THIS YEAR WE CELEBRATE 35 YEARS of practicing the art of advocacy on behalf of people with disabilities in Utah. We pay tribute to generations of employees, Board members, volunteers and supporters whose relentless advocacy and passionate spirit have made the Disability Law Center one of the leaders in the disability rights movement in our country. The Disability Law Center continues to receive thousands of calls from people with disabilities who experienced discrimination at work, school, or in the community. We advocate for people’s rights to make basic choices; for those who are unemployed or underemployed, denied access to health care, transportation, or basic services; for those abused and neglected in institutional settings or in the community. We continue to win many battles, but the war on discrimination and disparate treatment for people with disabilities is far from over.

Last year, many of our federal grants were significantly impacted by sequestration and important programs were eliminated, while the need for our services increased exponentially. Despite these challenges, we are more determined than ever to accomplish our goal of a just society, where all people are treated with equity, dignity and respect. In these difficult times, I would like to thank our constituents for supporting our mission. Thanks for being amazing travel companions on the path to social justice.

With gratitude,

Adina
Adina Zahradnikova

About the Art in this Report
Images of the painting “Study” by Utah artist Calvin Scott Johnson are featured in this report. We appreciate Art Access Gallery for lending us this piece from their permanent collection. The Art Access collection highlights art by and about people with disabilities. Their mission is to provide inclusive arts programming for Utahns with disabilities and those with limited access to the arts. Thanks to Art Access and Calvin Johnson for sharing.

For more information about Calvin Scott Johnson go to:
http://fineartamerica.com/profiles/calvin-scott-johnson.html
Celebrating 35 Years

From a humble beginning in 1978 to the end of our 35th year, the Disability Law Center looks much different than it once did. We started with two employees and a budget of $55,000. We are now an organization with over 30 employees and the disability law authority in Utah. Each year, we help thousands of people with disabilities in communities across the state to access appropriate services and exercise their rights. Though our size and impact have grown, we are reminded that our principles and mission have stayed the same.

This year we received The Best Unsung Advocates Award from City Weekly magazine. Honored and humbled for the recognition of the work we love, this award reinforces that there is much more work to be done. We will continue to grow and are excited for what another 35 years will bring for us. One thing is certain, as long as there is injustice, we remain committed to serving people with disabilities in Utah.
Meeting Our Freshman Legislators

This summer we met with 12 freshmen state legislators to get to know them and talk about the advocacy issues addressed here at the DLC. Learning about their passions and what drives their interest in legislative service was informative.

After highlighting the DLC’s client work, we went on to explain how our policy advocacy is focused on filling gaps to make systems work more efficiently and effectively. As an example, we talked about our work to divert individuals with mental health needs from the criminal justice system into treatment. Specifically, the need to make sure law enforcement officers throughout the state can identify possible mental health needs and are familiar with the treatment options available in their community. We also mentioned the need for enhancing and expanding community-based mental health services across the state. This would allow children and adults to have their needs met at home instead of at the emergency room or in jail. Finally, we emphasized the need to ensure that, if necessary, individuals have access to alternatives to incarceration, such as mental health court, regardless of where they live or where they committed their offense.

As it turns out, many of the new legislators serve on the Executive Offices in Criminal Justice Appropriations Subcommittee or have personal interest in these issues. Several of them asked whether there are any initiatives being developed to address these concerns and expressed a willingness to help however they can.

In response, we pulled together a group representing individuals with mental illness, advocates, providers, law enforcement, the court system, and policymakers to come up with a proposal. The group is working toward developing and securing funding for a pilot project to create a mobile crisis team and/or a receiving center in at least one rural Utah community.

We look forward to working with our elected leaders on this exciting opportunity and to build on our efforts to inform about the needs, concerns, and issues important to Utahns with disabilities, their families, and their communities.
SOON AFTER GRACE LARSEN WAS BORN, it was discovered that her hearing was impaired. As Grace grew, so did her love for cuddling with mom, adventures with her brother, playing with dolls and anything Cinderella. Maybe it was her father’s strong tenor voice or some genetic disposition that drew Grace to music. One thing she insisted on, she had to wear her hearing aids whenever she was awake.

When Grace was two, routine hearing tests showed that her hearing loss had progressed. She had severe to profound loss in one ear and moderate to severe loss in the other. The Larsens discussed their options with a specialist and chose to proceed with cochlear implants. The surgery was scheduled and other arrangements made. Then, only days before the surgery, the Larsens got the heartbreaking news that Medicaid wouldn’t cover the costs. Why? Grace’s speech wasn’t delayed enough yet to classify the procedure as “medically necessary”. Lainee, Grace’s mom, expressed her frustration on Facebook. She mourned that those early years for developing speech would expire while Medicaid waited for Grace to be significantly behind her peers. One of Lainee’s facebook friends recommended that she call the Disability Law Center. After discussing it with her husband Kevin, they decided to give it a shot.

Once Laura Boswell, DLC Attorney, reviewed Grace’s medical records she knew what course to take. She filed an administrative hearing request on Grace’s behalf, and argued the medical records did indicate that the surgery was medically necessary and after additional review, Medicaid reversed its decision and approved the implant surgery. Within a few months of contacting the DLC, Grace had her implants. “They took care of everything” Kevin reports, “they submitted the information to Medicaid and we had an advocate there that was saying, ‘did you see this, did you notice that?’” The Larsens are grateful that Grace received her surgery when she did. “It was just a miracle to see that our daughter can progress. She talks, she sings, she pronounces better. We’re just so grateful.”

Watch a video at http://disabilitylawcenter.org/thesoundofvictory/
The Disability Law Center (DLC) created a Fair Housing Testing Program in May of 2012. This new program has found that approximately half of testers posing with a disability experienced housing discrimination. The Fair Housing Act (FHA) prohibits discrimination in the sale or rental of housing against people because of their race, color, sex, religion, national origin, family status and disability. Utah law also prohibits discrimination based on source of income.

Simply put, discrimination is treating people differently based on their protected class status. A landlord cannot do things like charge more money or refuse to rent to someone because they belong to a protected class. People with disabilities can also ask for a reasonable modification and/or a reasonable accommodation if it will help them use and enjoy their dwelling.

Since the passage of the FHA, discrimination has become much more subtle. It usually happens with “a smile and a handshake.” Most of the time in housing transactions, a person experiencing discrimination has no idea that he or she is being discriminated against. One of the only ways to uncover housing discrimination is through testing.

Testing is much like “secret shopper,” but with apartments and landlords. For example, a test for discrimination based on disability would involve sending both a person with a disability and a person without a disability to the same apartment building to ask about an apartment. The profiles of the two testers are the identical except for disability status, so that if there is a difference in how they are treated, it can be traced back to that protected class. Test reports are compared to determine if discrimination has occurred. Testing can also be performed over the telephone, with testers calling apartment managers to inquire about available units.

Over the past year and a half, we have conducted a total of 137 tests on apartment buildings or complexes. Testing has occurred across the state. Of the sites which were monitored for disability status, 35% showed no signs of discrimination, 14% were inconclusive, and about 51% showed some signs of discrimination. The most common types of discrimination seen in disability related testing were testers who requested an accommodation for a disability and were not granted the request or told they had to pay additional fees.

The results of testing will be used to take action against landlords who break fair housing laws, and to help prevent discrimination in the future.
Individuals with intellectual and developmental disabilities are often left in vulnerable positions because they do not know or fully understand their rights. This population is much more likely to be physically, emotionally or sexually abused, and they are also more likely to be taken advantage of in more subtle ways. They may not be aware of their choices or that it’s okay for them to voice their opinions. Their money or personal property may be vulnerable because they don’t know how to protect it. And they may not know where to go for help.

To address this situation, we created a rights presentation for all ability levels. Nine simple, colorful posters walk individuals through their basic rights, including the right to community access, medical care, privacy, involvement and choice, personal property, the right to be comfortable and clean, the right to receive appropriate services and the right to be free from abuse and neglect. Throughout the presentation, we encourage individuals to speak up and tell someone if their rights are being violated. We show them how to be assertive. Then it’s game time. We play games that help them practice what they learned.

This summer, we presented at eight different community provider agencies from Logan to Orem, and we reached over 100 individuals with disabilities. However, we feel like we’re just getting started. We want every individual with ID/DD in Utah to know their rights and how to protect them.

Along the way, we have encountered courageous individuals who have spoken up about abuse that has happened to them, and we have been asked surprisingly insightful questions. Community service providers have reacted positively. We look forward to continue working with them to empower these individuals and make sure their voices are heard.

Participants say...

“I thought the tic tac toe game was fantastic. It gave people an opportunity to test their knowledge in a fun way.”

“The pictures and game made it easy for all levels of ability to understand.”

“I would LOVE to have you come back for those presentations! Especially assertiveness--it’s something that several of my folks are working on, as they want to be ‘people pleasers.’”
“Very understanding. What a relief! If I knew, I could have gotten help 3 years ago I would have! Thank you very much!”

“They were very very helpful with my situation. They are friendly, I just felt as if they are working for me.”

“Laura and Taylor were both very invested and seemed genuinely interested… I am so grateful for the DLC in its assistance in this matter. I have always advocated for others, doing it myself is challenging.”

“We are so appreciative of your intervention to help us assert our rights. Your assistance was invaluable.”

“They were GREAT! VERY PROFESSIONAL!”

“Resolved thanks to Laura’s great work I was able to obtain almost everything we were seeking....I donated my settlement to the DLC. Ms. Boswell did a fantastic job, and the DLC provides invaluable services. I wish I could donate more.”

“Sweetie I am so grateful for you..you have just saved my life.”
“TIM WAS ABSOLUTELY AMAZING.”

“Thank you both, your staff and the DLC, for all your countless hours of hard work, your compassion, kindness and support, and above all, thank you for taking the time to listen. We could not have done this without your hard work and help. You both, have changed our life for the better, and have relieved a great burden from our hearts. My only regret is I didn’t contact you sooner... I am so glad I picked up the telephone, and called. Thank you again for everything.”

“Thank you so much! You were a blessing.”

“I am now writing to you from my wonderful new office overlooking the city with nearly all of the accommodations from my ADA form... VICTORY! There is no doubt in my mind that this day would not have been possible without your support and diligent efforts.... Not only did you do the job and do it well, but you also showed a level of compassion and genuine concern which helped me to not feel so alone and outcast.”

“Extremely Satisfied... You guys are the best!”
The DLC’s 2nd Annual Community Justice Awards recognized architects, builders, and designers who helped make our community more accessible for Utahns with disabilities. The Community Justice Awards are presented annually to individuals, organizations and employers whose contributions have advanced the lives and opportunities of people with disabilities or who have been selfless in serving the disability community in Utah.

The gala was a wonderful event. Good people, good ideas and actions were recognized and it was a lot of fun!

Proceeds from the gala will go to help people with disabilities in Utah get the legal support they need to fight discrimination, obtain crucially needed services, maintain employment and stay safe.

This event was attended by our friends in the architecture, building and design communities, the legal community, Board members, and DLC employees joining together to celebrate and honor our Community Justice Award winners.

This year’s Award recipients are:

- **Innovation in Design Award**
  SEAN THOMPSON, SENIOR ASSOCIATE
  CBO ARCHITECTURE

- **Innovation in Architecture Award**
  HAROLD WOODRUFF, ARCHITECT

- **Community Leader Award**
  BRUCE KEELER AND KAREN NELSON
  CASTLE VALLEY MAYOR AND CITY COUNCIL

- **Innovation in Construction Award**
  DAVID FREED
  PRESIDENT/CEO OF LAGOON PARK

- **Lifetime Accomplishment Award**
  ROGER BORGENICHT
  EXECUTIVE DIRECTOR OF ASSIST INC.
LAST SPRING, STEVEN DEARINGER MADE PLANS to attend his daughter’s elementary school performance of *The Little Mermaid*. His daughter has big dreams of being an actress someday. Her roles of a butterfly and a princess in the show were an opportunity to cast aside her tomboy nature and stretch her acting skills. Steven’s native language is American Sign Language.

Steven and his wife made three separate requests for ASL interpretation for the production and were denied each time. Finally, they contacted the Disability Law Center for help. We wrote a letter thoroughly outlining the laws that require an interpreter to be provided. With an explanation of the laws in front of them, we felt confident the school district would comply. However, the district again denied the request. The school only provided a seat in the corner and the option to try and follow along using a flashlight and script.

Having given the district every opportunity to abide by the law, Steven and Ann agreed with the Disability Law Center’s assessment that further action was warranted. DLC Attorney, Aaron Kinikini filed a complaint with the Office of Civil Rights (OCR) on Steven’s behalf. Once OCR began investigating the matter, the district decided to take voluntary steps to ensure its compliance with the law. OCR entered an agreement with the district that involves monitoring how they implement requested accommodations such as interpreters.

Steven can now feel confident that he will be able to watch every moment of his daughter’s future performances and understand the dialogue at the same time. A right he deserves and is entitled to, not one of privilege. We at the DLC concur with Mr. Kinikini’s comments. His closing letter to Steven states, “We are pleased that we could facilitate a policy change that will benefit not just your family, but all deaf individuals who have friends, neighbors and family within the School District.”

View this story in ASL at http://disabilitylawcenter.org/afamiliy’sright/
SUCCESS!

Looking back at another year of advocacy, we are honored to have had a positive impact on hundreds of people’s lives. Here are just a few of our favorites:

- **ALLI WORKS AS A CASHIER** at a grocery store. She wears knee braces and has difficulty standing for long periods at a time. When Alli requested that she be able to sit on a stool while working at the register, management didn’t respond. In fact, they said she was not allowed to let her braces show in public. When the DLC helped Alli write a formal request for an accommodation and submit it, the store agreed to let her use a stool.

- **BECAUSE SWIMMING IS A SUCCESSFUL THERAPY** for dealing with symptoms of Drake’s autism, his Individual Education Plan (IEP) team decided to include it as a service that the district would provide. Then there were bus problems and the district didn’t follow through with taking him to the pool. Soon after the DLC got involved, Drake was swimming twice a week. He and his mom also received free passes to the local pool to compensate for the missed therapy.

- **TO CONTINUE RECOVERING FROM A STROKE**, Luke moved from the hospital to a skilled nursing facility. Eight days later his sister found him injured. He had a high fever, was dehydrated, unable to eat, and lethargic. She called the DLC. We represented Luke. As a result, he received a settlement and the facility changed its practices.

- **CALEB HAS DIABETES**. When his insulin levels are too high or low, he can become extremely ill. Even though his parents met with the school and developed a healthcare plan, Caleb’s insulin levels weren’t being monitored regularly. Often, he just couldn’t function at school and was falling behind. After the DLC intervened, the school began checking Caleb’s levels three times a day and administering insulin as needed. Now he’s learning and progressing in school.

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**FY 2013 Client Disabilities by Category**

- Blind/Visually Impaired: 43%
- Deaf/Hard of Hearing: 21%
- Neuromuscular/Skeletal Impairment: 7%
- Learning Disabilities: 6%
- Neurological Disorders: 5%
- Autism: 5%
- Traumatic Brain Injuries: 5%
- Intellectual Disabilities: 3%
- Physical/Orthopedic Impairments: 3%
- Mental Illness: 2%
CINDY HAS A HEALTH CONDITION and needs her dishes to be as sterile as possible. Her apartment didn’t have a dishwasher, so she used her own. The landlord was concerned that operating the appliance was hazardous because of the old wiring in the apartment. He threatened to evict her if she used it again. So, Cindy was forced to use only disposable dishes and utensils. The DLC filed a complaint with the Utah Anti-Discrimination Labor Division. Through mediation, the landlord agreed to re-wire the apartment, allowing Cindy to use her dishwasher and put away the plastic for good.

AFTER LIVING FOR 18 YEARS at the Utah State Developmental Center, Sam moved into his own apartment. Sam has taken a car ride for the first time in five years, gone out to dinner, watched a movie and enjoyed other simple community activities.

THE SOCIAL SECURITY ADMINISTRATION (SSA) insisted that Mandy owed them over $10,000 because of some income she’d earned in 1998. Even though Mandy showed them proof it was a mistake, they did not agree and she lost her Supplemental Security Income (SSI) and Medicaid. After the DLC helped her navigate the appeal process and provide more documentation, SSA removed the overpayment from Mandy’s record, reinstated her SSI, and restored her eligibility for Medicaid.

Note: Some names have been changed.
FY 2013 Budget Information

Revenue

- $503,046 29% Individuals with Mental Illness – PAIMI
- $402,221 23% People with Developmental Disabilities – PADD
- $286,264 17% Other Grants, Foundations, Donations and Revenues
- $166,132 10% Individual Rights – PAIR
- $117,709 7% Client Assistance Program – CAP
- $89,859 5% Beneficiaries of Social Security – PABSS
- $53,919 3% Individuals with Traumatic Brain Injury – PATBI
- $45,217 3% Voting Access – PAVA
- $40,783 3% Fair Housing Initiatives Program
- $37,492 2% Assistive Technology – PAAT

TOTAL BUDGET $1,742,642

Expenditures

- Program Services $1,392,060 88%
- General and Administrative $179,645 11%
- Fund Raising $16,522 1%
THESE ARE CHALLENGING TIMES. The ongoing federal budget sequester, the recent federal government shutdown, and continuing government divisiveness all make life difficult for those of us who work for the public interest. The Disability Law Center is no exception. With dwindling and uncertain federal funding, we turn increasingly to private donors to advance our mission of protecting the opportunities, choices and legal rights of people with disabilities in Utah. We are deeply grateful to those donors. The road is rough, but we continue to move forward.

Kevin Murphy, President, DLC Board of Trustees

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