across the nation, residents, family members and ombudsmen worried about the impact on long-term care residents. What stood out most was the isolation and loneliness the residents suffered, due to the lack of visits with family members and loved ones. Life in a nursing home or assisted living home could be lonely before COVID-19, but the impact has been much greater during the pandemic. Many people lost friends, family, choice, autonomy and faced further declines in health. But the experience also sparked creativity and perseverance during the toughest and darkest of times. Colorado local ombudsmen across the state advocated for creative ways to connect residents with their loved ones. One of these local long-term care ombudsmen was Eliza Piesman in Fort Collins who helped residents visit with friends and family through the construction of a hug tunnel.



David Monroe, Director of Legal Services | “SAFETY” versus CIVIL RIGHTS

The biggest concern was Disability Law Colorado's ability to directly monitor places providing services to be sure they were complying with disability laws. Because of the pandemic, we had no first-hand, in-person objective ability to investigate violations of the ADA, IDEA, or FHA (Fair Housing Act). At the beginning of the pandemic, most community organizations were willing to give school districts and state/local government time to find a balance between safety issues and honoring the rights of individuals with disabilities. However, it became clear that instead of taking time to plan this balance, it was easier to simply violate the rights of individuals with disabilities using vague 'safety concerns' as a justification.



Disability Law Colorado conducted a survey on the health concerns of individuals with disabilities in jails, and the lack of commonsense protocols to address their safety. We eventually had to insist on a meeting with the Chief Medical Office for the State of Colorado and ask him to step in and make improvements. We also engaged with the directors of state's regional centers to share our

concerns about the rights of individuals with disabilities being ignored or harmed by public health policies which were too broad in their design, and to encourage them to consider ADA and Olmstead rights – providing care within the least restrictive setting - when crafting health and safety policies. Now that we all realize there was something of a 'hole' in our evaluation of how you protect the rights of individuals with disabilities during a health crisis, we are making sure the rights of individuals with disabilities are part of general public health policy planning process in the event of any emergency.

Angie Garberding, Senior Intake Specialist | INTAKE

The intake team truly are on the front lines of the impact of COVID on people with disabilities. The simple tasks of daily life were difficult for most people – for those with disabilities, some were made impossible. Everybody needs to eat, but suddenly we were hearing from people whose local grocery stores were rejecting their online use of EBT (food stamp) cards, and also refusing to deliver orders to their home. Once we realized the extent of the problem, we got it changed and people with disabilities were able to order home grocery delivery like everyone else. We took a lot of anxious calls from parents of kids who were not receiving the educational services they needed because the schools were closed. Recently, we've had calls from people in nursing homes and other facilities, distressed because they are unable to have visits from family and friends who refuse to get vaccinated.

Mark Kollasch, Access Team Attorney | EMPLOYMENT

Even though Colorado had executive orders and public health guidance stating that employers could not demand in-person work from people in the high-risk category, I had multiple clients who were being pressured or forced to return to work at the office. As I learned more, the heart of the problem became evident: these employers were refusing to accommodate their employees with disabilities and were not considering the potential risks they faced. Because each of the situations were different, our Access Team took multi-faceted action—from direct advocacy and individual representation of employees, to providing educational resources and technical assistance on how to report employers who are violating the law. While this issue will likely be ongoing until it's safe for everyone to return to in-person work, we have been able to provide more effective assistance due to looking at the workplace from the perspective of a high-risk individual and developing creative solutions in each individual's situation.



THE COVID19 PANDEMIC

Jennifer Levin, Former Senior Staff Attorney | VOTE! PROGRAM & EDUCATION TEAM

COVID19 had a tremendous impact on my work for the Protection & Advocacy System. As the Vote! Program Coordinator and the Education Team Leader, I saw extreme rights violations resulting in barriers for people with disabilities that I had never seen previously in my 11 years with Disability Law Colorado.

VOTING – Fortunately, Colorado is considered a leader when it comes to election systems and the country looks to our state for guidance on how to successfully implement mail ballot options, including an online accessible option, into their own systems. During the pandemic, particularly during primary elections, Disability Law Colorado provided technical assistance to dozens of P&A's throughout the country so that rights advocates could inform their state election officials on best practices for ensuring accessible alternative methods in voting. In Colorado even though we had several accessible options, there were still barriers for some of the most vulnerable voters. As a result of COVID, the Governor's Office and the Colorado Department of Public Health and Environment issued a mandate that prohibited election workers from entering nursing homes. Under federal law, people with disabilities are entitled to accommodations and assistance necessary to vote independently and privately, and the mandate had the potential to disenfranchise residents in long-term care settings. After several meetings with the Governor's Office and CDPHE, along with several other disability rights organizations, the mandate was revised. During the two-week early voting period, residents were able to access accommodations and assistance from skilled election workers.



EDUCATION – The COVID-19 pandemic has had a devastating impact on children with developmental disabilities and their families, and Disability Law Colorado advocates have been stretched to the limits to protect and promote their rights during this difficult time. It is important to emphasize that the pandemic has NOT changed children's federally guaranteed right to an appropriate education – although many school districts have needed to be reminded of this. We created a handbook for parents advising them of their rights and their options during the pandemic.



While remote learning has been a challenge for all kids, for children with intellectual/developmental disabilities, especially the younger ones, it is sometimes simply not an option. We provided information and advice to school districts on their responsibilities to students with disabilities. If children cannot cope with remote learning, the district is required to send a

paraprofessional to their home to assist. Recognizing that segregating children is not appropriate, even with the challenges of COVID, the U.S. Department of Education suggested that schools experiment with Zoom breakout rooms with one-on-one support in the same way that kids with I/DD would be educated alongside their peers for most of the day, but receive some special education separately.

We expect the impact of COVID to linger long past the time that schools re-open. Parents are coming to us anxious that their children are not only falling behind in their schoolwork, but the anxiety and isolation has also exacerbated behaviors related to their disability. We are advising families to request an evaluation to assess learning loss, and to have the Individualized Education Program team develop a plan for compensatory services. The solution does not necessarily have to be a specific number of hours of instruction; it might be two weeks away at a summer camp to provide emotional support and a relaxed learning environment.

LEGAL ISSUES FOR COLORADO ELDERS

Kelsey Lesco, Former Legal Services Developer for Elders – There has been a surge in demand for assistance with housing issues. Continued protections against eviction are urgently needed. The increased need for assistance with housing issues may only be a preview of an eviction crisis facing older adults. Domestic violence cases have increased in volume and severity as COVID restrictions aggravated tensions and made it difficult to escape abusive situations. As the pandemic recedes, we must be ready to assist the many vulnerable older adults who could not seek help in 2020. Mental health issues for older adults have been exacerbated by the social isolation, and they need improved information about, and access to mental health care. Loss of income has given rise to more aggressive collections actions. As temporary protections terminate, older adults need safeguards against the effects of income loss. This includes unemployment assistance, Medicaid benefits and protection from utility cut-off due to inability to pay.



PACE OMBUDSMAN PROGRAM

Funding for State PACE Ombudsman Achieved

PACE (Program of All-Inclusive Care for the Elderly) offers comprehensive medical care and social services to approximately 5,000 participants across Colorado who are 55 years of age and older and who meet the nursing home level of care. The program is designed to maintain people's independence in their home or community of choice. The State PACE Ombudsman Program provides free, independent, participant-directed advocacy to help PACE participants and their families navigate the complex delivery system and understand their right to quality care.



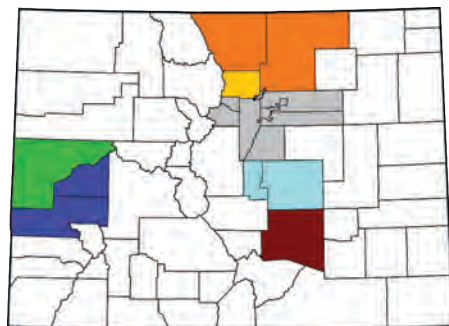
The State PACE Ombudsman Program was created by the Colorado legislature when the PACE provider InnovAge converted its legal status from a nonprofit to a for-profit corporation in October 2015. Those conversion proceeds

established the NextFifty Foundation, which has funded the startup of the State PACE Ombudsman Program through June 2021. Funding for the State PACE Ombudsman position was requested in the Colorado budget through this year's Colorado State Legislature. We are pleased to report that the request for funding of the State PACE Ombudsman position was granted through Health and Human Services appropriations SB21-044.



The State PACE Ombudsman Program now turns its attention to the need for additional local PACE ombudsmen across the state to improve advocacy for the many vulnerable adults enrolled in PACE. In March 2020, the COVID-19 pandemic shut down the PACE day centers. The pandemic has negatively impacted participant care in many ways: limiting access to services, causing delays in communication, and affecting the overall quality of care that participants receive. PACE participants have also faced increased isolation and depression during the pandemic. PACE ombudsmen continue to provide outreach and advocacy to ensure that participants needs are met and their rights are honored.

The top five areas of concerns expressed by PACE participants are care coordination, access to services, enrollment and disenrollment, timeliness of service delivery requests, and the appeals and grievance process.



PACE Ombudsman Service Coverage Map

WELCOME NEW STAFF

New Staff Bring Robust Skill Set



Esther Brieno
Office Manager

Esther Brieno joined Disability Law Colorado as the Office Manager in December 2020. She graduated from University of Phoenix with a Masters in Business Administration. Her 30-year background in telecommunications includes beginning as an operator and advancing to an Operations Supervisor. Esther volunteers as a mentor and coach for girls softball, working BINGO sessions on Saturday nights and spending time with seniors.



Camilla Kapustina
Representative Payee Investigator

Camilla Kapustina joined Disability Law Colorado in September 2020. Camilla is originally from Southern California and has a bachelor's in Political Science from Tulane University. Previously she worked in criminal defense in Colorado and Louisiana. Camilla is passionate about social justice and is dedicated to ensuring everybody has access to the social services they need.



Kelly McCullough
Access Team Leader Attorney

Kelly McCullough has been practicing law since 2010 when she graduated from Washington University in St. Louis with a law degree and her Master's in Social Work. She spent 10 years working as an attorney with the Colorado Public Defender's Office. Prior to law school Kelly worked as a mental health social worker in Ohio. She is excited to be joining Disability Law Colorado and leading the Access Team. Kelly spends her free time woodworking and cooking.



Sara Pielsticker
Staff Attorney

Sara Pielsticker joined Disability Law Colorado as a Staff Attorney in 2021. She graduated from the University of San Diego in 2016 with a degree in Education and Nonprofit Management and from Syracuse University in 2020 with a dual degree. She received her law degree from the Syracuse University College of Law with a curricular focus in Disability Law and Policy and a Master's of Science in the Cultural Foundations of Education with a Certificate of Advanced Study in Disability Studies. Sara is originally from Colorado and has spent most of her life working for nonprofits that promote inclusion for people with disabilities.

“HOUSING IS HEALTH” GRANT - YEAR 2

Colorado Health Foundation Grant Focuses on Rural Communities

In 2020, the Colorado Health Foundation awarded Disability Law Colorado a \$397,000 two-year grant for housing initiative in five rural communities: Craig, Durango, Ft. Morgan, Glenwood Springs and La Junta. This grant award is the largest private foundation grant in our 44-year history. We chose these communities based on what our clients with disabilities have told us and what our nonprofit and government partners have confirmed – the lack of safe, affordable, accessible housing is having an impact on health and wellbeing.

Disability Law Colorado's housing advocates, Erica Newton and Patrick Thibault, had a great first year and are currently gearing up for year two of their Housing Access Project. Despite the barriers caused by the COVID-19 pandemic, year one of the project was largely



successful—the advocates were able to visit 4 of 5 communities and make over 150 meaningful contacts, hearing from people with disabilities, providers, municipal government officials, and community advocates about the obstacles faced when it comes to housing. The findings so far show that there is a strong intersectionality point between the need for housing stock, access to career opportunities, and public transportation with a focus of neighborhood connectivity in all our communities which we visited [Fort Morgan, Durango, Craig, La Junta]. While all four of the



rural areas faced similar challenges around accessible housing, we learned that each community has unique circumstances that demand their own individual local grassroots movement. There are many wonderful, experienced, and motivated people that understand the issues and want to help be a part of a solution. Bringing these like-minded people together was a learning experience in building new coalitions. Also, the advocates found that the people who live in each of these communities are exceedingly proud of where they live and wish to see their towns thrive.

Our housing advocates began year two focusing on the expansion of Disability Law Colorado's online resource guide to ensure that is inclusive of all four corners of the state. They have also begun putting together toolkits with actual tools that can be used to measure doorways, ramp inclines, and door pressure to help people determine accessibility and modification needs. This work has been done alongside the building of our community contacts in Glenwood Springs, gearing up for their first visit which is scheduled for mid-May. It is anticipated that the initial visit to Glenwood Springs will be like the initial visits to the other four communities. The advocates will be holding a town hall style meeting, as well as giving their Housing Rights and Responsibilities/Service Animals in Housing presentation.

The work for year two of The Colorado Health Foundation housing access grant will focus on revisiting all five communities, finding new ways to engage with providers, advocates, and local businesses to expand awareness of housing access and accessibility needs in their communities. The advocates will work to widen the net to include surrounding communities in each geographic area, as many people who live in rural communities often travel far to meet their needs and obtain different services. They hope this work will help expand local stakeholder groups and help spark grassroots mobilization, while also working to determine what needs can be advocated for at the state level. Our advocates also plan to engage thoughtfully with communities of color through the lens of racial equity.



If you live or work in one of these communities and have information or ideas to share about housing, we'd love to hear from you. Please contact Kelly McCullough, Access Team Leader, at kmccullough@disabilitylawco.org.

DISABILITY LAW COLORADO STAFF

Mary Anne Harvey | Executive Director

David Monroe, Esq. | Director of Legal Services

Mark Ivandick, Esq. | Denver Office Managing Attorney

Kaytie Angeli | Administrative Assistant/Intake Specialist

Meghan Baker, Esq. | Facilities Team Leader Attorney

Jeremy Bell | Deputy State Long-Term Care Ombudsman

Esther Brieno | Office Manager

Rebecca Brigham | Representative Payee Investigator

Adriene Callahan | Accounting Manager

Bill DeSonier | Representative Payee Investigations Team Leader

Shelbie Engelking | State PACE Ombudsman

Vinni Ferrara | Ombudsman Program Manager

Anna French | Program Coordinator, Rights Advocate

Angela Garberding | Intake Team Leader

Camilla Kapustina | Representative Payee Investigator

Georgia Kasow | Administrative Assistant/Intake Specialist

Mark Kollasch, Esq. | Access Team Attorney

Miriah Lawson | Grand Junction Advocate & Intake Specialist

Jim McBride | Director of Administrative Services

Leah McMahon | State Long-Term Care Ombudsman

Erica Newton | Housing Advocate

Kelly McCullough, Esq. | Access Team Leader, Attorney

Sara Pielsticker, Esq. | Staff Attorney

Mike Robbins | Director of Development

Patrick Thibault | Housing Advocate

THANK YOU DONORS!

We Greatly Appreciate Those Who Supported Our Work in 2020

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The following donors notified Disability Law Colorado that they included a gift in their estate plan:

Alexander R. Aitken
Anonymous (2)
J. Fern Black

Randy Chapman
George & Marion Curtis
Merle Greear
Mary Anne Harvey

Paul Hunter
Thomas Stamm
Louise Todd & Gerald Stoll

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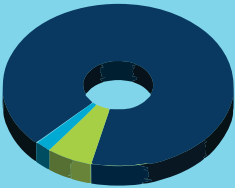
FISCAL YEAR 2020 FINANCIAL SNAPSHOT

INCOME

Operating Support:

Government Grants	\$2,650,866	91%
Charitable Contributions	\$289,623	6%
Publications & Other	\$27,016	2%
Court Awards & Client Fees	\$7,502	1%

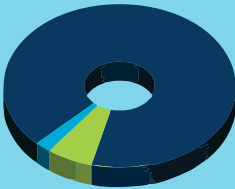
Total Revenue \$2,929,895



EXPENSES

Programs	\$2,512,464	89%
Administrative	\$327,045	7%
Development	\$129,350	4%

Total Expenses \$3,015,722



For full financial information, including audits and 990's, visit:

DisabilityLawCO.org/FY20

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Caring Connections
Children's Hospital Association
Colorado Access

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The Denver Foundation - Lowe Fund
The Jay and Rose Phillips Family
Foundation of Colorado
Virginia W. Hill Foundation

BY THE NUMBERS

Fiscal Year 2020 Impact Report

In 2020, Disability Law Colorado enjoyed victories that changed the lives of hundreds of individual clients, as well as public policy advances that have the potential to change thousands of lives for years to come. We continue to stand our ground and fight every day for the rights of people with disabilities and elders throughout Colorado.

The Protection & Advocacy Teams include: Intake, Education, Access, Facilities, and Community Integration. In 2020 P&A staff recorded: **785** Information & Referrals (I&R's) at a total of **573** Case Services. **We served clients aged 2 to 90 in 51 of Colorado's 64 counties.** Forty-one percent of our cases were from rural areas, while 59 % were in urban settings. In addition to taking over **3,000** calls and conducting over **1,000** intakes, staff from all teams contributed to our work.

In 2020, the Colorado State Long-Term Care Ombudsman Program and the Legal Assistance Developer Program worked to expand their service capacity. In 2020, legal assistance providers served **6,136** elders across the state requiring **12,140** hours of legal services. In addition, **2,803** hours of service were provided on a pro bono basis. Across Colorado, local ombudsmen investigated **4,263** complaints with **3,256** partially or fully resolved; and attended **1,428** resident council meetings.

“HOPE HAS NO LIMITS”

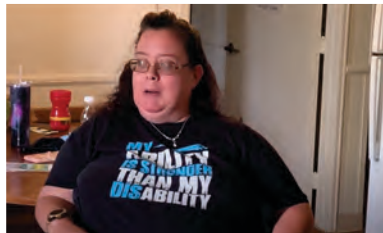
Vanessa Whiddon Describing Self-Advocate, Hope Krause

The Protection & Advocacy (P&A) System is unique and powerful. It was born of the desire to protect the human rights of individuals with disabilities after grave abuses were discovered in a large facility that was supposed to be “treating” those very individuals. That was in the 1970’s.

In the decades since then, P & A organizations across the country have been a part of securing and expanding the rights of people with disabilities. Their work includes guaranteeing accessible voting, fighting to keep people out of institutions, and ensuring that all children receive an education alongside their peers.

Of course, this year we have endured some significant challenges as the state and the world have faced the COVID-19 pandemic. People with disabilities have fought to be treated equitably in receipt of precious medical care, worked to be safeguarded in facilities when they have little to no input on their surroundings, and struggled to receive the education and supports they need in the community. Through it all, our staff and constituents have remained dedicated to the pursuit of justice for individuals with disabilities. In this way, they have shown the same perseverance of a self-advocate we worked with this year, Hope Krause. Hope navigates the streets of Ft. Morgan in her powerchair just like any “normal person” and struggles to find ways that her life is harder than anyone else’s. Her caregiver, Vanessa Whiddon, summed up this attitude by noting that, “Hope has no limits.” Let us all live by this mantra as we navigate our new normal and remain steadfast in our belief that we can affect positive change for people with disabilities.

View the “Day in the Life” video of Hope Krause at: disabilitylawco.org/housingaccessprogram



Together We're Stronger



What if giving from the heart helped change the lives of individuals with disabilities, older adults and their families in Colorado? Rest assured that your donation to Disability Law Colorado will impact lives throughout the Centennial state – up and down the Front Range, to rural communities on the Eastern Plains and across the Mountain Frontier and Western Slope.

Your gift will help fuel the fire of disability rights advocacy as we work to broker systems change, protect rights and improve lives. But we cannot accomplish this alone. Please partner with us and join your voice with ours by making a donation.

WAYS to GIVE

Return the enclosed remittance envelope along with your tax-deductible donation.

Donate online at: DisabilityLawCO.org/donate

This publication was made possible by funding support from the U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration and the Administration for Community Living; U.S. Department of Education, Rehabilitation Services Administration; Social Security Administration; State of Colorado; and Individuals, Foundations and Corporations.

COMMUNITY INTEGRATION TEAM

Fighting for Rights to Live in Least-Restrictive Environment

This year, the team has enjoyed many successes on behalf of clients with the Equal Employment Opportunity Commission (EEOC) and the Colorado Civil Rights Division (CCRD) and has counseled hundreds of clients, empowering them to engage in successful self-advocacy.

Make Them Our Neighbors – We were asked to provide an opinion on the Fair Housing Act for a community wishing to open a supported living housing project in Capitol Hill. The project targets the working poor who experience homelessness and have disabilities. We gladly stepped in and provided



information for the Board of Adjustments, highlighting that the FHA “is intended to prohibit the application of... restrictive covenants, and conditional or special use permits that have the effect of limiting the ability of such individuals to live in the residence of their choice in the community.” We are awaiting word on whether the project will open.

Let Them Vote - Colorado has become the center of attention when it comes to elections because of our 7-year-old all-mail ballot elections process. Due to that history and the expertise of the attorneys and advocates in the PAVA program, we have been able to provide technical assistance and advocacy advice to over a dozen state P&A’s throughout the country and invited by NDRN to do a training in March on our work addressing the disenfranchisement of long-term care facility residents. This is part of our successful We Vote Too! Campaign.

My Dog is Not a Pet – We were contacted by a woman with physical and mental disabilities who uses a service animal. She was not allowed to have her service dog in a community meeting at a venue in Denver. She was physically thrown out and banned from coming back. These instances exacerbated her PTSD (Post Traumatic Stress Disorder) and other mental health symptoms. We assisted the client in filing a complaint with the Colorado Civil Rights Division (CCRD) and assisted her throughout the entire CCRD process.

PRESIDENTS’ CIRCLE HELPS FUEL SELF ADVOCACY

Help Disability Law Colorado build for the future by becoming a member of the Presidents’ Circle. Your support through a reoccurring monthly donation will fuel the fire of disability and elder rights advocacy throughout Colorado.

Our ability to protect and promote the rights of individuals with disabilities and elders in Colorado is only possible with your support. Thank you in advance for your consideration of supporting our life-change work.

DisabilityLawCO.org/PresidentsCircle

