

2020 ANNUAL REPORT



PROTECTION & ADVOCACY IN UTAH

DEAR FRIENDS AND SUPPORTERS,

The Board of Trustees is proud to present the Disability Law Center's 2020 Annual Report. During the worst pandemic of our lifetimes, our employees and volunteers have continued to work hard for all Utahns with disabilities.

We on the Board have been overwhelmed by the dedication and passion of the DLC team that stepped up and took on additional duties to support the DLC's mission: to enforce and strengthen laws that protect the opportunities, choices, and legal rights of people with disabilities in Utah.

In the years to come, we will continue to fight for the rights of all Utahns with disabilities. And while our mission is not easy, we know that we can make a difference. With federal and state budgets being stretched thin over the next few years, we will likely need to turn even more toward private donors.



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IN FY2020,
THE DLC PROVIDED

3,749

LEGAL ASSISTANCE
SERVICES TO

3,326

INDIVIDUALS.

2,365

INDIVIDUALS WERE GIVEN
GENERAL INFORMATION
OR OUTSIDE REFERRALS.

711

CLIENTS WERE
GIVEN LEGAL ADVICE
OR REPRESENTATION.

673

INDIVIDUALS RECEIVED
GENERAL ADVOCACY
RESOURCES.

DLC'S SOCIAL MEDIA,
AND PUBLIC INFORMATION
ACTIVITIES REACHED

70,180

11,858

INDIVIDUALS RECEIVED
TRAINING FROM
DLC TEAMS.

470

Access To Public
Places, Programs,
Services, And Rights

106

Education Cases

394

Fair Housing
Cases

CASES
BY TOPIC

72

Abuse & Neglect
Cases

42

Voting Cases

302

Employment
Cases



DURING A GLOBAL HEALTH CRISIS, JACOB WANTED TO KNOW HE WOULD BE TREATED FAIRLY.

The beginning of the COVID-19 pandemic was a confusing time throughout the state. But it was also a time of great concern among people with disabilities. Jacob, who has cerebral palsy, was not the only one who worried about what factors hospitals would consider if forced to ration care due to hospital overcrowding.

“It’s simply terrifying. Jacob does things like typical people his age. He’s graduated high school; he volunteers in the community. There is no reason that his diagnosis should lead to him being treated differently,” said Jodi Hansen, mother of Jacob. “It feels unfair that anyone would assume others should be a higher priority,” added Jacob.

Our Community Integration team knew that if hospitals were to become overwhelmed, the potential for people with disabilities to be discriminated against would be much higher. So we jumped into action, reviewing Utah’s Crisis Standard of Care guidelines (CSC) and asking ourselves if they truly had adequate protections for people with disabilities. They did not. Some of Utah’s guidelines implicitly and explicitly de-prioritized care for people with disabilities in the case of the crisis.

**“RATIONING HUMAN LIFE IS NOT ONLY
ILLEGAL AND IMMORAL, IT IS SIMPLY
UNACCEPTABLE. WHILE WE RECOGNIZE
THAT THE HEALTH CARE SYSTEM
WILL BE UNDER UNPRECEDENTED
PRESSURE... NO ONE SHOULD FACE
DISCRIMINATION IN ACCESSING LIFE-
SAVING TREATMENT AND CARE.”**

- Adina Zahradnikova, Executive Director.

This language was in direct violation of the Americans with Disabilities Act and other civil rights laws that protect people with disabilities from discrimination. We took this analysis and filed a complaint with the Department of Health and Human Services Office for Civil Rights (OCR), alleging Utah’s CSC were discriminatory. Our reasoning was simple: In a time of such uncertainty, no one should have to fear that a doctor would value their life less than another person’s. In the complaint, we urged the state to formulate a new, non-discriminatory approach that could be implemented for emergency situations.

Because of this complaint, Utah acted swiftly to revise its emergency plans. By August, Utah had new crisis standards that would allow hospitals to take necessary actions without discrimination against people with disabilities in a crisis.

“We were extremely pleased that our state worked with OCR to end the practice of rationing care for people with disabilities,” said Laura Henrie, Acting Legal Director of the Utah Disability Law Center.

“Thankfully, the CSCs were never invoked, but the fear of not getting life-saving treatment was very real for people like our client, Jacob. We are thankful for OCR’s efforts in protecting the rights of people with disabilities, so that folks like Jacob have equal access to care now and in any future crisis.”

DANI WAS EXCITED TO MOVE AWAY FROM HOME AND BEGIN HER FRESHMAN YEAR AT COLLEGE.

Due to her disability, Dani often uses a wheelchair and sometimes a walker. Because of this, Dani did extra research when picking out her first student apartment. Before signing the lease, she confirmed that there was an accessible unit available for her to move into at the beginning of the semester. The leasing agent assured Dani she could have an accessible unit, so Dani signed the lease.

But when Dani visited from out-of-state early to tour the complex, she was informed that the accessible unit was for boys only, despite having no one with a disability-related need living in it. To try and solve the problem they had created, the property manager told Dani they would set up accommodations in a non-accessible unit for her to use.

However, when Dani returned at the start of the semester, none of the accommodations were completed. This made it impossible for her to be independent. She didn't have an accessible bed, couldn't get ready in the mornings without help, and couldn't shower without help from her roommates, who were complete strangers at the time. "I would stay on campus as late at night as possible because I couldn't stand the idea of going back to my apartment to have to sleep on the floor and take sponge baths."

This was only the tip of the iceberg. For the next year, the property managers would consistently disregard her disability and ignore her very real need for accommodations.

At various points during her tenancy, management made it impossible for her to use the kitchen and any of its appliances, navigate her apartment and the accessible parking spaces, and they removed the ramp that provided access to the leasing office.

Time and time again, Dani advocated for herself and the needed accommodations, presenting many alternate solutions, some of which would not cost the property any money at all, and was denied.

"MY SENSE OF INDEPENDENCE WAS SO BROKEN AT THE TIME...IT WAS SO FRUSTRATING TO CALL ON PEOPLE WHO DIDN'T KNOW ME AT ALL TO DO BASIC THINGS FOR ME, SAID DANI. "MY LIVING SITUATION WAS AFFECTING MY ABILITY TO WANT TO BE AT SCHOOL AND BE INDEPENDENT. IT WAS JUST HORRIBLE."

After nearly a year of her housing rights being violated at every turn, and a phone call with her father, Dani decided she needed to fight for her right to be a human being. So she called the DLC.

Our intake team immediately put Dani in touch with one of the Fair Housing team's attorneys, who went to work right away helping her advocate for her accessibility needs with the property manager. When these mediation attempts didn't work, we filed a complaint with the Department of Housing and Urban Development. It was important to our team, and Dani, that future tenants with disabilities not be subjected to the many accessibility violations Dani had faced.

In the end, although the complex did not admit liability for the many violations of Dani's housing rights, they did agree to make structural changes to the property to become compliant with the Fair Housing Act's design and construction requirements, and they compensated Dani with a payment to settle the case.

STACI WANTED TO LIVE IN AND BE A PART OF HER COMMUNITY.

And she isn't the only one. Residents of Institutional Care Facilities (ICFs) live in large, crowded spaces with little to no privacy. In these facilities, people with intellectual disabilities are segregated from their communities, must keep to rigid schedules, and have little access to services outside of the institution.

The DLC has long monitored ICFs in Utah, and in that time, we have had concerns that residents who want to leave these institutions have had no effective way to do so. Our concerns stem from a Supreme Court ruling in 1999 (in a case commonly referred to as "Olmstead") that determined that unnecessary segregation in institutions is discrimination under the Americans with Disabilities Act (ADA). Not only did they rule that it is discrimination, but they also mandated that states must work toward providing real community options for people with disabilities who don't want to live in institutions.

Over many years of visits, research, and interviews with ICF residents, our team wasn't seeing any substantive efforts by the state to provide community based living opportunities for this population.

Indeed, data indicated that the average number of residents who were able to leave ICFs was 7 per year, and, in many years, no one who wished to move to the community was able to do so.



“I WOULD LIKE A CHANCE TO LIVE OUT ON MY OWN WHETHER IT IS HOUSING OR AN APARTMENT—MORE CONTROL OVER MY FREEDOM. I WANTED THAT FOR A REALLY LONG TIME,” SAID STACI. “IT WOULD BE A DREAM COME TRUE.”

This was unacceptable. We knew it was time to take action to ensure that people with disabilities throughout Utah were not just being forced into institutional settings.

After attempts to collaborate with the state to improve these conditions were denied, we decided to file a complaint in federal court against the state of Utah for failing to comply with their obligations under the ADA and “Olmstead” by not creating an adequate avenue for ICF residents who wanted to move to the community, essentially trapping them in institutions.

While it took several years, this case officially settled in December of 2019. The settlement requires the state to:

REDUCE its reliance on institutional care by improving the education and in-reach efforts on community options for those who want to leave an ICF,

PROVIDE funding for an adequate number of individuals who want to move from ICFs into the community,

REDUCE the overall number of ICF beds,

INCREASE diversion efforts for people who don’t want to enter institutions in the first place.

Staci now lives in a house in her community, like she wanted. She enjoys having her own room, cooking meals for herself, and going out to restaurants on the weekends.

REVENUE BY SOURCE

\$405,053	PADD	16.80%
\$478,404	PAIMI	19.80%
\$106,297	PAVA	4.40%
\$58,283	PAAT	2.40%
\$50,000	PATBI	2.10%
\$171,598	PAIR	7.10%
\$136,253	CAP	5.70%
\$128,697	PABSS	5.30%
\$148,182	REP PAYEE	6.10%
\$184,384	HUD	7.60%
\$549,380	OTHER	22.70%

\$2,416,531 TOTAL REVENUES

By partnering with "and Justice for all" and Utah's two other primary legal aid providers, DLC is able to share financial resources and infrastructure to maintain high investment in program costs with low overhead.

The majority of DLC funding comes from federal grants, awarded to address specific needs in the communities which the agency serves.

The PAIMI Act provides funding for the DLC to advocate for resources and legislative action on behalf of people with mental health disabilities, and allows the DLC to host the state's federally mandated mental health advisory council.

Other funding comes from private and corporate donors from across Utah, and from the "and Justice for all" campaign.

EXPENSES

\$2,168,432	PROGRAM SERVICES	89.10%
\$261,760	ADMINISTRATIVE	10.80%
\$3,179	FUNDRAISING	0.10%

\$2,433,371 TOTAL EXPENDITURES

OUR DONORS

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And Justice for All

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'and
Justice
for all'

The Disability Law Center, along with Utah Legal Services and Legal Aid Society of Salt Lake are partnered with "and Justice for all" as part of a non-profit fundraising collaboration. Despite differing missions, the Disability Law Center, Utah Legal Services, and Legal Aid Society of Salt Lake shared a common vision of creating equal access to our system of justice in Utah.

By joining forces, they hoped to provide a stable and consistent source of funding for those who

cannot afford legal representation because of disability, poverty, age, migrant status, or race. Their work later expanded to include a grants program to provide funding for other nonprofit legal assistance agencies in Utah who work to ensure that every citizen has access to the courts system.

The mission of "and Justice for all" is to increase access to civil legal services for the disadvantaged and for individuals with disabilities in Utah by creating and sustaining resources to support civil legal services, sharing and consolidating resources so that services are delivered in a cost-efficient and effective manner, and strengthening the member agencies and the distinct roles they play in the delivery of civil legal assistance.

To donate to this collaborative fundraising effort, visit andjusticeforall.org/donate or scan the QR code below.



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