



Colorado's Protection &amp; Advocacy System

# MAINSTREAM

Helping individuals with disabilities live and work in the community, enjoying independent and productive lives.

## Landmark victory in federal lawsuit for pretrial detainees with mental illness

A settlement in the federal lawsuit brought by The Legal Center against the Colorado Department of Human Services and the Colorado Mental Health Institute at Pueblo ensures that pretrial detainees who are mentally ill will receive evaluations and treatment within 28 days of their arrest. The lawsuit, filed in August 2011, alleged that pretrial detainees in Colorado suffered unconstitutional delays, in some cases lasting as long as six months, in receiving evaluations and treatment that would enable them to participate in their criminal proceedings. Frequently, the delay was longer than they would have otherwise been confined for their alleged offense. The lawsuit was supported by signed affidavits from Arapahoe County Sheriff J. Grayson Robinson and the Colorado State Public Defender, Douglas K. Wilson.

In his affidavit, Sheriff Robinson noted that his jail does not have the medical professionals needed to evaluate, treat, and care for individuals with mental illness. As jail staff cannot provide psychiatric medications to detainees involuntarily, their psychological condition often deteriorates rapidly and

with it their behavior. Robinson stated: "It is not uncommon for mentally ill detainees to commit crimes or violate facility conduct rules because of their inability to conform their behavior to the requirements of a secure detention facility."

This landmark 10-year settlement is the first of its kind in the United States. Under the terms of the agreement:

- The Department of Human Services is required to admit a pretrial detainee to the Colorado Mental Health Institute at Pueblo within 28 days of the court determining the need for an evaluation or restorative treatment.
- The Department is required to maintain a monthly average of no more than 24 days for all patients admitted to the Mental Health Institute for evaluation or treatment.
- Competency evaluations performed in county jails must be completed within 30 days.
- For the 10-year duration of the agreement, the Department must provide monthly reports to The

Legal Center to ensure the Department's compliance.

- The Legal Center and the Department have agreed to work together to educate the state judiciary, district attorneys, defense attorneys, and county sheriffs to help ensure timely evaluation and treatment of the mentally ill pretrial detainees with mental illness.

The Legal Center's legal team consisted of Iris Eytan, Jason M. Lynch, Caleb Durling, and Ellie Lockwood of Reilly Pozner LLP, and Marcus Lock of Wilderson Lock & Hill, LLC, and Mark Ivandick and Randy Chapman, of The Legal Center.

"I'm pleased that once the suit was filed, the Department acknowledged the problem, accepted responsibility for fixing it, and began working with our team to identify a holistic solution that will result in the state's mentally ill pretrial detainees being evaluated and treated more quickly," Marcus Lock said.

"In our view, the Department has been struggling with this problem for years. So we are especially gratified to have

reached a long-term agreement," said Iris Eytan, adding that, "The Department has agreed to a comprehensive framework that will govern the provision of competency evaluations and restorative treatment for years to come."

"All of us at The Legal Center look forward to working with the Department to end the human suffering and financial toll caused by chronic delays in evaluating mentally ill criminal defendants and those found incompetent to stand trial," said Director of Legal Services Randy Chapman.

The Legal Center is most grateful to the law firms providing pro bono legal services in this case. Reilly Pozner is a full-service litigation firm handling high profile cases in more than 40 states. Bratton Hill Wilderson & Lock is one of the leading law firms in Western Colorado and handles transactional, litigation, and water matters across the state. Both firms believe they have a responsibility to provide pro bono legal services to those in need and devote substantial resources to individual and major broad-based legal cases. ■

## Mary Anne Harvey honored by the Colorado Nonprofit Association



Mary Anne Harvey receiving the William Funk Award for Building Stronger Communities from Katie Kramer, vice president of the Boettcher Foundation, a sponsor of the event.

On March 12, at the Colorado Nonprofit Week Awards Luncheon, the Colorado Nonprofit Association presented Mary Anne Harvey with the William Funk Award for Building Stronger Communities. The award was established in 1991 to honor leaders who exemplify Bill Funk's ability to unify people and organizations around a common cause. Mary Anne has served as The Legal Center's executive director since 1980. She was nominated for the award by her long-time colleague and friend, Randy Chapman, director of legal services. In his letter to the association, Randy noted that:

*Colorado residents have greatly benefited from Mary Anne's thirty years of leadership at The Legal Center and in the nonprofit community. When Mary*

*Anne was hired we had a staff of six and an annual budget of \$150,000. We now have twenty-eight staff and an annual budget of \$2,200,000. When she was hired, though we served the entire state, we had just one office in Denver. Under Mary Anne's leadership we were able to expand in 1995 and now have an office in Grand Junction to help us better serve the western slope. Mary Anne has kept The Legal Center afloat for thirty years resulting in legal services to thousands of Coloradans who have disabilities and our older citizens. Because of Mary Anne, Colorado school children with disabilities have received educational services, individuals in institutions and nursing homes have been protected from abuse and neglect, and many people with disabilities have had equal access to housing, employment, and public accommodations. Over the last thirty years Mary Anne Harvey has made a difference in the lives of thousands of our most vulnerable citizens. She is a stellar example of an individual who has helped build a stronger community.*

Congratulations Mary Anne! ■

## Jim McBride celebrates 25 years at The Legal Center

As Director of Administrative Services, Jim McBride is responsible for all the accounting and information technology services for The Legal Center. While Jim likes to stay in the background and let others take the credit, his colleagues all attest to the fact that Jim is at the very heart of the mission. We couldn't do it without him.

For 25 years, Jim has been the one carefully nurturing the office technology to keep it, in his words, "somewhere between somewhat outdated and just outdated." His hard work and dedication are now paying off in a dual-language website, Facebook and Twitter sites, and a new phone and email system that make it much easier for staff to meet the needs of people with disabilities throughout the state.

Jim is also the go-to man for handling the complex accounting system and tracking the different federal and state government guidelines, as well as the requirements for documenting private grants and donations. All of this may seem dry and dusty, but for Jim, these are not just columns of figures, they are the basis for the many programs that for



Jim McBride, Director of Administrative Services

25 years have been protecting the civil rights and improving the quality of life for some of the state's most vulnerable residents.

"The Legal Center is an incredibly rewarding place to work," Jim said. "There is always something new happening, and an important cause to fight for."

Jim does not have the typical accounting and IT background. He grew up in

Continued page 2

The Legal Center is a nonprofit organization protecting the human, civil and legal rights of people with disabilities and older people. As Colorado's Protection and Advocacy System, The Legal Center has authority under federal law to gain access to facilities and records in order to investigate allegations of abuse and neglect. The organization also helps people obtain state and federally funded services, such as special education, mental health services, developmental disabilities services, and vocational rehabilitation. The Legal Center specializes in civil rights and discrimination issues.

The Legal Center promotes systemic change to sustain or improve the quality of life for children and adults with disabilities and older adults. The Legal Center provides direct legal representation, education, advocacy, and legislative analysis to promote the independence, self-determination, empowerment and community participation of its clients. Similar organizations exist in every state and territory as part of a national protection and advocacy network.

The Legal Center has played a pivotal role in advancing disability law in Colorado and nationally. We are proud of our success in breaking new legal ground. However, we usually resolve our clients' objectives without litigation. Some of our most satisfying legal advances have come through empowering people to advocate for themselves. ■



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Geoffrey Peterson, *Coordinator, Client  
Assistance Program and Beneficiaries of  
Social Security Program, Traumatic Brain  
Injury Program*

Jennifer Shook, *Rights Advocate and  
Administrative Assistant*

# Why We Are Deeply Concerned About Photo ID Requirements for Voting Purposes

For the eighth year in a row, The Legal Center's VOTE! Program testified at the Colorado Legislature regarding our concerns about requiring government-issued photo identification cards for voting purposes. We believe that requiring such identification will effectively disenfranchise a significant number of citizens with disabilities, particularly elders and people who are homeless.

According to the Brennan Center for Justice report, Voting Law Changes in 2012, 11 percent of all American citizens (more than 21 million) do not possess a government-issued photo ID. People without ID are more likely to be older or younger citizens, from a minority group, or poor.

Supporters of requiring government-issued photo ID claim that there is extensive voter fraud in elections. However, across the country there have been very few arrests and even fewer convictions for voter impersonation fraud. According to the National Republican Lawyers Association, there has been just one conviction in Colorado in the past ten years. Supporters also claim that it is extremely easy to get a photo ID from the Colorado Department of Revenue, Motor Vehicles (DMV) and note that this is available free of charge for senior citizens and low-income residents. For others, the fee for a Colorado photo ID is \$10.50.

Provisions in Colorado law do provide for a free photo ID for applicants who are at least 60 years old, or are referred by a county department of human services or by the Colorado Department of Corrections, Division of Youth Corrections or a county jail. But the real barriers to obtaining photo ID occur are not the \$10.50 purchase price. Applicants must appear in person at the DMV and provide proof of their full legal name, identity, age, lawful presence in the United States and proof of residential address. Many people do not have certified copies of their birth certificates and do not have the required photo ID to obtain one. The cost of obtaining these documents varies across the states, ranging from \$15-\$40.

## Feel the Power of the Disability Vote

Important Information Regarding the 2012 Election Calendar

The primary election will be held on June 26. Approximately 75 percent of Colorado counties will be holding an all-mail primary. They are required to have voter service centers where voters may obtain replacement ballots or turn in their unmarked mail-in ballot in order to vote on an accessible voting machine. You do not have to be a person with a disability to vote on a voting machine.

May 29 is the last day to register for the primary election.

To vote in a political party's primary, you must be registered to vote and affiliated with the political party. Unaffiliated voters may change their affiliation to vote in a primary. This can be done online at [www.govotecolorado.com](http://www.govotecolorado.com) or at a polling place or voter service center until 7:00 p.m. on the day of the

Elders who were born at home may not have been issued a birth certificate. Individuals with significant disabilities who were abandoned by their families to institutions may not have ready access to birth certificates or similar documents. Sometimes these records have been destroyed in floods, fires or other disasters. Sometimes there is not a match of the person's name to the name on their documents. In those cases, a legal name change must occur which can take between 3-6 months and cost more than \$200. Young people under the age of 21 may have only a birth certificate and none of the other required documentation. The process is especially difficult for low-income youth with disabilities whose families may not have the resources to assist them with navigating the barriers. Individuals who are homeless may not have a safe place to store their ID and supporting documents and are at risk for losing them or having them stolen. These are just a few examples of the problems Coloradoans may face in their attempts to obtain ID.

Because of these significant barriers, the Collaborative ID Project was created in 2007 to help people find the required documentation to obtain their ID. The project is made up of the Colorado Coalition for the Homeless, Denver Department of Human Services, Metro CareRing and Colorado Legal Services. More than 18,000 people have been assisted since 2007 and it is estimated that there may be 100,000 people in Colorado who still need these services. Project partners cannot keep up with the demand. They see an average of 225 people each month; most are poor, elderly, have disabilities or are homeless. The Collaborative ID Project spends \$4,000-\$8,000 each month to obtain the required documents, money that could well be spent on other urgent needs.

These are just some of the reasons The Legal Center is concerned about the proposed requirement for government issued photo identification for voting. Our goal is to ensure that every Colorado citizen with a disability who is eligible to vote and wants to vote gets to vote and have that vote counted. ■

primary election.

The general election is on November 6, 2012.

October 9 is the last day to register to vote in this election.

October 12 is the first day that mail-in ballots may be sent to voters.

October 30 is the last day to apply for a mail-in ballot for the general election if that application is sent by U.S. mail. November 2 is the last day to apply in person at your county clerk and recorder's office for a mail-in ballot.

*The Legal Center's VOTE! Program is available to provide voter registration and education during this important election year. We are committed to ensuring that Colorado's disability community's voice is heard this year! Please contact Faith Gross directly to schedule an activity or obtain more information ([fgross@thelegalcenter.org](mailto:fgross@thelegalcenter.org)).* ■

## Jim McBride

*Continued from front page*

Ohio and attended Ohio University in Athens, coming away with a degree in theater production. In 1981, he and his wife, Beth, moved to Denver to work with the Denver Center for the Performing Arts. When a change in management at DCPA forced Jim and Beth to look for other work, Jim took a part-time job with Opera Colorado where he worked on lighting design.

Jim learned about The Legal Center when one of his colleagues at the DCPA, who was the office manager at The Legal Center, needed some time off to work on a theater project. Executive Director Mary Anne Harvey said that would be fine – as long as she found her own replacement. At the time, The Legal Center was a much smaller operation and Mary Anne was doing all of the accounting. When Jim showed up as temporary office manager, he steadily took over those tasks, and then new needs arose, and he never left! As Jim expresses it: "I'm still trying to catch up!"

Jim and Beth have been married for 32 years, and are the legal guardians of their 15-year-old niece, Bessana Kendig. Except for his golf habit, most of Jim's hobbies center on his home and family. He's an avid backyard birdwatcher, and is currently enjoying daily visits to the bird bath from a young hawk. Bird watching ties in nicely with his passion for photography and Jim has many beautiful pictures of local birds.

Mary Anne Harvey had this to say about him: "It has been a great joy to work with Jim McBride for 25 years. Jim has been a patient and dedicated team player. I have fundamentally relied on his honesty, integrity and devotion to our mission, and I thank him for the work he has done for all of us to make our jobs easier."

Congratulations Jim! ■

## Mainstream

Spring 2012

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# 2011 ANNUAL REPORT

*In FY 2011, our staff and volunteers accomplished significant results on behalf of people with disabilities and older people across Colorado.*

We provided direct service to 1,192 Coloradans statewide in housing (170 clients), employment (239 clients), mental health services (159 clients) and education (270 clients). Of these, 499 individuals received direct legal representation from The Legal Center, including direct legal assistance on behalf of 13 special needs students experiencing severe restraint in public special education settings across Colorado. For those clients' cases that are closed with a resolution, the outcome was in the clients' favor 87 percent of the time.

- We provided information and referral to 6,195 callers.
- Our educational programs reached 9,421 people.
- We continued promotion of The Legal Center through our Facebook and Twitter.
- The Colorado Long-Term Care Ombudsman Program and the Legal Assistance Developer Program are administered by The Legal Center under an agreement with the Colorado Department of Human Services and operate in conjunction with the 16 regional Area Agencies on Aging (AAA) to coordinate services statewide. The collective statewide network provided legal services to 3,699 older persons; made 5,908 visits to assisted living residences and 5,095 visits to nursing homes - more than twice the required number of visits; completed 5,612 consultations with individuals; and investigated 4,501 complaints, 76% of which were fully or partially resolved to the satisfaction of the resident.
- Our web site received over 60,291 visits, and Randy Chapman's Ability Law blog received 17,591 hits.
- We sold 2,069 copies of our four major publications and re-introduced the new and improved Residents' Rights Bingo Game. ■

## Thank You Donors!

### Legacy Society

*The following donors notified The Legal Center that they included a gift in their estate plan.*

Alexander R. Aitken  
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*The following donors have made contributions since our Fall 2011 issue of Mainstream.*

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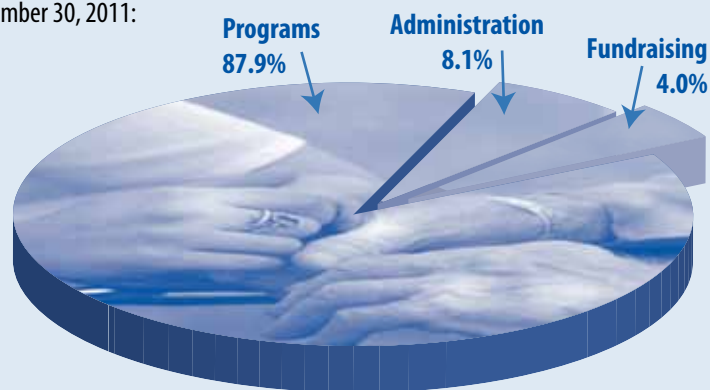
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## Financial Summary FY 2011

According to Center for Legal Advocacy's Audited Financial Statements for the year ended September 30, 2011:



### Income

		% of total income
Government grants & contracts	\$1,932,907	89.8%
Charitable contributions	\$176,212	8.2%
Publications sales and fees	\$44,232	2.0%
<b>Total Income:</b>	<b>\$2,153,351</b>	

### Expenses

		% of total expenses
Programs:	\$1,939,821	87.9%
Fund Raising:	\$89,748	4.0%
Administrative:	176,455	8.1%
<b>Total Expenses:</b>	<b>\$2,206,024</b>	
<b>Net:</b>	<b>(\$60,176)</b>	
<b>Ending Net Assets:</b>	<b>\$534,015</b>	

THIS INFORMATION MEETS THE BETTER BUSINESS BUREAU CHARITY STANDARDS.

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### Join Our Legacy Society today and remember The Legal Center.

The Center for Legal Advocacy, our legal and corporate name, is usually known as The Legal Center for People with Disabilities and Older People. We are very fortunate to have many friends and supporters who have included The Legal Center in their estate plan arrangements, and we would like to again thank those donors referred to in the 'Legacy Society' section of this publication. As a result of their planned and future gifts, whether by a bequest, trust, gift of life insurance policy or beneficiary designations on retirement accounts (to name but a few), they are members of our Legacy Society.

May we invite you into our Legacy Society? If you have remembered The Legal Center with such a gift, we invite you to let us know. As a member of the Legacy Society, you become part of a group whose shared commitment is to ensure a future in which the promise and protection of the law is available to older people and people with disabilities. Please contact Joshua Anderson, Director of Development, at 303-722-0300 ext. 507 or email: janderson@thelegalcenter.org, if this is something you have done or have an interest in pursuing. Thank you in advance for your interest in the future of The Legal Center. ■

### Giving Opportunities

We rely on your generous support of The Legal Center for People with Disabilities and Older People!

**Workplace Giving** - There are several ways to include The Legal Center when giving at the workplace. We hope you will consider and remember us, depending on your employer's available options. The choices include:

Mile High United Way, [www.unitedwaydenver.org](http://www.unitedwaydenver.org), and designate The Legal Center for People with Disabilities and Older People

**Caring Connection** - with over 58 nonprofit organizations that serve the needs of Colorado's most vulnerable people, Caring Connections is the federation we joined in 2010 to allow participation through the combined campaigns for Denver, Colorado and the Federal Government, along with many private companies. Visit [www.caringconnection.org](http://www.caringconnection.org) for more information and please designate The Legal Center, #1094, when reviewing your options for the year.

**Online Giving** - Remember to visit our website, [www.thelegalcenter.org](http://www.thelegalcenter.org) and make an online donation any time of day or night. ■



# CenturyLink donates 600 books to benefit children with disabilities

CenturyLink's employee-run Family & Work Development Fund responded to a grant request from The Legal Center by funding 600 copies of our publications for distribution to low-income families. Our partner in the request was the Denver Metro Community Parent Resource Center whose mission is "to inform and empower low-income, culturally and linguistically diverse families as advocates for their children with disabilities, ages birth - 26 to achieve meaningful participation in their schools and communities."

The donation includes 200 copies each of three books: *The Everyday Guide to Special Education Law*, *Guía de la Ley de Educación Especial*, a dual-language (Spanish/English) version of *The Everyday Guide* so that Spanish-speaking parents can "be on the same page" with educators when advocating for their children's rights; and *Preventing Litigation in Special Education Workbook*, a companion volume to *The Everyday Guide* so that educators can better understand and comply with the law that guarantees children with disabilities with a free, appropriate education.

Yvette Plummer, executive director of CPRC said: "Many parents who have children with disabilities are unaware of the laws that support their children in meeting the developmental, functional, and challenging academic

achievement goals that have been established for all children, as well as laws to prepare their children to lead productive, independent adult lives to the maximum extent possible. *The Everyday Guide* is a book we consistently refer parents to as an important resource. Since the majority of these parents cannot afford to purchase the books, we are especially grateful to The Legal Center for making the request to CenturyLink and to the company's employees for granting this donation."

Randy Chapman, author of the three publications, notes that: "Through the generosity of CenturyLink, The Legal Center has been able to provide a critical resource for one of our key partners in the ongoing work of empowering parents to ensure an inclusive education for their children with disabilities."

The 600 books will be provided free of charge to individual parents and teachers based on need when they call or visit to request information. They will also be distributed as part of Metro Denver CPRC's workshop presentations on special education issues, some of which are provided in collaboration with The Legal Center. Information about Denver Metro Community Parent Resource Center can be found at [www.denvermetroprc.org](http://www.denvermetroprc.org), or by calling (303) 365-2772. ■

## Protecting and promoting the rights of Colorado's older adults

The Colorado Long-Term Care Ombudsman Program and the Legal Assistance Developer Program have just released their combined annual report for 2011. The two programs, administered by The Legal Center under an agreement with the Colorado Department of Human Services Division of Aging and Adult Services, have a shared mission to protect and promote the rights of Colorado's older adults and to improve their quality of life. The program directors, Colorado Long-term Care Ombudsman Shelley Hitt and Legal Services Developer

Mary Catherine Rabbitt, work closely with the ombudsmen and legal providers at the state's 16 regional Area Agencies on Aging (AAA) to coordinate services statewide.

In addition to coordinating the provision of services, key responsibilities of the two program directors are to monitor how well current health care and long-term care programs meet the needs of our state's seniors, and advocate for changes in laws and regulations to improve the well-being of older adults. Major issues highlighted in greater depth in the report include:

## Thanks to Jennifer Purrington

Jennifer Purrington has been interning for The Legal Center since the fall of 2011. Jennifer is a third year Chancellor's Scholar at The University of Denver Sturm College of Law, meaning she has a demonstrated commitment to public interest work. This was evident from Jennifer's resume as she has previously worked with Disability Rights Oregon, the housing unit at Colorado Legal Services, and she is currently working at The Colorado State Public Defender's Office.



Jennifer Purrington

Previously a special education teacher, Jennifer came to The Legal Center with a particular interest in special education law. We have been happy to use her skills in that area, but we have also made use of her substantial knowledge in fair housing law and the Americans with Disabilities Act. She has assisted The Legal Center staff with IEP (individual education plan) meetings, legal research, drafting letters to landlords and helping brainstorm ideas for innovative ways to accommodate people's disabilities in the workplace. She has been an invaluable resource.

Jennifer is originally from South Dakota. She earned her B.S. degree at Winona State University and her M.S. in Gerontology/MBA at The University of North Carolina at Greensboro. She plans to take the bar exam this summer and find a permanent position in public interest law in Colorado. We love working with Jennifer and hope to continue doing so for as long as possible. Thanks for all of your help, Jenn! ■

- The Patient Protection and Affordable Care Act ("ACA"), which was enacted in March 2010. The United States Supreme Court is currently determining the constitutionality of the individual mandate and the required Medicaid eligibility expansions. Many of the provisions of the ACA are of vital importance to the health and wellbeing of older adults. These include new and expanded options for Home and Community Based Care, with an emphasis on person-centered care allowing individuals to age in their own home at significantly lower expense to the state.
- Another Medicaid program that is new to Colorado is called "Money Follows the Person" (now known in Colorado as "Colorado Choice Transitions"), which aims at transitioning individuals out of institutional care and back into community living. Ombudsmen will play an important role in monitoring the process and effectiveness of resident transitions.
- There is minimal regulation, oversight and quality assurance for the provision of Home and Community Based Services (HCBS). As more consumers are encouraged to stay in their own homes or to transition from long-term care back into the community, this will become a

major issue, especially as home care consumers have no advocate to act on their behalf, resolve complaints or represent their interests.

- Financial abuse of the elderly is approaching a crisis, with a rapid increase in cases of financial exploitation resulting from misuse of powers of attorney and guardianships. While ombudsmen and legal assistance providers continue to educate consumers, families and facility staff about the limits of such authority and the responsibilities under the law, seniors urgently need additional protection from exploitation.
- Assisted living residences (ALRs) are increasingly accepting residents who would formerly have been admitted to nursing homes. ALRs are not subject to the rigorous national and state oversight required for nursing homes and new facilities spring up regularly with inadequately trained staff unprepared to deal with the many residents who should really be receiving a much higher level of care. Instances of abuse, neglect, and poor care are frighteningly blatant in many ALRs. Ombudsmen lack the resources to do more than "put out fires" when what is needed is a systemic overhaul of regulation and oversight to protect the very vulnerable residents in these facilities.
- There is a serious shortage of Medicaid-funded assisted living beds, and this shortage is especially acute for memory-impaired seniors and those in outlying areas of the state.
- Mental health services are not adequately funded or are not available to residents of long-term care facilities and staff are not adequately trained to address the mental health needs of residents and their resulting behaviors. In addition, there are insufficient housing options available in the community for individuals with mental health needs.

For a copy of the annual report, please call or email The Legal Center at [tlcmail@thelegalcenter.org](mailto:tlcmail@thelegalcenter.org); 303.722.0720 or toll-free 1.800.288.1376 or download it in PDF form from our website. ■

### A statewide network to protect vulnerable seniors

These two stories illustrate the work of local ombudsmen and legal providers, part of the statewide network comprising: The Colorado Long-Term Care Ombudsman Program; the Legal Assistance Developer Program; the Colorado Department of Human Services Division of Aging and Adult Services; the state's 16 regional Area Agencies on Aging (AAA); 50 full- and part-time paid ombudsmen and 84 certified volunteer ombudsmen who regularly visit the 36,000 people in long-term care; 20 paid attorneys and over 100 pro bono attorneys who in 2011 provided legal assistance to 3,699 older persons.

- A woman newly admitted to a long-term care facility told staff and the ombudsman that family members were misusing her funds and that she didn't want them to make decisions for her. The family refused her request to have a phone in her room. The ombudsman worked with Adult Protective Services and the facility to resolve the issue. Ultimately, a guardianship was put in place for the resident and her family no longer controlled her finances or her care needs. She now has a phone in her room.
- A senior was persuaded by her daughter to transfer ownership of her home and to place the daughter's name on her bank account. After a dispute, the daughter forced her mother into a nursing facility, converted her mother's funds and put them all into her own account. The local legal assistance provider convinced the credit union to freeze the funds and brought suit to recover the property and funds wrongfully taken by the daughter.





Now Available!



The popular Residents' Rights BINGO game is now available for purchase! The game has been updated with the addition of culture change concepts and new illustrations. The game also

### Preventing Litigation in Special Education Training

Legal conflicts between parents and schools use resources that are better used for supporting students. Unfortunately, teachers and administrators receive very little training in special education law, and so schools spend money unnecessarily for attorneys because the law is not followed. Let us help prepare and train your school staff for these issues. This training provides the information needed to reduce the time, energy and money spent on preventable legal conflicts. For more details or to schedule a training, please contact Anna Dubnikov at 303-862-3502 or adubnikov@thelegalcenter.org.

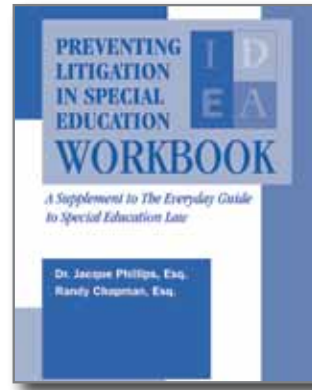
includes a CD so you can print extra game cards. The Instruction Booklet is included on the CD.

The game is an imaginative way to empower residents of nursing homes and provide essential training to staff. The game meets the Medicaid requirement for training residents and staff about residents' rights. It is also a useful tool for residents and staff of assisted living residents and long-term care ombudsmen.

Residents' Rights BINGO is played just like regular Bingo. It's a lot of fun, and everyone wins! \$95.00

# BOOKSHELF

## Preventing Litigation in Special Education WORKBOOK



Published in January 2011, the *WORKBOOK* is an indispensable companion to The Legal Center's bestseller *The Everyday Guide to Special Education Law*. Dr. Jacque Phillips, an experienced special education teacher and recently licensed attorney, joins forces with Randy Chapman, author of *The Everyday Guide*, to help parents and teachers understand the likely outcome of special education cases so that parents and school districts can avoid unnecessary legal entanglements. In addition to a wealth of practical information, the book features actual

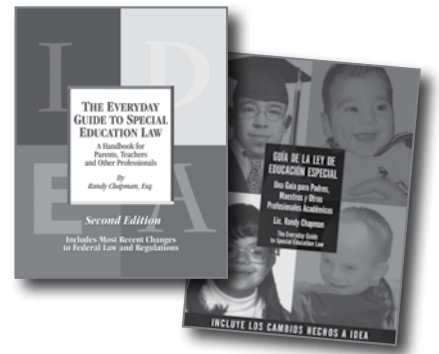
cases presented in a concise, storytelling format. Each case gives the views of the players stated as arguments, together with brief explanations of the special education law relevant to that specific issue. Readers can try to predict the outcomes based on what they have learned—answers are provided at the end of each case.

The *Preventing Litigation in Special Education WORKBOOK* can be purchased for \$19.95. *The Everyday Guide to Special Education Law* is available for \$24.95, **BUT both books can be purchased together for only \$35.00.** Now available as an e-book for \$9.95.

## The Everyday Guide to Special Education Law, Second Edition

By Randy Chapman, Esq., updated to include the most recent changes in federal law including:

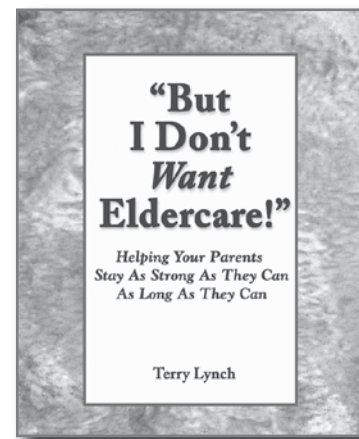
- the IDEA requirements for services plans for children placed in private schools
- how to file complaints with State Education Agencies for violations of the IDEA including obtaining compensatory services
- timelines for resolving disputes under the IDEA and how to use "mediation" and the new "resolution process"
- the evaluation process and response-to-intervention (RTI)



This edition has been so popular, it is now in its second printing.

*The Everyday Guide to Special Education Law* is available for \$24.95 (and is also available as an e-book for \$9.95). The *Preventing Litigation in Special Education WORKBOOK* can be purchased for \$19.95 (see above) **BUT both books can be purchased together for only \$35.00.** Now available as e-books.

*Guía de la Ley de Educación Especial*, the Spanish translation of *The Everyday Guide to Special Education Law*. The Spanish and English texts are included side-by-side on every page. \$29.95. **Purchase Guía de la Ley and the WORKBOOK together for \$40.**



### "But I Don't Want Eldercare!" Helping Your Parents Stay As Strong As They Can As Long As They Can

This is the guide the author wishes he'd had before his mother's medical crises changed each of their lives. Terry Lynch draws on extraordinary personal experience in this eye-opening guide to the future, from his work with the White House Conference on individuals with disabilities to a decade as his mother's caregiver. While he assisted other

families, Terry helped his mother remain at home in spite of significant medical problems and a life-changing memory disorder. *But I Don't Want Eldercare!* costs just \$17.95. Now available as an e-book for \$9.99.

## The Colorado Long-Term Care Ombudsman & Legal Assistance Developer Programs Annual Report 2011

was published in January and is available free of charge by calling or emailing The Legal Center or by downloading from [www.thelegalcenter.org](http://www.thelegalcenter.org). The two programs work together to protect and promote the rights of Colorado's older adults and to improve their quality of life. The Ombudsman Program protects the rights of all people in nursing homes and assisted living residences in Colorado.



## Defending the right to a discrimination-free workplace

The Legal Center was pleased to receive a probable cause finding from the Equal Employment Opportunity Commission (EEOC) recently. The Legal Center filed a complaint of disability discrimination and retaliation against a nationwide grocery chain on behalf of a client who was refused the opportunity for promotion, and was constructively discharged after enduring constant harassment based on his disability. (A constructive discharge is when an employee feels he or she has no choice but to resign.) The Legal Center got involved in this young man's case early on, attempting

to negotiate for better training at the store and other remedies. When those efforts failed, we filed with the EEOC. After investigating the case for over a year, the EEOC ultimately determined that our client faced discrimination and retaliation at the hands of his former employer. Though this can't change things that happened in the past, it has given the client a sense of justice in knowing that the employer has been told that their practices were wrong and illegal. The client is now considering his options, including filing his case in federal court. ■

## Defending the right of a young man with disabilities to live in the community

During the winter of 2011, The Legal Center was contacted by several advocate organizations that were concerned about a 21-year-old man with developmental disabilities and attention deficit/hyper activity disorder (ADHD) who was ordered by a court to live in a nursing home for an indefinite amount of time. The Legal Center agreed to represent the young man based on the philosophy that someone this young did not belong in a nursing home, but instead should be in his community where he could socialize with people his own age. The

Legal Center worked closely with the advocate organizations to develop a community plan that would convince the court to lift the order. The hearing was set, and Alison Daniels and Jennifer Levin attended as counsel for the client, arguing that the court's order was not necessary and that our client should be free to live on his own in a place of his own choosing. The court found in favor of The Legal Center's client, allowing him the freedom to leave the nursing home that day and live his life with family and friends. ■

## Challenge recreation program reaches out to children with visual impairments

Since 2001, Foresight Ski Guides has offered low-cost, accessible snow sports for children and adults with visual impairments. Foresight's programming is built on the philosophy and methods of challenge recreation, where participants build skills and courage by engaging in what they initially feel is a frightening situation, but with support they discover they can safely push their boundaries and learn lessons that apply to other areas of their lives.

Foresight's program with the Colorado School for the Deaf and the Blind has grown steadily over the past four years to meet the needs of students, many of whom have physical and cognitive disabilities in addition to visual impairments. Foresight's collaboration with the school offers a unique pro-

gram that aligns life skills and fitness with challenge recreation to prepare the students for a fulfilling career following graduation. As the school's Principal Barb Meese expresses it: "Once the students discover they can conquer the mountain, they can conquer any other challenge life offers!"

Foresight Ski Guides is planning to build on the impact made with this comprehensive program by reaching out to other children throughout Colorado who would benefit. Professionals working with children who have visual impairments, as well as their parents and friends, are invited to contact Foresight for more information at 303-506-6965 or [foresight-skiguides@gmail.com](mailto:foresight-skiguides@gmail.com). To learn more about Foresight, visit [www.foresight-skiguides.org](http://www.foresight-skiguides.org). ■

**Publications can be ordered at [www.thelegalcenter.org](http://www.thelegalcenter.org) or by calling The Legal Center at (303) 722-0300 or 1-800-288-1376. E-books may be ordered directly from [www.smashwords.com](http://www.smashwords.com) or via the link from [www.thelegalcenter.org](http://www.thelegalcenter.org). Your purchase supports our programs. Thank you!**



# The Legal Center

The Legal Center for People  
with Disabilities and Older People



Colorado's Protection & Advocacy System

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## Annual Attorneys' Night Out – June 20th, 2012



Don't forget to mark your calendar to attend our 7th Annual Attorneys' Night Out and Auction on Wednesday, June 20th. Once again the Denver Bar Association Young Lawyers Division will host our annual fundraiser thanks to our friends at the Blake Street Tavern. Dalmore will be providing the scotch tasting, and a complimentary wine or beer will be provided along with hot appetizers at this benefit for The Legal Center.

To sponsor the event, please contact Joshua Anderson at [janderson@thelegalcenter.org](mailto:janderson@thelegalcenter.org) or (303) 862-3507. You'll be in great company – the following generous sponsors are already signed up:

*Our thanks to the following sponsors:*

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Please visit our website at [www.thelegalcenter.org](http://www.thelegalcenter.org) to find out about sponsoring the event, buying tickets (admission is \$25 prepaid on line or \$30 at the door) contributing auction items or considering what auction items you may want to bid on that evening. Additionally, we will be providing a scotch tasting by sponsors Dalmore & the Isle of Jura. Our thanks to the Denver Bar Association Young Lawyers Division, Blake Street Tavern and our generous sponsors. This is sure to be the event of the summer! ■

**COME JOIN US**  
FOR THE SEVENTH ANNUAL  
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A YOUNG LAWYERS DIVISION BENEFIT FOR THE LEGAL CENTER FOR PEOPLE WITH DISABILITIES AND OLDER PEOPLE

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Matt Larson  
[MLarson@irelandstapleton.com](mailto:MLarson@irelandstapleton.com)

**Wednesday  
June 20, 2012  
5:30-9:00 pm**

**SAVE THE DATE**

This is a great opportunity to network with other young lawyers, support an important cause, and celebrate The Legal Center's protection of the rights of people with disabilities and older people in Colorado since 1976.

Thanks to Liz Fuselier and her husband Chris, the event will continue to be held at the **Blake Street Tavern**, 2301 Blake Street.

**ADVANCE TICKETS** for \$25 are available at [www.thelegalcenter.org](http://www.thelegalcenter.org), or by contacting Joshua Anderson at [JAnderson@thelegalcenter.org](mailto:JAnderson@thelegalcenter.org) or (303) 722-0300 Ext. 507

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*This publication was made possible by funding support from the US Department of Health and Human Services Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, Administration on Children and Families, Health Resources and Services Administration; US Dept. of Education/Rehabilitation Services Administration; Social Security Administration; State of Colorado; and Individuals, Foundations and Corporations.*

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