

**Disability Rights Delaware (DRD) of
Community Legal Aid Society, Inc. (CLASI)
PROTECTION AND ADVOCACY FOR INDIVIDUAL RIGHTS (PAIR)
FOCUS AREAS FY26
10/1/2025-9/30/2026**

*****Priorities are based on FY2025 funding levels; outcome targets will be proportionately scaled based on any changes in the funding level*****

INTRODUCTION

The Disability Rights Delaware (“DRD”) of the Community Legal Aid Society, Inc. (“CLASI”) provides services to individuals consistent with the Protection & Advocacy for Individual Rights Act, 29 U.S.C. §794(e). This document defines the priorities for FY 2026 (October 1, 2025- September 30, 2026) for the Protection and Advocacy for Individual Rights Program, or “PAIR.”

INTERAGENCY COORDINATION

The focus of the PAIR program is to provide services to individuals with disabilities ineligible under other protection and advocacy programs, i.e., Protection and Advocacy for Individuals with Mental Illness (“PAIMI”), Protection and Advocacy for Individuals with Developmental Disabilities (“PADD”), and the Client Assistance Programs (“CAP”). See 29 U.S.C. §794(e). However, federal law envisions that the PAIR will coordinate advocacy with CAP as well as the Long-term Care Ombudsman. The DRD will continue as the CAP grantee. The DRD will coordinate all programs.

In deference to this mandate, the PAIR program closely coordinates with the DRD’s PAIMI and PADD components as follows:

- 1) PAIMI, PADD, and PAIR program priorities are designed to be complementary;
- 2) intra-office referrals among programs are routinely made to ensure that applicants are screened for eligibility for the appropriate DRD grant;
- 3) reference materials and training resources are routinely shared;
- 4) the DRD management coordinate advocacy across all programs to minimize duplication of effort; and
- 5) DRD staff participate in a number of overlapping councils and other activities, including without limitation: Department of Labor’s Division of Vocational Rehabilitation (“DVR”) advisory council; the State Council for Persons with Disabilities; the State Council for Persons with Disabilities Policy & Law Committee, which acts on the DRD’s monthly analyses of legislative, regulatory, and policy initiatives; and
- 6) DRD staff offers independent or collaborative training on the vocational rehabilitation system on request.

Finally, the DRD supports and supplements Ombudsman advocacy as follows:

- 1) DRD responds to Ombudsman requests for technical assistance or referral;
- 2) DRD responds to Ombudsman requests for independent training on abuse, neglect, and rights of constituents;
- 3) DRD staff serves on the State Nursing Home Residents Quality Assurance Commission; and
- 4) DRD staff and the Ombudsman's office participate in periodic meetings to discuss mutual areas of concern and otherwise collaborate.

SCOPE OF ADVOCACY

The scope of PAIR program advocacy includes a broad array of activities, including information and referral, counseling and technical assistance, community education, negotiation, litigation, and legislative and regulatory analysis. Given relatively modest funding, the PAIR program is guided by these priorities in determining the type and scope of services provided to eligible individuals.

GOALS, FOCUS AREAS AND OBJECTIVES

I. FOCUS AREA: THE DRD WILL ENSURE THAT PEOPLE WITH DISABILITIES ARE NOT SUBJECT TO UNLAWFUL DISCRIMINATION AND ARE FULLY A PART OF SOCIETY

A. ACCESS TO FACILITIES, PROGRAMS AND SERVICES

GOAL: The PAIR program will promote and facilitate access to governmental programs and services as well as public accommodations.

PRIORITIES AND OBJECTIVES:

IA1 Provide direct advocacy services to twenty-two (22) individuals experiencing barriers to Medicaid or other important publicly funded or regulated health, transportation, disability/family support, education, employment and vocational benefits and services, or access to services from places of public accommodation. If resources allow, PAIR may also ensure access to publicly funded financial benefits for individuals who lost benefits due to work and who need to apply for reinstatement.

IA2 Consistent with Councils requests, five (5) laws, regulations, policies or other barriers to government services or public accommodations will be eliminated or modified.

RATIONALE

This priority promotes effective access to services and supports for individuals with disabilities living in various settings, including access to Medicaid and medical assistance and financial supports. This priority also encompasses enforcement of both Titles II and III of the ADA, as well as Delaware's equal accommodations law.

In the public sector, the DRD contemplates legal assistance to protect the rights of Medicaid beneficiaries, particularly those enrolled in the DSHP and Long Term Supports and Services (also known as DSHP Plus) managed care systems. Apart from health care, the DRD routinely receives requests for assistance with “safety-net” income- maintenance programs (e.g., preservation of SSI/SSDI from threatened cessation by SSA or in State child support reimbursement context; preservation of SSI/SSDI benefits through overpayment waivers or repayment agreements). In the private sector, the DRD anticipates addressing complaints regarding both policy and physical barriers to community living both with those with and without disabilities. In this regard, DRD will focus on compliance with Title III of the ADA and the state equal accommodations statute. Resources permitting, DRD will assist with Title I of the ADA related to reasonable accommodation requests that are necessary to preserve employment, the loss of which would threaten community living - with both those with and without disabilities, and independence.

B. HOUSING; INDEPENDENT LIVING; AUTONOMY

GOAL: The PAIR program will promote freedom from disability-based discrimination in housing, the reduction of barriers to independent living and autonomy, and will assist with overcoming barriers to community living for those who wish to reside in community settings.

PRIORITIES AND OBJECTIVES:

IB1 In collaboration with CLASI’s fair housing program, the PAIR will provide direct advocacy services to at least seven (7) individuals who have experienced housing discrimination in violation of fair housing laws or who are struggling to access safe, affordable housing options, or who need access to other independent living supports (attendant services, home modifications, caregiver services, technology, etc.), and developing decision-making documents (including supported decision-making agreements, AHCDs and Powers of Attorney) when needed to promote autonomy, self-direction and/or to prevent guardianship.

IB2 Consistent with Councils requests, DRD will analyze six (6) laws, regulations, or policies concerning barriers to housing, community supports, and autonomy, to eliminate or reduce barriers to community living in settings with both those with and without disabilities.

RATIONALE

This priority addresses both enforcement of fair housing laws and promotion of the availability of community-based housing options and community-based services and supports. The DRD envisions addressing both individual housing discrimination complaints and systemic barriers to independent living. The DRD, in collaboration with CLASI’s fair housing program, typically protects client rights to reasonable accommodations by landlords and freedom from discrimination in the housing application context. The DRD envisions continued support of DHSS efforts to offer community-based options to residents of long-term care facilities who want a community-based option. Lack of access to community-based housing and supports results in people with disabilities experiencing homelessness, substandard living arrangements,

and living in more restrictive settings than what they want or is appropriate. Advocacy includes litigation, policy development and analysis, and participation on the Delaware Nursing Home Residents Quality Assurance Commission and other committees to promote alternatives to guardianship and appropriate community based options.

II. FOCUS AREA: THE DRD WILL ENSURE THAT INDIVIDUALS WITH DISABILITIES ARE FREE FROM ABUSE AND NEGLECT AND IN THE LEAST RESTRICTIVE SETTING

GOAL: Individuals with disabilities will be free from abuse and neglect and live in healthier, safer, or otherwise improved environments.

PRIORITIES AND OBJECTIVES

II-1: Protect rights through individual advocacy in at least one (1) select case involving facilities that serve people with disabilities including correctional facilities; advocacy may include assistance moving from restrictive settings and/or moving to community-based settings for those who wish it, access to care or support services including educational services and assistive technology in some contexts, and freedom from abuse/neglect.

II-2: Prepare written analyses of three (3) proposed State bills, regulations, and policies with significant impact on the availability, community-based, linked support services, and safety of facilities, referred by state councils.

II-4: DRD will conduct at least one (1) of the following: 1) monitor facilities to ensure that individuals with disabilities are free from abuse, neglect and disability rights violations through monitoring activities, 2) encouraging appropriate intervention by state licensing agencies, and 3) screening and investigating on a case-by-case basis, any reported or discovered incidents of abuse, neglect, injury, or unexpected death of an individual with a disability, which occurred while residing in a residential services facility.

RATIONALE

Individuals with disabilities in institutional or community-based settings have historically been subjected to abuse, neglect and overly restrictive settings. Advocacy will include abuse/neglect investigations, complaints to licensing agencies, and monitoring activities to ensure freedom from abuse, neglect, and unnecessary overly restrictive settings.

III. FOCUS AREA: THE PAIR PROGRAM WILL PROMOTE ACCESS TO TRANSPORTATION

GOAL: The PAIR program will promote a consumer-friendly transportation system and reduction of barriers to constituent travel, through systemic and individual advocacy, and through collaboration with advocacy organizations and councils [e.g. Elderly & Disabled Transportation Advisory Council (EDTAC); State Council for Persons with Disabilities (SCPD); Victim Rights Task Force (VRTF)], improve access to the fixed route system, promote improvement in

Delaware's paratransit system, improve access and quality of Medicaid-funded transportation services, and increase the availability of emergency accessible transportation to shelters and temporary housing.

PRIORITIES AND OBJECTIVES:

IA1 PAIR will provide advocacy services to at least one (1) individual prevented from effectively accessing public and private vehicular transportation systems, including access to accessible parking, or otherwise experiencing significant barriers to travel contrary to Federal or State law.

IA2 PAIR will collaborate with the SCPD to prompt one (1) law, regulation, or policy to be changed or barrier to transportation be eliminated or reduced, including through:

- 1) consumer-oriented motor vehicle license, operation and parking laws, ordinances, regulations, and policies;
- 2) enhanced access to State subsidized vehicle modifications;
- 3) safety-related transportation laws, regulations, and policies to prevent or reduce injuries to individuals with disabilities; and
- 4) improved reliability and quality of Medicaid-funded non-emergency transportation.

RATIONALE

This priority is intended to facilitate travel for people with disabilities both within the State and to regional transportation centers. Advocacy would include improving the public transportation system (including DelDOT and Delaware Medicaid paratransit and non-emergency transportation capacity, policies, and practices); promoting the availability of accessible parking; promoting availability of accessible private provider and taxi service; and enhancing pedestrian travel through barrier removal (e.g., curb cuts) and sidewalk maintenance initiatives. The DRD envisions enforcement of accessible parking standards through affirmative resort to administrative or judicial remedies. The DRD will continue to serve on a DelDOT advisory and appeals council (EDTAC) to promote constituent rights.

IV. FOCUS AREA: COMMUNITY EDUCATION, TRAINING AND SELF-ADVOCACY

GOAL: The DRD will offer community education, training, and technical assistance for self-advocacy to individuals and groups to promote community living in settings with both those with and without disabilities, accessibility, autonomy, knowledge of rights, understanding of service and support options, and self-direction. The DRD will provide information, referral, and brief technical assistance on disability related topics to soliciting individuals and agencies.

PRIORITIES AND OBJECTIVES:

IV-1 The PAIR will offer individual technical assistance and information and referral services on substantive disability law (e.g., employment, housing, public benefits) and enforcement options to sixty (60) individuals.

IV-5 The PAIR will offer group training and information on substantive disability law, enforcement options, and self- advocacy; seminars; website information; articles; and other events. The DRD will provide training and/or information to 10,000 individuals through CLASI's website and social media, articles, seminars, training events, and dissemination of training materials.

RATIONALE

This priority encompasses the provision of individual technical assistance as well as group training activities. For example, the DRD anticipates presentation of seminars, drafting articles, enhancing its website, and other information dissemination activities to promote informed constituent decision-making and empowerment. An informed constituency is confident, self-reliant, and enabled to engage in proactive advocacy. The DRD leverages resources through wide dissemination of information and advice to consumers.

GENERAL STANDARDS FOR DETERMINATION OF LEVEL AND TYPE OF SERVICES

Recognizing that the demand for DRD's assistance has outstripped our available resources, the following factors will be considered in determining the level and type of services to be offered to an eligible applicant:

- 1) potential impact on the client (the individual with a disability);
- 2) merits of case (both factually and legally);
- 3) realistic alternate sources for referral and assistance;
- 4) client's ability to self-advocate, or the ability of their parent/guardian/agent to advocate on their behalf;
- 5) whether the case will promote the independence, autonomy, and self-determination of the client, in the least restrictive setting;
- 6) whether the client is in a facility or community setting; and
- 7) potential impact on other constituents or systems.

All of the above factors should be considered for each case being evaluated for services, with the last factor receiving additional weight in DRD's deliberations. All case acceptance is subject to limitation due to available staff resources at the time a request for services is made.

GENERAL STANDARDS AFFECTING LEVEL AND TYPE OF INVESTIGATIONS

The DRD will investigate allegations of abuse or neglect in institutional and community settings as program resources allow. The following factors will receive the highest priority for investigations:

- 1) Reports involving unexpected death or serious bodily harm,
- 2) Abuse, neglect and rights violations implicating a systemic concern that is relevant to current DRD program goals and objectives;

- 3) Incidents occurring within restrictive settings, such as facility based long-term care, corrections/youth rehabilitative and psychiatric acute care settings.

Reports falling outside of these categories may still be investigated at the DRD's discretion and subject to available resources.