

Disability Law Colorado

Colorado's Protection and Advocacy System for Individuals with Mental Illness

(PAIMI) Program Priorities FY 21

Priority 1

Facilities

Priority:

1. Investigate incidents of abuse, neglect and rights violations, including violations brought on by events related to COVID-19 and *Olmstead* violations, in Colorado facilities, which include mental health institutes, nursing homes, assisted living residences, children's residential treatment facilities, public and private psychiatric hospitals and jails.

Objective:

1.a. DLC will investigate complaints and reports from or on behalf of PAIMI eligible residents alleging abuse, neglect and rights violations, including **violations brought on by events related to COVID-19 and *Olmstead* violations** DLC will determine whether there is probable cause to investigate the complaint or report, and if found, take action to remedy any abuse, neglect or rights violations found to exist. Action may range from advocacy on one extreme to litigation and monitoring on the other. Action will be guided by PAIMI resources, both personnel and funding, the potential for coalition building that can be brought to bear, and seeking systemic solutions when appropriate.

Target Population:

PAIMI eligible adults, adolescents and children residing in facilities.

Expected Target:

DLC will screen (10) complaints or reports from PAIMI eligible residents to determine whether further action is needed to adequately address the complaint or report .

Outcome: PAIMI eligible adults, adolescents and children residing in facilities will be less likely to experience abuse, neglect and rights violations.

Objective: **1.b.** Investigate incidents of serious abuse, neglect and rights violations, in Colorado facilities and settings providing educational services to youth. Disability Law Colorado will monitor and investigate complaints regarding improper use of seclusion or restraint and **violations brought on by events related to COVID-19** resulting in the risk for serious injury or death from or on behalf of PAIMI eligible youth ages 5 to 21 years.

Target Population: PAIMI eligible individuals ages 5 to 21 years who have a primary diagnosis of serious mental illness and are residing in or are at risk of being institutionalized in a facility including the Division of Youth Services, Youth Offender System and Jails where educational services should be provided.

Expected Target: Disability Law Colorado will monitor and/or investigate 2 facilities or settings where staff administers restraints and/or seclusion. Disability Law Colorado will recommend trainings for staff on appropriate strategies and interventions which will aid in eliminating the use of physical restraints and seclusion.

Outcome: PAIMI eligible students will no longer be at risk of serious physical injury or death resulting from improper use of restraints and/or seclusion in facilities or settings providing educational services to youth.

Objective: **1.c.** In FY19, DLC settled the Jail-Wait lawsuit against the Colorado Department of Human Services by means of a Consent

Decree challenging the length of time it takes for detainees in Colorado jails to receive competency evaluations or restorative treatment. As a result, DLC is switching from a litigation posture to a monitoring posture to ensure that the Department performs its obligations under the decree.

Target Population:

PAIMI eligible individuals residing in county jails.

Expected Target:

Monitoring Colorado’s performance under a Consent Decree with a multi-year duration.

Outcome:

PAIMI eligible individuals in jails will not experience due process violations caused by lengthy delays in performing competency evaluations and restorative treatment.

Priority 2

Community Housing

Priority:

Investigate incidents of abuse, neglect, and rights violations for PAIMI eligible individuals living in community settings, including their own home.

Objective:

DLC will represent PAIMI eligible individuals at risk of abuse, neglect and rights violations in subsidized housing, or who are at risk of losing their residence. Such representation may include negotiating reasonable accommodations, lease terminations, and companion and service animal cases. Representation under this priority does not extend to representation at eviction or foreclosure proceedings.

Target Population: PAIMI eligible individuals who have experienced abuse, neglect, and rights violations in community settings, including their own home.

Expected Target: DLC will represent five (5) individuals.

Outcome: PAIMI eligible individuals will be less likely to become homeless or be placed at risk of institutionalization.

Priority 3

Colorado Department of Corrections, and the Colorado Division of Youth Services

Priority: Investigate incidents of abuse, neglect and rights violations, in Colorado correctional facilities for adults and juveniles.

Objective: DLC will investigate complaints and reports from or on behalf of PAIMI eligible adults committed to the Colorado Department of Corrections (DOC) and juveniles committed or detained by the Colorado Division of Youth Services (DYS), and juveniles placed by court order in residential treatment facilities, alleging abuse, neglect and rights violations, and **violations brought on by events related to COVID-19** having the probability of causing serious injury or death. DLC will determine whether there is probable cause to investigate the complaint or report, and if found, take action to remedy any abuse, neglect or rights violations found to exist. Action may range from advocacy on one extreme to litigation and monitoring on the other. Action will be guided by PAIMI resources, both personnel and funding, the potential for coalition building that can be brought to bear, and seeking systemic

solutions when appropriate. Disability Law Colorado will continue to monitor DYS's progress on changing its culture from one of violence to treatment and rehabilitation.

Target Population:

PAIMI eligible adults and juveniles residing in DOC/DYS facilities including juveniles placed by court order in residential treatment facilities.

Expected Target:

DLC will investigate complaints from ten (10) adults and three (3) juveniles.

Outcome:

PAIMI eligible adults and juveniles will be less likely to experience abuse, neglect and rights violations.

Priority 4 (ADX monitoring) is deleted in its entirety as the monitoring period has expired with the monitors finding that the BOP has substantially complied with the settlement agreement.

Priority 4 Community Mental Health Care System

Priority:

Disability Law Colorado will monitor to ensure access to community mental health treatment and services such as Medicaid, crisis services, integration of physical and mental health care, consumer knowledge of choices, consumer empowerment, and continuity of care.

Objective:

To ensure the provision of community mental health treatment and services to PAIMI eligible individuals, to include Medicaid mental health services, while Colorado undergoes this transition.

Target Population:

PAIMI eligible adults, adolescents and children.

Expected Target:

DLC will conduct a multi-year monitoring and educational effort to improve the public mental health delivery system.

Outcome:

PAIMI eligible adults, adolescents and children will be better informed of programs and choices available to them in directing their mental health care.

PAC approval: September 17, 2020

Board approval: September 24, 2020