

# **Protection & Advocacy for People with Developmental Disabilities: PADD Proposed Goals and Priorities**

Disability Rights South Dakota

August 18<sup>th</sup>, 2020

The PADD program primarily focuses on ensuring safety, person-centered practices, and community access for individuals with intellectual and developmental disabilities (I/DD) receiving services through Community Support Providers and State facilities.

**ELIGIBILITY:** “Developmental disability” means a severe, chronic disability of an individual that:

1. Is attributable to a mental or physical impairment or combination of mental and physical impairments.
2. Is manifested before the individual attains age 22.
3. Is likely to continue indefinitely.
4. Results in substantial functional limitations in 3 or more of the following areas of major life activity:
  - a. Self-care.
  - b. Receptive and expressive language.
  - c. Learning.
  - d. Mobility.
  - e. Self-direction.
  - f. Capacity for independent living.
  - g. Economic self-sufficiency; and
5. Reflects the individual’s need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting 3 or more of the criteria described in clauses 1 through 5 of subparagraph (A) if the individual, without services and supports, has a high probability of meeting those criteria later in life.

- I. Abuse / Neglect: Individuals with disabilities will be free from abuse and neglect and live in healthier, safer or otherwise improved facility or community settings.**
  - A. Assist individuals with disabilities through case services and I&R by responding to allegations of abuse, neglect, or rights violations in facilities and community settings, with emphasis on cases that have the potential for systemic impact.
  - B. Monitor facilities and community settings for abuse, neglect, rights violations, and safety.
  - C. Conduct investigations in facilities and community settings in response to allegations of abuse, neglect, rights violations, and safety of residents.
  
- II. Community Access: Protect the rights of South Dakotans with disabilities to live in the most integrated setting.**
  - A. Assist individuals with disabilities through case services and I&R to be able to live in less restrictive residential settings and/or have improved access to services, businesses, and programs to enable them to participate more fully in community life, with emphasis given to cases that have the potential for systemic impact.
  - B. Assist individuals with housing opportunities and architectural accessibility barriers through case services and I&R to experience less disability-related discrimination, rights violations, and exploitation.
  - C. Assist individuals with disabilities through case services and I&R to have greater participation in their person-centered ISP planning, receive person-directed services from their conflict free case management, and assist individuals subject to termination of services.
  - D. Through systemic efforts, South Dakota will transition to person-centered rules structure that supports their rights to maintain their current placement until a new appropriate placement can be secured.
  
- III. Students with disabilities will be free of rights restrictions and provided a free appropriate public education in the least restrictive environment, including moving them toward independent living and depending on their individual goals, secondary schooling or employment upon graduation.**
  - A. Assist students with disabilities in schools or daycare centers through case services and I&R to be protected against illegal disciplinary measures, the use of inadequate behavioral planning, and actions taken by the school or daycare which contribute to the ‘school-to-prison pipeline’, with emphasis given to cases that have the potential for systemic impact.
  - B. Assist students with disabilities through case services and I&R to experience fewer instances of improper restraint and seclusion, with emphasis given to cases that have the potential for systemic impact.
  - C. Assist transition-aged students with disabilities through case services and I&R to be provided appropriate transition planning and services, with emphasis given to cases that have the potential for systemic impact.

**IV. Employment: Remove barriers to employment for persons with disabilities.**

- A.** Assist individuals through case services and I&R who want to move from sheltered work to competitive integrated jobs but are being inappropriately prevented from doing so by providers, guardians, or employers, with emphasis given to cases that have the potential for systemic impact.

**V. Guardianship Alternatives: Increase alternatives to full guardianships.**

- A.** Assist individuals under or facing guardianship and/or conservatorships through case services and I&R by providing information and education about their rights as a protected person, alternatives to guardianship, and the duties of their guardians and/or conservators.
- B.** Assist individuals with disabilities through case services and I&R with terminating or modifying an established guardianship and/or conservatorship, where appropriate.