



# Nebraska Advocacy Services

An Introduction to Our Services

# Nebraska Advocacy Services

The Center for Disability Rights, Law and Advocacy

## NAS Mission Statement

***Nebraska Advocacy Services shall execute a combined program of legal advocacy, systems advocacy, public policy analysis, education and other support activities for people with disabilities that secures their rights, enhances their dignity, and advocates for their full participation as citizens.***

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## NAS Vision

Nebraskans with mental or physical disabilities are valued within their communities, have control over their own lives, and have the necessary resources available to experience a life of quality.

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## NAS Purpose

We will protect and advocate for human and legal rights that ensure the individual dignity and empowerment of all people with mental or physical disabilities in the state of Nebraska.

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- A private, non-profit agency that works with people who have disabilities to secure their rights and to achieve a vision which is supportive of the ideals of interdependence, productivity, human dignity, personal integrity and full participation for individuals with disabilities in their community.
- Nebraska Advocacy Services is governed by a cross-disability Board of Directors comprised of individuals with physical and mental disabilities, family members, and advocates.



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## **Federal Laws Authorizing the Protection and Advocacy System:**

- Developmental Disabilities Act of 1975, as reauthorized
- Protection and Advocacy for Mentally Ill Persons Act of 1986, as reauthorized
- Protection and Advocacy for Individual Rights Act, as reauthorized
- Protection and Advocacy for Beneficiaries of Social Security Act
- Protection and Advocacy for Assistive Technology Act of 1999, as reauthorized
- Protection and Advocacy for Traumatic Brain Injury Act of 2002

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- NAS was established in 1977 and designated by the Governor as the **Protection and Advocacy System (P&A)** for Nebraska
- NAS is independent of any service providing agency
- NAS also has the capacity to pursue legal, administrative, and other appropriate remedies to protect individuals' rights
- NAS is supported by federal, state, and private funds

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**What NAS Does**



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## Legal Advocacy

- Individual advocacy, including investigation of abuse and neglect allegations, direct legal representation within selected priority areas, advice on legal rights and remedies, or information and referral about disability services
- Direct involvement in cases only where the disability is central to the issue presented, and the issue meets our case priorities

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## Public Policy Advocacy

Analysis of state and federal legislation as well as public policies and regulations impacting the legal and human rights of people with disabilities. These issues may be addressed directly to lawmakers or NAS may serve as a resource to others who are advocating for the rights of persons with disabilities

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## Citizen Advocacy

Citizen Advocacy is a way for local communities to respond to the need for protection of individuals with disabilities who are at risk of abuse or neglect. Local, independently operated citizen advocacy offices arrange opportunities for members of a community and citizens with disabilities to form meaningful personal relationships. NAS provides consultation on program development, training for board members and staff, and program evaluation to citizen advocacy offices in Nebraska

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## Self Advocacy

NAS works in consultation with groups of individuals with disabilities to facilitate the development of effective consumer directed advocacy organizations which further the growth, empowerment and strength of the advocacy efforts of people with disabilities

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## Highlights of NAS Litigation

### ABUSE AND NEGLECT

- Investigating an allegation by a client of a group home that he was physically assaulted by staff
- Representing five young men residing in a group home who allege that they were sexually assaulted by a staff member; the county attorney refused to prosecute the case and we are involved in putting pressure on the county attorney to prosecute
- Investigating an allegation by a young adult that he was physically assaulted by staff at a sheltered workshop



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## Highlights of NAS Litigation

### ABUSE AND NEGLECT

- Representing a young woman living in a community residence whose mother was seeking to have her sterilized which resulted in the termination of her mother's guardianship over her
- Representing a man living in a community residential facility who died as a result of "positional asphyxiation"
- Settled a wrongful death action for the estate of a woman with a history of seizures who drowned when left unattended in a whirlpool at the Beatrice State Developmental Center; the State agreed to pay her estate the sum of \$125,000 and to construct and maintain a memorial in her honor on the grounds of the facility



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## Highlights of NAS Litigation

### SPECIAL EDUCATION

#### Least Restrictive Environment

- Representing a special education student who has been locked in the janitor's closet with the lights off as part of a behavioral intervention program; the closet contains hazardous materials
- Representing a special education student who has been in a room at school and is not allowed him to interact with other students because of a pending juvenile justice issue in which the student is involved

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## Highlights of NAS Litigation

### SPECIAL EDUCATION

#### Least Restrictive Environment

- Filed a due process petition with the Nebraska Department of Education against the Omaha Public School system regarding a student with behavioral impairments because the district wants to place him into an alternative placement for the third time in one year; the due process filing has stopped the placement plans and an independent educational evaluation is being completed

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## Highlights of NAS Litigation

### Special Education

### Suspension and Expulsion

- Representing five students who have been suspended due to behavioral impairments; we are working to have the students returned to their schools

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## Highlights of NAS Litigation

### GUARDIANSHIP

- Filing motions for termination of guardianships for several individuals who have been inappropriately placed in nursing homes and have requested community placements, but their guardians refuse to give consent for placement; we are seeking to have her placed in the least restrictive environment
- Representing a young woman residing in a nursing home who wants to be placed in the community, with the consent of her guardian but nursing home staff have filed for termination of the guardianship because they do not believe she should be placed in the community; we are seeking to have her placed in the least restrictive setting

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## Highlights of NAS Litigation

### GUARDIANSHIP

- Represented an adult man who was never in services and his mother served as guardian but failed to provide the medical treatment our client needed; the guardianship was terminated and the court determined that our client did not need a guardian at all
- Represented a young woman who wished to become her own guardian; she was a self advocate, employed, lives on her own away from her parents and active in Special Olympics—everyone, including her guardians agree that she could be her own guardian; we are seeking termination of the guardianship



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## Highlights of NAS Litigation

### ACCESS TO THE COMMUNITY

- Filed a due process complaint and completed an administrative hearing through the Nebraska Department of Education regarding the transition of a young man from high school to adult services with an adverse result for our client; we are appealing the administrative hearing decision in district court (Sarpy County)
- Completed investigations and depositions and are preparing to file litigation within the next two weeks on behalf of a number of clients challenging the validity of the ICAP process; the failure to not offer the adult home and community based waiver to new applicants for services, thus denying them services and resulting in them being placed on a waiting list; and an Olmstead issue regarding the denial of community placements to individuals residing in ICFs-MR who are appropriate for community placement



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## Highlights of NAS Litigation

### ACCESS TO THE COMMUNITY

- Representing a young child uses a wheelchair and has experienced discrimination in public accommodations when the school goes on field trips to the local library twice a month since the local library is not accessible; the librarian told the child's mother that her son didn't need to use the public library because there was a library at the school; this case was referred to the U.S. Office of Civil Rights ADA Project
- Representing a young Native American-Korean woman (21) who is currently completing high school but lives in a nursing home where she is the youngest resident in a population whose average age is 80; she was removed from her home because of neglect; she has a guardian who has been working for community placement; we are seeking to secure court ordered placement in the least restrictive environment

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## Highlights of NAS Litigation

### RIGHT TO TREATMENT

- Representing a young man living at home on his own received notification that the dialysis center he was going to would no longer provide services to him so he contact another dialysis center and on the day he was to go to the new center his mother died and could not make the appointment; subsequently the new dialysis center notified him that they would not provide dialysis for him; we were able to get an extension on his dialysis from his current center while he makes arrangements for a new dialysis center to provide services

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### EMPLOYMENT

- Representing a young man was employed at a restaurant in Kearney; he is a well known self advocate and his employer allowed him time off to participate in self advocacy activities nationally; however, his employer found out that he had been hospitalized in a psychiatric facility and terminated him because he presented a “danger to himself and other employees”; this case has been referred to the Nebraska Employment Opportunity Commission and we are awaiting the results of their investigation

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## Highlights of NAS Litigation

### EMPLOYMENT

- Representing a young woman who was employed began refusing to do certain parts of her job and then refused to go to the workplace which resulted in her termination; her mother learned that she was sexually harassed and possibly sexually assaulted by a co-worker; her employer apparently had been aware of similar problems with the co-worker



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### EMPLOYMENT

- Representing a young man was fired by his employer after he had been on the job for one year after he disclosed to his employer that he was receiving disability related benefits; this case has been referred to the Nebraska Employment Opportunity Commission and we are awaiting the results of their investigation

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## Highlights of NAS Litigation

### ASSISTIVE TECHNOLOGY

- Representing an older woman who uses a wheelchair needed a power operated wheelchair, but the vendors in her area of the state will not accept the claim for her wheelchair even though it has been ordered by her physician;



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## Highlights of NAS Litigation

### ASSISTIVE TECHNOLOGY

- Representing a young man who lives in a nursing home needs his augmentative communication device repaired or replace as well as needing to have his walker repaired or replaced—nursing home staff have repaired these devices using duct tape; the facility has refused to call the provider to request that these items be repaired or replaced

# **Nebraska Advocacy Services**

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## **How to Contact Nebraska Advocacy Services, Inc.**

### **Call or email the office:**

(402) 474-3183 (Voice and TDD)

(800) 422-6691 (Voice and TDD)

(402) 474-3274 (Fax)

[nas@nas-pa.org](mailto:nas@nas-pa.org)

### **Stop by or mail the office:**

134 S. 13, Suite 600

Lincoln, NE 68508

**NAS has a statewide service area—we accept direct contacts or referrals from any location in Nebraska**

**All contacts are kept confidential**