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Definition of Terms

Federal guidelines for the implementation of a P & A system include definitions of the following terms:

1. **Administrative remedy pursuits**
Includes any internal system for appeal within an agency or facility or between agencies which do not involve a judicial adjudication.
2. **Advocacy**
Shall consist of the speaking for, pleading for, supporting, advising, espousing the rights of, or interceding on behalf of persons with developmental disabilities before any public or private individuals, agencies, organizations or institutions serving such people.
3. **Legal remedy pursuits**
Pertains to that element of the protection and advocacy system devoted to the legal representation of the developmentally disabled in litigation in court processes concerned with rights, grievances, or appeals of such rights or grievances.
4. **Protective services**
Constellation of services, preventive or supportive in nature, given with the purpose of preventing or alleviating neglect, abuse, or exploitation of children or adults who are substantially impaired in their capacity to protect their own self interest. The identifying element of protective services is that there is present a sanction for intervention readiness on the part of those rendering services to use professional authority to call legal authority into play, or legally sanctioned procedures on behalf of a client.
5. **Developmental disability ***
Title V of P.L. 95-602 changed the federal definition of developmental disability to a severe, chronic disability of a person which
 - (a) is attributable to a mental or physical impairment or combination of mental and physical impairments;
 - (b) is manifested before the person attains age twenty-two;
 - (c) is likely to continue indefinitely;
 - (d) results in substantial functional limitations in three or more of the following areas of major life activity; (i) self-care, (ii) receptive and expressive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, and (vii) economic sufficiency and
 - (e) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.

*Adapted from the FY 80 State Plan of the Governor's Council for the Handicapped & Gifted

WHO IS P.A.D.D.?

P.A.D.D., Inc., Protection and Advocacy for the Developmentally Disabled, is the designated agency by the Governor of the State of Alaska for the implementation of a system to protect and advocate the rights of the developmentally disabled as required by Section 113 under P.L. 94-103, amended by 95-602.

P.A.D.D., Inc. was established originally as a result of a coalition formed by the Developmental Disabilities Council, now called the Governor's Council for the Handicapped and Gifted.

The purpose of P.A.D.D., Inc., a nonprofit private corporation, is to implement a protection and advocacy system for the rights of the developmentally disabled.

The business affairs of the corporation will be managed by a Board of Directors consisting of not less than nine or more than twenty-one members who shall be qualified, nominated, elected or appointed as provided in the bylaws of the corporation.

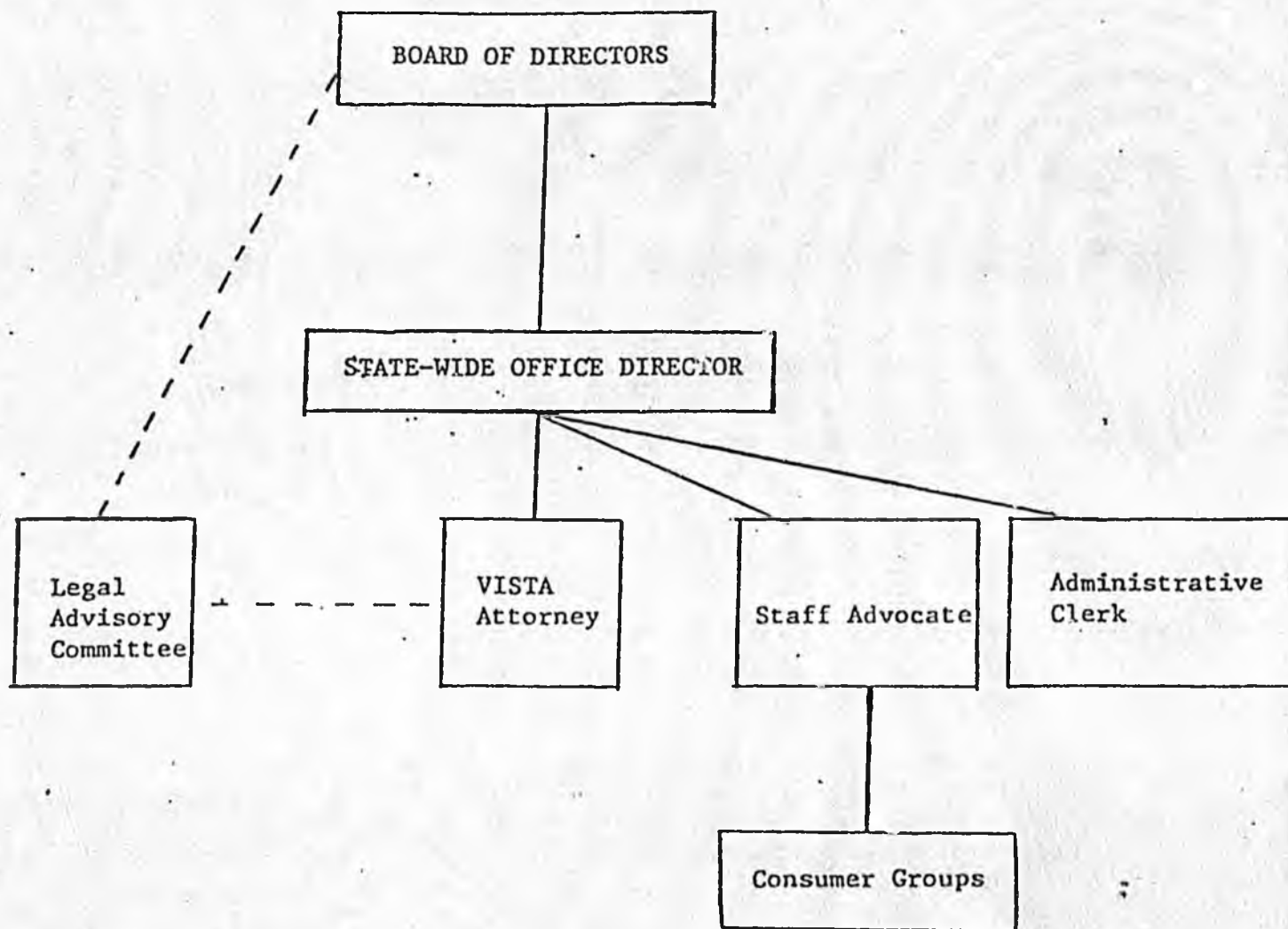
The functions of the agency are as follows:

1. To promote the general welfare of developmentally disabled citizens of all ages in the State of Alaska.
2. To provide information and referral services regarding protection and advocacy to developmentally disabled persons, their families and other interested parties.
3. To render and assure advocacy and protective services to developmentally disabled persons and their families.
4. To provide advocacy training to developmentally disabled persons and their families.
5. To cooperate with and enlist the support of public, private religious, professional and other groups of agencies both local, state, and federal in the furtherance of agency objectives.
6. To solicit, receive and provide funds for the accomplishment of these purposes.
7. To provide information on issues concerning developmentally disabled individuals to the Governor's Council for the Handicapped & Gifted, the legislature, local government, and service agencies.

Organizational Relationships

The agency designated by the Governor is a private nonprofit corporation and is independent of all agencies in the State of Alaska which deliver services, treatment, or habilitation to developmentally disabled people.

ORGANIZATIONAL CHART



The following are major concerns regarding this bill:

1. For many developmentally disabled persons and their parents this bill seems to complicate and make the process more expensive. A balance must be met between safeguarding the persons rights and making it so expensive that legal parents, who are concerned for and supportive of their child, cannot easily become guardians when their child reaches majority.

In the case of supportive parents the law should permit them to become guardians with a more limited judicial review than the current bill suggests. This would reduce the financial impact.

2. That the law prohibit persons from being guardians to more than one individual. A problem with the public guardian concept. A person is to easily treated as a number when one person becomes responsible for many.
3. The bill should prevent absentee guardianship. Again a problem with the public guardian. If a person is to be an active and participating advocate of his ward he must be located in the same area.
4. If there must be a public guardian, than put a time limit on it. It is difficult to accept that the state can effectively represent the interests of a person who is also a ward of the state.

P.A.D.D. is already providing many of the services that the public guardian is in this bill delegated to do. If this bill is passed, P.A.D.D. would be happy to provide whatever assistance we can. Given a more realistic budget P.A.D.D. can and will continue to expand its activities in relation to guardianship. We are an agency whose mandated role is to provide assistance to developmentally disabled persons and their parents or guardians in the area of guardianship, which is one aspect of our protection and advocacy function.

For your information find attached the following:

1. What is P.A.D.D.?
2. Organizational chart
3. Legal Technical Assistance available to P.A.D.D.
4. Goals and objectives relating to guardianship from our State Plan
5. Definitions
6. Job Description of Staff Attorney
7. Analysis, Position Paper, and Information prepared by P.A.D.D.'s Legal Advisor

GUARDIANSHIP RELATED GOALS

To enable developmentally disabled individuals to protect their legal rights and solve their legal problems.

To educate the public about the legal rights of developmentally disabled individuals and how to be effective advocates for the developmentally disabled.

To ensure that the needs and views of developmentally disabled individuals are effectively presented to the Alaska legislature, service agencies, and the Governor's Council for the Handicapped & Gifted.

GUARDIANSHIP RELATED OBJECTIVES

Operate a legal aid referral system to include Alaska Legal Services, Alaska State Human Rights Commission, Attorney General's Office, Public Defender and the Ombudsman's Office.

Distribute information and materials to those requesting it on: (1) guardianship alternatives, (2) administrative remedies, (3) due process procedures of various agencies.

Research legal issues pertinent to the target population and individual cases.

Provide legal counsel in 60 administrative, due process, and guardianship hearings.

Operate a legal aid referral system and follow-up activities.

To provide training sessions to groups concerned or potentially concerned with the developmentally disabled people on the legal rights of developmentally disabled individuals and how to advocate on their behalf.

LEGAL TECHNICAL ASSISTANCE AVAILABLE TO P.A.D.D.

Legal training will be provided by Technical and Training Assistance funding from Region X, Developmental Disabilities Office, Office of Health, Education & Welfare (HEW). Additional training is available through the Mental Health Law Project/DD Rights Center & the Center on Human Policy upon request by the agency. Several university-affiliated projects including the Developmental Disabilities Law Project at the University of Maryland Law School, Texas Tech University's Training and Research Center, and the Center for Development and Learning Disorders of University of Alabama have been funded by HEW to provide training for protection and advocacy staff. The budget for FY 80 includes a training fund to enable staff to obtain training from these university-affiliated projects if they do not provide transportation funding.

JOB DESCRIPTION

STAFF ATTORNEY

Duties

1. Protect the rights of 60 developmentally disabled persons by investigating cases and pursuing appropriate administrative and legal remedies.
2. Provide legal counsel in guardianship hearings.
3. Review legal component of other P & A systems and summarize findings in a report.
4. Prepare a handbook on the legal rights of the developmentally disabled.
5. Strengthen the delivery of legal services to the developmentally disabled by training attorneys in the public and private sectors on developmental disability legislation.
6. Recommend to the Governor's Council any changes in legislation, agency policies, service delivery systems and assist in drafting any needed legislation to protect the rights of the developmentally disabled.

Qualifications

1. Must be a graduate of an accredited law school and be able to practice law in Alaska.
2. Undergraduate background in social sciences preferred.
3. Must be interested in doing legal research, providing training to other attorneys and engaging in public education as well as pursuing litigation.
4. Must be willing to travel throughout the state of Alaska.
5. Experience in legal advocacy for the handicapped preferred.