

Maryland Disability Law Center

1800 N. Charles Street, Suite 400
Baltimore, MD 21201

Phone: 410.727.6352

TTY: 410.727.6387

Toll Free: 1.800.233.7201

Fax: 410.727.6389

www.mdclaw.org

2006 – 2007
Report to the Community



From Our Perspective...

MDLC and our society have gone through many changes in the 30 years since MDLC was established. The legal landscape for people with disabilities is vastly different today. Landmark civil rights laws have helped individuals with disabilities secure equal opportunities in housing, employment, education and an array of amenities and services. The 1999 U. S. Supreme Court decision in *Olmstead v. L.C.* offered the promise of community integration and freedom from institutionalization for all people with disabilities. Our state saw the closure of Great Oaks institution for people with developmental disabilities in 1997, and Crownsville State Psychiatric Hospital in 2004.

At MDLC, we are proud and grateful to have played a part over the years in improving the lives of people with disabilities. Our dedicated staff is an expression of the commitment and desire to create a just and inclusive society, where people with and without disabilities live, work, learn, and recreate side-by-side.

Our team of 30 staff has a total combined experience of over 500 years in disability advocacy. We have all seen first hand the power of advocacy to bring about positive change. This knowledge, along with respect for each other and belief in our mission, keeps us motivated as we work with our clients to confront numerous battles and injustices.

While people with disabilities have a broader range of choices than existed in the early days of the civil rights movement, a great deal remains to be accomplished. Far too many people with disabilities live in poverty and isolation. Despite the promise of *Olmstead*, many continue to languish behind institutional walls.

MDLC is thrilled to announce that we have been chosen to receive a challenge grant from the Weinberg Foundation. These matching funds will expand our capacity to empower people with disabilities. Reaching our challenge grant goal will be a primary focus this coming year.

Please join and support us as we work to break down barriers that keep people with disabilities from fully participating in all aspects of community life and realizing their fullest potential. We hope you enjoy the information we share with you on the following pages, and invite you to learn more about disability rights and MDLC.



Virginia Knowlton



Laurence Eisenstein

A handwritten signature in blue ink that reads "Virginia Knowlton".

Virginia Knowlton
Executive Director

A handwritten signature in blue ink that reads "Laurence Eisenstein".

Laurence Eisenstein, *Chair*
Board of Directors

Statement of Fiscal Position

Assets:

Cash	\$1,118,010
Accounts Receivable	164,294
Contributions Receivable	99,930
Grants Receivable	228,813
Prepaid Expenses	<u>43,162</u>
	<u>1,645,130</u>
Equipment	339,300
Less Accumulated Depreciation	<u>290,478</u>
	<u>48,822</u>
Total Assets	<u><u>1,703,031</u></u>

Liabilities and Net Assets:

Accounts Payable and Accrued Expenses	<u>\$271,793</u>
Total Liabilities	<u>271,793</u>

Net Assets:

Temporarily Restricted	147,930
Unrestricted	<u>1,283,308</u>
Total Net Assets	<u>1,431,238</u>

Total Liabilities and Net Assets	<u><u>1,703,031</u></u>
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Statement of Activities and Change in Net Assets

Revenues, Gains, and Other Support:

Public Support/ Contributions and Grants	<u>\$301,809</u>
Grants from Governmental Agencies	<u>1,925,197</u>
Program Service Fees	326,126
Interest	<u>29,436</u>
	<u>355,562</u>
Total Revenues, Gains, and Other Support	<u>2,582,568</u>

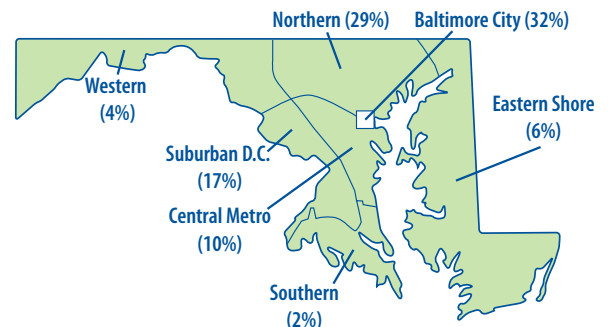
Expenses:

Program Services - Legal Assistance	2,091,580
Support, Management, and General	<u>511,245</u>
Total Expenses	<u>2,602,825</u>

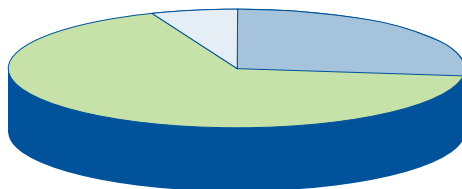
Change in Net Assets	(20,257)
Net Assets – Beginning of Year	<u>1,451,495</u>
Net Assets – End of Year	<u><u>1,431,238</u></u>

A full financial audit is available by calling MDLC at 410.727.6352.

Services Provided by Geographic Region



2007 Revenues Sources



Maryland Legal Services Corporation	27%
Federal Grants	67%
Foundations, Contracts & Other	6%

Inspiring New Hope for Freedom



MDLC's designation as the Protection and Advocacy agency for people with disabilities in Maryland gives us unique access to state-run and state-licensed institutions to investigate allegations of abuse and neglect, and to advocate for improved conditions.

MDLC and a private mental health facility have partnered in a comprehensive initiative to reduce the use of seclusion and restraint at that facility. The partnership involves review of data, quarterly meetings and consultation with an international expert. As part of this exciting initiative, two mental health consumers will be hired and are expected to play an integral role in reducing the use of seclusion and restraint. MDLC and the facility are pleased to collaborate on this new ground-breaking initiative and to offer such quality enhancements to consumers.



Neither my wife nor I knew about services that would provide for me in our own home.

- Floyd Hartley

Floyd was stuck in a nursing facility for over three years, until MDLC helped him access the support he needed to transition into community living. Today, Floyd works as an ambassador of freedom as a leader in the Sun Shine Folk project. Floyd regularly visits nursing facility residents to share his experiences and spread the word about the community-based options available as alternatives to nursing facility care. Floyd also provides assistance and support to other Sun Shine Folk advocates engaged in this effort. The Sun Shine Folk have helped dozens of people move into their own homes in the community, and have indirectly assisted hundreds more by making meaningful information available.

Rosewood State Residential Center

“Close Rosewood!” was the call heard from people housed at Rosewood State Residential Center and from Rosewood survivors, family members, community citizens and advocates. For years, MDLC has documented deplorable conditions and continued systemic failures at Rosewood. Several times during the past year, the State found conditions at Rosewood so dangerous that they posed immediate jeopardy to its residents, and banned new admissions to the facility.

In February 2007, MDLC issued a public report: **Rosewood Center, A Demand for Closure** detailing the inhumane practices and treatment failures revealed by our ongoing monitoring of the facility. After years of advocacy, the Maryland General Assembly passed HB 970, calling for the State to develop a plan by the end of 2007 for serving Rosewood residents in more integrated community settings. MDLC co-sponsored a 2-day symposium attended by high-level decision-makers, proposing alternatives to institutionalization for court-committed individuals with developmental disabilities. Today, Rosewood residents have reason to hope for the day when they will all live in their communities among family and friends.



Michael Taylor languished in Rosewood for 30 years until his uncle became involved in his life and got him out. Now, Michael has a whole new life and range of opportunities. He loves having his own apartment, a job he enjoys, and a very active social life. Two years after Michael left Rosewood, a friend of his who had remained in the facility was killed when a staff person sat on him until he asphyxiated and died. The incident motivated Michael to become involved in the self-advocacy movement. Michael testified before the Maryland Legislature on HB 970. He is on the MDLC Board of Directors and actively involved in the disability rights movement.

BAN ON PRONE RESTRAINT

Although physical restraint poses a high risk of death, serious physical injury and psychological harm, many institutions still engage in this dangerous practice. The likelihood of severe harm increases significantly when the person is placed in a prone (face down) position. Unfortunately, the practice remains common, especially against the adolescent population. At least three persons have needlessly died in Maryland in recent years due to the use of prone restraint as a behavioral intervention. In 2007, MDLC successfully advocated for the enactment of state legislation that effectively bans the use of prone restraint in a wide range of facilities.

*Now I catch the
Baltimore Transit.
I go down to the
harbor and catch
a concert with
my girlfriend.*

*- James,
former Rosewood resident*



Free my people now!

- Michael Taylor

Devising Innovative Advocacy Strategies



Attitudes are the greatest barrier to fully integrating people with disabilities into communities, and attitudes are not easy to change. We are proud of the innovative advocacy strategies we have employed to address the attitudinal barriers we encounter every day.

The Sun Shines Brighter at HOME is a 10-minute DVD illustrating MDLC's Sun Shine Folk project, a peer-to-peer outreach program that pairs nursing facility residents and advocates, many of whom are former nursing facility residents. Sun Shine Folk advocates visit nursing facilities and provide residents with information about their legal rights and options to live in community-based settings. MDLC and the Sun Shine Folk received national recognition for this innovative advocacy strategy with the National Disability Rights Network's (NDRN's) 2006 'Advocacy Achievement Award.'

Living Free is a short film produced by MDLC highlighting the freedom and choices former residents of institutions have once they move into their own homes in the community. In poignant interviews, residents speak of their happiness at being able to make their own daily decisions - to eat what and when they want, choose to watch TV, go to a movie or go bowling, volunteer or work at places that are meaningful to them, earn money, and visit friends and relatives

when and where they please. In stark contrast to institutional life, they embrace freedoms that most of us take for granted.

Behind Closed Doors: Trauma Survivors and the Psychiatric System is an award-winning, short documentary produced and directed by MDLC. *Behind Closed Doors* chronicles four women with extensive histories of abuse as they speak about their harrowing experiences in psychiatric hospitals. Instead of receiving the help they needed for the underlying traumas that prevented recovery, they were restrained, secluded and forcibly medicated. When they received an opportunity to attend a community treatment program that provided a safe environment and holistic treatment, the women finally began to heal and rebuild their lives. *Behind Closed Doors* has been chosen for viewing at several film festivals, and won 'Best Short Documentary' at the 2007 All-American Film Festival in North Carolina. These showings reach a much wider audience than would otherwise be possible, and help the general public understand current conditions in mental health facilities and the changes that need to occur.

Restraint and seclusion often replicate the very acts of abuse a person has suffered and can trigger flashbacks and hallucinations.

– National Association of State Mental Health Program Directors

Strengthening Healthcare

Helping Obtain Medicaid Essential Services (HOMES)

MDLC's HOMES project makes sure that people with developmental disabilities get the Medicaid services they need and are entitled to under Medicaid law. For example, MDLC represented an eleven year-old child with multiple severe disabilities who was unable to communicate even his most basic needs to his family. He made significant language progress with one professional, until the State denied him his doctor's recommended services. MDLC provided legal support to the child's family and persuaded state agencies to approve the services he needed, so he could continue his progress. He can now communicate with his family, teachers and friends by speaking and signing his needs.

Mental Health Services for At-Risk Youth

As many as 70% of the 30,000 children arrested in Maryland each year have a diagnosable mental illness. In January 2007, MDLC issued a public report, *Evidence-Based Practices for Delinquent Youth with Mental Illness in Maryland: Medicaid Must Cover These Cost Effective Services*, which called for Maryland's

Medicaid system to provide these youths with three specific types of therapies proven to greatly reduce the likelihood that they will be re-arrested. Providing these therapies, which address multiple aspects of a child's life, will ultimately save the State money and give these children a chance to break the cycle of violence.



Maryland is falling behind other states in its implementation of children's evidence-based practices.

*- Cathy Surace,
MDLC Managing Attorney*

Help MDLC Reach its Challenge Grant Goal

Make sure that people with disabilities receive the health care they need. The Weinberg Foundation has challenged MDLC to raise \$180,000 to leverage a dollar-for-dollar match to continue and expand the HOMES project.

Please see page 14 for more information about how you can partner with MDLC to help people with disabilities live at home, avoid unwanted institutionalization, and obtain the critical Medicaid services they urgently need and deserve.

MDLC 2007





Heightening Community Awareness & Access



Far too often people with disabilities are living in poverty with compounding legal problems and nowhere to turn. MDLC's large-scale representation of people with disabilities against the Baltimore City Housing Authority and the Maryland Transportation Authority are compelling demonstrations of the power of advocacy.

Full Access

MDLC represented a family of five that was living in inaccessible public housing. Despite disabilities of her own, the mother had to carry her son and his wheelchair up and down long stairways in and out of their building. On many occasions, she was unable to carry him, and he could not attend school. The school system filed criminal charges against the mother because of her son's absences. The family was denied accessible housing due to poor credit even though their rental payment history was good. MDLC worked diligently with multiple government systems – the housing authority, public schools, criminal justice, and social services – to move the family into accessible housing with ongoing support services, and secure their well-being.

“Ray” is an elderly homeless veteran with disabilities. He was forced to sleep sitting up in his wheelchair because none of the homeless shelters in Baltimore were accessible. MDLC negotiated a short-term solution with a local homeless shelter until Ray was able to move into an accessible apartment with a bed, sofa, kitchen and heat.

MDLC helped me get my independence back. I have my own place, and I don't have to struggle or feel insecure anymore.

- Rickey Bailey

Social Security Benefits and Employment

Over 75% of adults with disabilities are unemployed. Many say that they are forced to live on Social Security benefits because employment would cause them to lose their state or federal health coverage. MDLC works aggressively to assist adults who are able to work so that they can do so without losing their health coverage.

“Carmen” received Social Security benefits due to blindness. She relied on Maryland’s paratransit transportation system to get to work. Because of paratransit’s unreliability, she was often late to work. On countless occasions, she waited outside of work for hours for paratransit to take her home. Carmen believed that her employer was discriminating against her due to her disability. Simultaneously, Social Security tried to discontinue her benefits. MDLC worked closely with Carmen to improve her transportation service, request accommodations from her employer, and reinstate her Social Security benefits.

MDLC helps tremendously to bring about the changes people with disabilities know need to happen. I feel my worthiness to fight for my rights and get progress.

- Mary Ella Smith

SAFEGUARDING VOTING RIGHTS

The voting rights of people with disabilities will be safeguarded if Maryland’s new voting system takes effect in 2010. MDLC consulted national experts and built a strong coalition of advocates to ensure that important safeguards for people with disabilities were included in the ‘paper trail’ legislation enacted in 2007. The amendments to the new law are a model of rights, privacy, and accessibility protections. MDLC has also registered hundreds of new voters with disabilities so our community can have an impact at the polls.



Upgrading Education

MDLC is helping to ensure delivery of free and appropriate special education services for more than 100,000 students throughout Maryland by:

- Representing children with disabilities who have been suspended or expelled from school, need school health services, or are at risk of being placed in more restrictive school settings.
- Pursuing the *Vaughn G.* litigation against Baltimore City Public School System (BCPSS) to ensure that BCPSS delivers special education services in a timely manner to students who need them.
- Leading the Education Advocacy Coalition to improve special education services to students with disabilities statewide.
- Partnering with the CityWide Special Education Project to train a volunteer parent network to assist families in advocating for special education services for their children.
- Recruiting and training attorneys who will represent families free of charge in special education matters.
- Conducting dozens of training sessions to teach self-advocacy skills to parents and families.
- Ensuring that students with disabilities receive the assistive technology they need to interact with others and be successful in school.
- Providing information to families about their rights and supporting them throughout the special education process.

It was a blessing that MDLC took my son's case. He receives all the services he needs as a direct result of MDLC's involvement, and is doing wonderfully now.

- Jeanine McClain



LATINO OUTREACH

MDLC has continued its outreach efforts to the Latino community by working with a vast array of community groups, conducting trainings in Spanish, reaching out to non-English speaking people with disabilities, parents, educators and advocates, and providing legal assistance in special education, health care and other matters.



Inclusion in Sports

MDLC represented Tatyana McFadden, a paralympic champion and one of the fastest wheelchair racers in the world, in a federal lawsuit challenging Howard County Public Schools' practice of segregating her because of her disability. Tatyana was prevented from racing with other athletes at track meets and instead forced to run around the track alone, in her own separate heat, after the others had already run the race. The Maryland State Department of Education (MSDE) had no policy regarding the inclusion of athletes with disabilities and only allowed Tatyana to be a contributing part of her team after MDLC intervened. When a judge ordered that Tatyana be allowed to race, the case received significant media attention and was featured on Good Morning America, ESPN, USA Today and Sports Illustrated, among others.

MDLC reached an agreement with the Howard County Board of Education that enables Tatyana to be a full member of her high school track team, and negotiated with MSDE regarding its lack of, or discriminatory, regulations and policies on inclusion of athletes with disabilities.



Other competitors would come up to me and say 'good race', but it wasn't really a good race because I was running by myself.

- Tatyana McFadden

Helping Obtain Medicaid Essential Services (HOMES)

FUNDRAISING CHALLENGE FROM THE WEINBERG FOUNDATION

MDLC has a unique project called HOMES that provides free legal services to children with disabilities and their families who need help accessing health care services through Medicaid. Our interventions have enabled children to live at home rather than being institutionalized just to get the medical care they need. Children and their families have trouble accessing the Medicaid services they are entitled to for a variety of reasons, including illegal denial or unavailability of services, lack of providers, or the sheer complexity of the system.

By training families and professionals about available services, advocating informally for children's needs, and requesting Medicaid Fair Hearings when informal avenues don't solve problems, MDLC has been very successful at getting children with disabilities the services they need and are entitled to under Medicaid law.

MDLC has also trained a panel of pro bono attorneys to represent children with disabilities, and developed a set of materials to educate families and professionals about available

Medicaid services and what to do when they are denied, delayed, or otherwise unavailable. MDLC is hoping to expand this project to provide services to adults as well.

MDLC has seen many children with exceptional needs unjustly denied health care when services are urgently needed. Their situations improve once MDLC becomes involved and the families learn about their legal rights. In order to continue and to expand this project, the Harry and Jeanette Weinberg Foundation has challenged MDLC to raise \$180,000. The Weinberg Foundation challenge grant will match donations to MDLC with an additional \$180,000 when certain milestones are met. Will you please partner with us to help children with disabilities access the Medicaid services they need? Remember, your donation can be the difference between a child living at home with their family, or having to be in an institution just to get the medical care they need.

HOMES PROJECT DONATION FORM

For more information about the HOMES project, or about our pro bono lawyer opportunities, please contact Nicole Joseph at 410.727.6352 x229. For questions about donations, please contact Meghan Marsh at x269, or Virginia Knowlton at x260.

Yes! I want to make a donation to MDLC for the HOMES project/ Weinberg Foundation Challenge Grant in the amount of: *(Please make checks payable to MDLC, with "HOMES" in the memo line)*

\$40 \$75 \$100 other \$ _____

Please sign me up for MDLC's electronic news alerts, so that I can be aware of important events related to MDLC and disability law in Maryland.

Name: _____ Email: _____
(for tax receipt)

Address: _____

City: _____ State: _____ Zip Code: _____

Appreciating Partnerships

MDLC is grateful to the following foundations, corporations, law firms, and individuals who have made financial contributions, and donated their time and talents to help us better serve our community.

Foundations, Corporations & Law Firms

Jacob & Hilda Blaustein Foundation
Chesapeake District of Civitan International
Aaron Straus & Lillie Straus Foundation
Leonard & Helen Stulman
Charitable Foundation
Harry & Jeanette Weinberg Foundation
Venable Foundation, Inc.
Whiteford Taylor & Preston, LLP

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Sally Adamson Taylor
Morris Turner+
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John Wheeler*
Lauren Young*
Ethel Zelenske+

* MDLC Staff

+ MDLC Board of Directors

Venable Foundation Donates \$10,000

MDLC extends sincere appreciation to Venable LLP and its corporate foundation for donating \$10,000 to MDLC. This gift has allowed MDLC to produce our Rosewood report and the Living Free DVD (described on pp. 5-6). Venable attorneys have also provided pro bono representation for several clients referred by MDLC. We thank Venable for helping us sustain our efforts to advance the civil rights of people with disabilities.

Whiteford Taylor & Preston LLP Pro Bono Services

The attorneys of the law firm of Whiteford Taylor & Preston have steadfastly supported MDLC's mission by donating pro bono hours in the areas of special education, Medicaid and helping people leave institutions. In addition, Whiteford Taylor & Preston has made a generous contribution of \$2,500 to MDLC. We are grateful for Whiteford Taylor & Preston's ongoing commitment to improving the lives of people with disabilities.

Leave a Bequest to MDLC

We envision an inclusive society that gives people with disabilities equal opportunity to participate and make their own choices.

Despite our vigorous efforts, we realize this vision will not be achieved in our lifetimes. Create a legacy for change by leaving a bequest to MDLC to continue our work. For more information contact Virginia Knowlton at 410.727.6352 x260.