



The Center for Disability Rights, Law, and Advocacy

## FACT SHEET AND ELIGIBILITY GUIDELINES

Nebraska Advocacy Services Inc. (NAS), *the Center for Disability Rights, Law and Advocacy*, is a private, not-for-profit organization established to assist people with disabilities and their families in protecting and advocating for their rights. NAS, the protection and advocacy system in Nebraska, serves people throughout the State. NAS takes a four tier approach to advocacy through legal advocacy, public policy, self-advocacy, and citizen advocacy.

### Legal Advocacy

- Legal representation to ensure that the rights of citizens with disabilities are not being violated.
- Advice on legal rights and remedies.

### Public Policy

- Analysis of state and federal legislation impacting people with disabilities.
- Addressing issues with lawmakers.

### Self-advocacy

- Working with groups of people with disabilities to facilitate the development of effective consumer directed advocacy organizations that further the growth, empowerment, and strength of the advocacy efforts of people with disabilities.
- Providing training in self-advocacy skills to people with disabilities.

### Citizen Advocacy

- Independently operated citizen advocacy offices arrange for the development of personal relationships between members of the community and citizens with disabilities who are at risk of abuse or neglect.
- NAS provides consultation on program development, training and program evaluation.

In order to determine whether an individual qualifies for services, an intake needs to be conducted. Individuals may contact NAS using any of the following methods:

**Mail:** 134 S. 13<sup>th</sup> St., Suite 600  
Lincoln, Nebraska 68508  
**Phone:** (402) 474-3183 (TTY available)  
(800) 422-6691  
**Fax:** (402) 474-3274  
**Website:** [www.nebraskadvocacyservices.org](http://www.nebraskadvocacyservices.org)  
**E-mail:** [info@nebraskadvocacyservices.org](mailto:info@nebraskadvocacyservices.org)

The following objectives are used in conjunction with client eligibility requirements to determine the acceptance of **cases for legal representation**.

**Priority Area: *Inclusion, Access and Transition to the Community***

- Represent at least ten (10) people with disabilities in acquiring assistive technology devices and services, including systemic litigation.
- Represent at least twenty-five (25) people with disabilities in employment discrimination cases in which disability is the central issue.
- Represent at least fifteen (15) people with disabilities in public accommodations cases.
- Secure vocational, employment and other support services for beneficiaries of Social Security disability income programs through the federal Ticket to Work and Work Incentives Act for at least forty (40) beneficiaries of social security programs.
- Collaborate with other organizations to inform two hundred (200) people with disabilities about their voting rights and assist two (2) people with disabilities to file complaints with the Secretary of State.
- Continue prosecution of the systemic litigation/class action entitled *Bill M.* on behalf of people with developmental disabilities to help them secure appropriate services.
- Represent at least forty (40) students with behavioral impairments, or students in special education who are at risk of/or who have been disciplined, suspended, or expelled in order to secure for them a free and appropriate education in the least restrictive setting.
- Implement recommendation(s) of the NAS staff report identifying systemic special education issues that impact un-served populations in Nebraska.

### **Priority Area: Isolated and Vulnerable Adults**

- Investigate and respond to no fewer than one hundred fifty (150) allegations of practices, which cause or contribute to the serious harm or death of any individuals with a disability in Nebraska.
- Continue to monitor implementation of the settlement in *Elizabeth M.*, the systemic litigation on behalf of women who have been sexually and physically abused at the Lincoln Regional Center.
- Maintain a regular presence at: 1) the Lincoln Regional Center twice a month, including the Women's Council meetings, 2) the adolescent program and the Bridges program at the former Hastings facility once a month, and 3) the Norfolk Regional Center once a month.

### **Eligibility Requirements**

**PADD (Protection and Advocacy for Individuals with Developmental Disabilities):** A *developmental disability* means that an individual must have a severe mental or physical impairment which occurs before the age of 22, is likely to be life-long, results in functional limitations in at least three areas of major life activity (self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living and economic self-sufficiency), and needs an individually tailored plan for care, treatment or other services for an extended period of time.

**PAIMI (Protection and Advocacy for Individuals with Mental Illness):** Any person with a *significant mental illness*, as determined by a Licensed Mental Health Professional, who is currently an inpatient or resident of a facility providing care and treatment for mental illness, including persons who have been discharged from a facility within the last 90 days or who present an issue that arose during their stay at a facility or within 90 days after discharge or the person lives in the community. NAS can provide services to people who are confined in a jail for reasons other than serving a criminal sentence.

**PAIR (Protection and Advocacy for Individual Rights):** Any person with a *physical or mental disability* that substantially limits one or more major life activities, or with a record of such impairment, or who is regarded by others as having such impairment and who is ineligible for assistance under the CAP (Client Assistance Program), PADD and PAIMI programs.

**PAAT (Protection and Advocacy for Assistive Technology):** Any person denied *assistive technology* devices or services designed to meet the specific needs of an individual with disabilities.

**PABSS (Protection and Advocacy for Beneficiaries of Social Security):** Any person with a disability receiving Social Security Income or Social Security Disability Insurance and the person has return to work issues.

**PAVA (Protection and Advocacy for Voting Access):** NAS will use the PAVA funding to ensure individuals with disabilities participate in the electoral process, including registering to vote, casting a vote and accessing polling places.

**PATBI (Protection and Advocacy for Individuals with Traumatic Brain Injury):** This program focuses on information, referral, advice, outreach, self-advocacy, family advocacy, and legislative advocacy to individuals with traumatic brain injury.

### **CASE ACCEPTANCE CRITERIA WHICH APPLIES TO ALL NAS PROGRAMS**

NAS reserves the right to refuse to accept a case under the following circumstances:

- The problem or issue does not arise from the individual's disability.
- An ethical or professional conflict exists within NAS.
- The individual is currently represented by an attorney.
- Legal action was started at the time the individual contacted NAS.
- There is another agency "better equipped" to handle the case.
- The legal issues are clearly established and a system is established in which non-legal advocates can effectively pursue enforcement of rights.
- No legal remedy is available.

Regardless of the individual's disability or their initial eligibility, NAS ***will not accept cases***, but will only provide information and referral services, when the following issues are presented:

- divorce, child custody, and adoption;
- estate planning (wills and trusts);
- criminal defense;
- mental health board commitment;
- landlord-tenant;
- tax law, corporate or business law, consumer law, debtor-creditor law;
- personal injury (other than injuries arising from abuse and neglect);
- initiation of guardianship or conservatorship of a person; and
- cases involving inmates at the state correctional facility.