

# DISABILITY RIGHTS NEW JERSEY

ADVANCING JUSTICE. ADVOCATING INCLUSION.

GWEN ORLOWSKI, EXECUTIVE DIRECTOR

## Disability Rights NJ Report to State Rehabilitation Council

**Client Assistance Program (CAP) Reporting Period:** 10/1/24-12/31/24

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### Brief introduction of CAP

The Client Assistance Program (CAP) at Disability Rights NJ (DRNJ) provides legal advocacy and education to people with disabilities applying for or receiving services funded by the Rehabilitation Act, including vocational rehabilitation. CAP also provides legal advocacy and education about Title I (employment rights) of the Americans with Disabilities Act.

This year we are working to ensure equitable access to Vocational Rehabilitation (VR) services for VR applicants and clients by providing self-advocacy assistance, limited legal assistance, and extended legal assistance as well as education emphasizing individual plan for employment (IPE) development, informed choice, and access to appeal rights. Educate policymakers about access to VR services and engage in systemic advocacy including participation in State Rehabilitation Councils.

**Educating Policy Makers:** Disability Rights NJ has been attending regular meetings with the State Rehabilitation Councils and providing information and updates on activities and systemic concerns that have been identified through our work.

- **Serving individual clients. Number of client cases during DRNJ's 1st fiscal quarter 2025 (October 1-December 31, 2024):**

Program	Carryover from FY 24	New Since Oct 1, 2024	Closed as of December 31, 2024	Current Active as of January 1, 2025
CAP	14	17	11	20 Total 17 DVRS 3 CBVI

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- Examples of issues in client cases:
  - Communication breakdowns where DVRS clients and DVRS counselors do not have a shared understanding of DVRS client goals and objectives.
  - Clients not getting a timely response from their VR counselors.
  - Clients whose cases were closed without notice to them.
- Number of active appeals (administrative, mediation, and fair hearings)
  - Administrative: 0
  - Mediation: 0
  - Fair Hearing: 1
- Examples of outcomes for clients from the year:
  - **DVRS:** Disability Rights NJ worked with a 28-year-old who was seeking to pursue their law degree at Rutgers University with supports from DVRS. DRNJ assisted client with transferring VR offices after their original office engaged in a pattern of misgendering client, who uses they/them pronouns. After the office transfer, Disability Rights NJ assisted client through the development of an IPE, which covered their law tuition as well as sponsorship for their law prep courses, and client was able to sign and return the IPE for services.
  - **DVRS:** Disability Rights NJ entered into a retainer agreement with a 35-year-old female resident of Passaic County diagnosed with severe hearing impairment concerning access to replacement hearing aids through DVRS. Following an audiological evaluation, DVRS denied the hearing aids citing that the client's current hearing aids were "in working order and adequate for her current needs." Because the evaluation and the audiologist both confirmed that due to severe hearing loss the client needed replacement hearing aids, we requested that DVRS approve the recommended hearing aids. DVRS determined that the hearing aids recommended by the audiology vendor were too expensive and requested the client be evaluated by a different vendor. We reviewed the evaluation report from the second vendor which made identical recommendations in terms of replacement hearing aids. Although DVRS delayed provision of the replacement hearing aids citing a need for the client to submit additional documentation confirming financial eligibility for cost services, DVRS eventually authorized the hearing aids which the client is now utilizing.

### Systemic Issues and Concerns observed by DRNJ

- Clients' cases are closed without any notice. In Quarter 1, Disability Rights NJ has still been seeing clients seeking our services after calling DVRS to speak with their counselor and learning that their case had been closed without their knowledge or any written or verbal notice. We know that new notices have been implemented, however not everyone

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receives them when their case is closed or services are suspended.

- Several counties lack vendors to provide Pre-ETS, Customized Employment, and Worked Based Learning Experience services. Availability of vendors in counties continues to be a concern, as it is preventing clients from being able to access approved services and discourages DVRS from approving needed services they know will not be available. Disability Rights NJ is aware that several DVRS counties are operating without vendors to provide services such as Pre-ETS, Customized Employment, and Work-Based Learning Experiences. When we contact these counties to seek services, DVRS offices acknowledge that there are no vendors available to refer clients and that they need permission from the central office to refer to a vendor in another county. We know there are contracts in place, but they are not currently operational for a number of the counties.
- DVRS Case Notes do not reflect all correspondence with client or providers: One trend that Disability Rights NJ has identified is that the case files for DVRS do not contain all correspondence from clients. We have had clients who will send multiple emails that they have provided us, but when we receive the case notes from DVRS, none of the emails are recorded. The case file instead in these matters will reflect that client had not been heard from and the file is being closed for lack of response. In one client's case, approximately 20 emails had been sent to the counselor that were never recorded.

A second objective for the year is to increase awareness of the Client Assistance Program (CAP) and Protection and Advocacy for Beneficiaries of Social Security (PABSS) through outreach about CAP and PABSS to Vocational Rehabilitation constituencies, with a focus in the Black and Latino/a communities, including VR clients and prospective VR clients, VR agencies and staff, and other stakeholders.

**Trainings/Outreaches/Resource Development:** In the first quarter of the fiscal year, the Client Assistance Program provided the following trainings and outreaches.

- **Facing The Future Conference:** Disability Rights NJ ran an information table at the Facing the Future Conference held on October 18, 2024, and presented Alternatives to Guardianship and how it affect individuals who are looking to work. Approximately 275 conference attendees received information about Vocational Rehabilitation Services and the Client Assistance Program.
- **Rancocas Valley Region Special Needs Fair:** Disability Rights NJ ran an information table at the Rancocas Valley Region Special Needs Fair to inform students of their right to Transition Services from the School Districts and the VR agencies and discussed the new ASPYIR tool launched by Disability Rights NJ.

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- **Provided legal education training about VR services and how to access them :** As part of the Disability Employment Awareness Month Session held by the New Jersey State Bar Association, the Employment Team presented legal training on the rights to VR services, how to access them, and information for advocates and attorneys how to help clients navigate through the system.
- **Promoting Self-Advocacy:** Disability Rights NJ presented a webinar designed to help individuals with disabilities and their support personnel with understanding and using their own voice through self-advocacy, including tips for how family and friends can help support and strengthen self-advocacy efforts.
- **Presentation to Rutgers:** Disability Rights NJ staff provided training to Rutgers students in the “Foundations of Counseling” class, introducing them to the Client Assistance Program, VR Services, and how they can help support their future clients with accessing services.

A third objective of CAP team is to advocate for an end to subminimum wage and for equitable access to competitive, integrated employment for people with disabilities, especially people with complex medical, physical, and behavioral needs, through a public report and systemic advocacy.

**Issuance of Public Report:** DRNJ has begun drafting a public report focusing on the segregated nature of Sheltered Workshops and the legal implications that are raised pursuant to the Americans with Disabilities Act and the Supreme Court’s Decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999)

### **Goals and Objectives for Next Quarter (January-March 2025)**

- Disability Rights NJ is in the process of developing informational posters for display at Secondary Schools and Universities and to provide to the VR agencies
- Ensure that CAP information is readily displayed and available in waiting areas of VR agency offices.
- Provide further outreach and training to the CILs and their participants on their employment rights.
- Provide outreach and training to individuals with disabilities about their rights to VR services and the Client Assistance Program

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