

MAINSTREAM

DisabilityLawCo.org | Protecting the rights of Coloradans of all ages since 1976 | Spring 2016

WELCOME TO THE NEIGHBORHOOD!



Living in a nice home, in a safe neighborhood, close to family and friends – sounds like a reasonable dream, right? That is what Charlotte Kriger, Karen Albrecht and Vic Calderman thought until they were legally barred from moving into their “dream home.” It happened because neighbors found out that Charlotte, Karen and Vic, along with a few other seniors with disabilities, were going to be

moving into a group home in the neighborhood that would provide them assistance with their daily living needs, while still allowing them to be in a residential setting. The neighbors claimed that the group home would negatively affect their property values and cause a potential danger to the children in the neighborhood. They filed suit, seeking an injunction to stop the owners, Constant Care of Colorado, from opening the group home – and they won.

But that is not the end of the story. Disability Law Colorado stepped in on behalf of Charlotte, Karen and Vic. Together with Constant Care’s attorney, Debra Fortenberry of Fortenberry Law Group, Disability Law Colorado contacted the attorneys for the neighbors and requested that they drop their

lawsuit, allow the group home to open and grant a reasonable accommodation to the covenant prohibiting “businesses” in the neighborhood. We explained that the Fair Housing Act required such accommodations when it was necessary to allow people with disabilities an equal opportunity to live in the neighborhood. After several months of negotiation, during which the neighbors actively pursued their case to keep Constant Care of Colorado from opening their group home, Disability Law Colorado convinced the neighbors to consent to mediation. Finally, the neighbors agreed to allow the group home to open, and in April the judge signed an order dismissing the lawsuit, clearing the path for Charlotte, Karen and Vic to move into their dream home.



What Do You Mean *Fluffy* Isn't a Service Dog?



We’ve all seen it – a fluffy little white dog wearing a bow and riding in the cart at the grocery store with a pink “Service Dog” vest. The dog owner does not have an obvious disability and appears to be doting on the dog far more than the dog seems to be assisting the owner. Scenarios like these have prompted legislators across the country to write laws seeking to criminalize people with disabilities who violate the law. Sounds reasonable, right? After all, how difficult is it to understand the law? Unfortunately, the law is very complex in this area and very few people understand all the nuances.

Recent legislation in Colorado has sought to criminalize people who violate the Americans with Disabilities Act and the Fair Housing Act in order to have pets with them in housing and places of public accommodation, such as businesses. However, because there are multiple different classifications of animals, each with different legal rights that attach to a person depending on the type of animal, many people do not understand these differences. This lack of knowledge and understanding has created the opportunity for people to inadvertently violate the law and others to intentionally abuse the system.

There are basically four classifications of animals under current disability rights law: service animals,

assistance/companion animals, therapy animals, and pets.

Service Animals are defined by the Americans with Disabilities Act and Colorado state law as a dog (or miniature horse) that has been individually trained to perform a specific task or service for a person with a disability. A service animal is considered an extension of a person with a disability and is allowed in any business that is open to the public. In Colorado, service animals who are in training are treated the same as service animals. By definition, any animal other than a dog or miniature horse is NOT a service animal, and therefore a business open to the public can ask that animal to be removed from the premises. This means that if someone attempts to bring their “service kangaroo,” “service duck” or “service cat” with them to a business that is open to the public, that animal can be turned away immediately because it cannot possibly be a service animal that is covered under the ADA.

When a business owner observes a patron who does not have an obvious disability or need for a service animal and who brings a dog (or miniature horse) into the business, the business owner can ask two questions: (1) Is the dog required because of your disability? and (2) What task does it perform? The person with a service animal cannot be asked any other questions, such as what their disability is, nor can they be asked to show the dog performing the task. Business owners should keep in mind that many disabilities are not visible and though the need for the dog may not be obvious, that does not mean that it is not a service dog.

With that said, an animal – even a qualified service animal – can be excluded from a business open to the public if it is acting aggressively or causing a nuisance. This means that if a dog is defecating

Who is DLC?

Disability Law Colorado is a nonprofit organization protecting the human, civil and legal rights of people with disabilities and elders.

As Colorado’s federally mandated Protection and Advocacy System since 1977, Disability Law Colorado has authority under federal law to gain access to facilities and records in order to investigate allegations of abuse and neglect.

We promote systemic change to sustain or improve the quality of life for children and adults with disabilities and elders.

Our services include direct legal representation, education, advocacy and legislative analysis to promote independence, self-determination, empowerment and community participation.

We help people obtain state and federally funded services, such as special education, mental health care, developmental disabilities services, and vocational rehabilitation.

Disability Law Colorado specializes in civil rights and discrimination issues. Similar organizations exist in every state and territory as part of the National Disability Rights Network.

Contact Information:

Denver Office
455 Sherman Street, Suite 130
Denver, CO 80203
1-800-288-1376

Grand Junction Office
322 North 8th Street
Grand Junction, CO 81501
1-800-531-2105

www.DisabilityLawCo.org
DLCmail@DisabilityLawCO.org

**BOARD OF DIRECTORS
2015 - 2016**

- President:**
Stephen R. Rickles, Esq., Berenbaum Weinsienk PC
- Vice President:**
Monica Loseman, Esq., Gibson Dunn
- Secretary:**
Nancy Salerno, Esq., Contiguglia Law Firm
- Treasurer:**
John Paul Anderson, Alvarez & Marsal Dispute Analysis & Forensic Services, LLC
- Past President:**
John R. Posthumus, Esq., Sheridan Ross P.C.
- Ian B. Bird, Esq.,** Wheelabrator Group
Walter N. Houghtaling, Esq., McConnell Fleischner Houghtaling, LLC
Kim Nichelle Rivera, EMPOWER Colorado
Leonard Segreti, Esq., CenturyLink
Amy Smith
Cleone Smith
Michele L. Suriano, Castle Rock Investment Company
Nancy Tucker

**DISABILITY LAW COLORADO STAFF
DENVER OFFICE**

- Mary Anne Harvey,** Executive Director
- Alison Butler Daniels, Esq.,** Director of Legal Services
- Mark Ivandick, Esq.,** Managing Attorney, Coordinator, Individuals with Mental Illness
-
- Julie Bansch-Wickert,** LCSW, Medicare/Medicaid Advocate
- Julie Z. Busby,** Director of Development
- Randy Chapman, Esq.,** Of Counsel
- Claire Dickson, Esq.,** Attorney, Coordinator, Individuals with Intellectual/Developmental Disabilities
- Anna Dubnikov,** Accounting Assistant
- Vinni Ferrara,** Older Americans Program Assistant
- Anna French,** Rights Advocate, Client Assistance and Beneficiaries of Social Security
- Angela Garberding,** Senior Intake Specialist and Rights Advocate
- Emily Harvey, Esq.,** Coordinator, Assistive Technology; Attorney, Individual Rights and Special Education
- Michelle L. Herbert,** MBA, Office Manager
- Jennifer Levin, Esq.,** Coordinator, Special Education and VOTE!
- Michele Manning,** Office Assistant
- Jim McBride,** Director of Administrative Services
- Anne Meier,** Colorado Long-Term Care Ombudsman
- Kelsey Meredith, Esq.,** Coordinator, Olmstead Project; Attorney, Individuals with Mental Illness
- Jennifer Purrington, Esq.,** Coordinator, Employment and Housing
- Mary Catherine Rabbitt, Esq.,** Colorado Legal Assistance Developer
- Dolly Tarachand,** Administrative Assistant
- J. Fern Black, Esq.,** Volunteer Attorney
- Emily Clancy,** Intern, Mighty Rights Press
- Howard Hertzberg, Esq.,** Volunteer Attorney
- Jim Murray,** Legal Intern
- Randy Parcel, Esq.,** Volunteer Attorney
- Kathryn Wilson,** Intern, Mighty Rights Press

GRAND JUNCTION OFFICE

- Deirdre Santoscoy, Esq.,** Managing Attorney
- Geoffrey Peterson,** Coordinator, Client Assistance, Beneficiaries of Social Security and Traumatic Brain Injury
- Marcy Derryberry,** Administrative Assistant

MAINSTREAM EDITORS

Julie Z. Busby & Mandy M. Rigg

Disability Law Colorado Congratulates Monica Loseman



The Denver Business Journal named Monica Loseman among its 40 Under 40 Class of 2016. The annual feature recognizes “40 outstanding local professionals under age 40 for their business success and community contributions.” The list was published on March 18, 2016.

Monica joined the Disability Law Colorado Board of Directors in 2012. In 2015 she was elected to serve as the vice president. Monica is most passionate about the “work that really goes to the heart of the rule of law. It’s so central-

ly important to the functioning of our society.”

Monica is a Colorado native who graduated from Golden High School. She has been practicing law in Colorado since 2002 and her practice focuses on government investigations, securities litigation and professional malpractice claims defense. Monica also does a great deal of pro bono work helping children with disabilities, domestic abuse victims and sex trafficking victims.

Way to go, Monica! Congratulations on receiving this well-deserved honor.

CHANGES AT DISABILITY LAW COLORADO

Following last year’s name change and brand new website, Disability Law Colorado has also been making some changes in the way we organize and staff our programs, with the goal of improving services for people with disabilities and elders in Colorado.



A New Director of Legal Services

Alison Daniels was promoted to director of legal services in the fall of 2015. She is Disability Law Colorado’s second director of legal services, succeeding Randy Chapman who retired after 38 years with the organization. Recognizing the decades of groundbreaking work that Randy led before her, Alison’s favorite thing to say is, “I know that I have big shoes to fill, but I am just excited to be following in such influential footsteps.”

Alison joined Disability Law Colorado in 2007 as an attorney/investigator in the Special Education Program. Within a few months, Alison was able to put her experience in housing and employment discrimination to use when she became the coordinator for the Protection and Advocacy for Individual Rights (PAIR) Program. In the years that followed, Alison was able to work within nearly all of the programs at Disability Law Colorado,

providing individual representation, overseeing investigations, presenting educational programs and working on legislative issues. Though she appreciates the expansive impact that systemic advocacy can achieve, she is passionate about working with individual clients.

Some of Alison’s most memorable cases include working with a client with mobility issues who faced eviction when she was in the midst of filing a complaint against her housing provider for disability discrimination. Alison fought back against the housing provider, who said he was evicting her client because she was “a pill,” ultimately securing the client’s housing and winning a finding of discrimination from the Colorado Civil Rights Division. Alison also took pride in working with two clients who were deaf and wanted to become special education teachers. Due to their disabilities, their college refused to award them a teaching degree, claiming that they could not be hired in their field. Alison filed a complaint with the U.S. Department of Education Office for Civil Rights and ultimately cleared the path for the clients to receive the degrees that they had earned. Finally, Alison’s first investigation at Disability Law Colorado involved a school that was using a bar to lock children in the special education classroom into their desks so that they could not wander around the room. Alison ultimately testified in federal court about her observations when the parent of one of the children successfully filed a discrimination lawsuit.

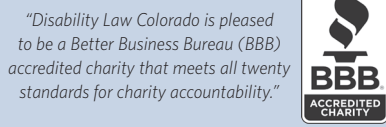
As director of legal services, Alison is focused on a gradual shift in emphasis away from the

strict parameters of the federally mandated protection and advocacy grant programs, and toward specific issues and needs. This is a natural progression of Disability Law Colorado’s “people first” approach and methodology. Rather than assign clients to a specific P & A program based on their disability, legal teams will be grouped together based on expertise in a particular legal area and will represent clients – regardless of disability – within that legal area. The legal teams will also be re-examining issues and initiatives that cut across different program, grant and disability areas and will be setting new priorities to advance Disability Law Colorado’s mission.

In addition to her work at Disability Law Colorado, Alison has been a member of the Denver Bar Association’s Access to Justice Committee for ten years, co-chairing the committee for several years until she “retired” in 2015. Alison is a frequent volunteer for Lawline 9 and has mentored two new attorneys through the Colorado Bar Association’s Mentor Program. She believes in the mantra that a person should do what they love and she loves the work she is able to do at Disability Law Colorado.

Prior to joining Disability Law Colorado, Alison worked in private practice on employment discrimination and housing issues as well as in the Public Defender’s Office in Palm Beach County, Florida. She received her law degree from Columbia University School of Law in 1997, her bachelor of arts from Florida State University in 1994, and is licensed to practice law in Colorado, Florida and New York.

continued on page 4



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 for Community Living; US Department of Education/Rehabilitation Services Administration; Social Security Administration; State of Colorado; and individuals, foundations and corporations. The contents of this newsletter are solely the responsibility of Disability Law Colorado and do not necessarily represent the official views of these entities.

2015 DLC ANNUAL REPORT

In FY2015, Disability Law Colorado provided direct service to 1,267 individuals statewide. Of these, 330 individuals received direct legal representation from Disability Law Colorado. We helped clients in 50 of Colorado's 64 counties, with 55% of clients residing in urban settings and 45% in rural settings. For those clients' cases that were closed with a resolution, the outcome was in the clients' favor 86% of the time.

In 2015, Disability Law Colorado operated 11 programs:

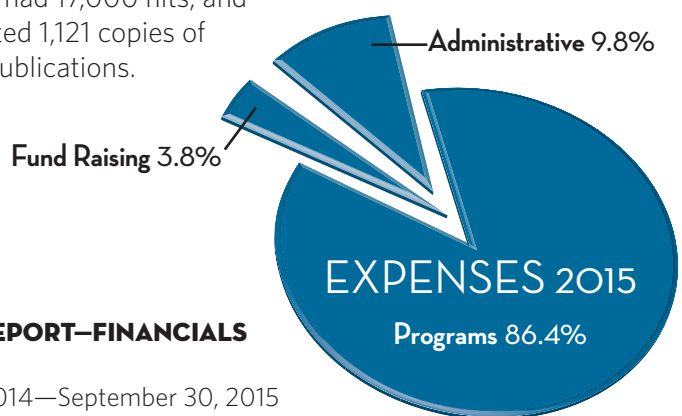
- Protection and Advocacy for Intellectual/Developmental Disabilities (PADD)
- Protection and Advocacy for Individuals with Mental Illness (PAIMI)
- Protection and Advocacy for Individual Rights (PAIR)
- Protection and Advocacy for Assistive Technology (PAAT)
- Protection and Advocacy for Beneficiaries of Social Security (PABSS)
- Protection and Advocacy for Traumatic Brain Injury (PATBI)
- Client Assistance Program (CAP)
- Protection and Advocacy for Voting Accessibility (PAVA)
- Colorado Long-Term Care Ombudsman Program (OMB)
- Legal Assistance Developer Program (LAD)
- Accountable Care Collaborative: Medicare-Medicaid Advocacy Program

Examples of our impact:

- Education - 419 clients
- Housing - 136 clients
- Employment - 242 clients
- Abuse/neglect and other rights violations - 229 clients
- Access to Health Care - 91 clients

Our Long-Term Care Ombudsman and Legal Assistance Developer programs jointly oversee and support the work of the 16 area agencies on aging statewide meeting the needs of more than 40,000 residents in long-term care and providing legal assistance for more than 8,000 older adults.

In addition, we provided information and referral to more than 7,000 callers and training/educational workshops for 3,444 participants. Our web site received more than 30,000 visits, Randy Chapman's Ability blog had 17,000 hits, and we distributed 1,121 copies of our major publications.



ANNUAL REPORT—FINANCIALS FY 2015

October 1, 2014—September 30, 2015

INCOME

Government grants and contracts	\$2,038,294
Charitable contributions	\$190,521
Publications & fees	\$19,043
All other	\$5,187
Total Income	\$2,253,045

EXPENSES

Programs	\$1,989,810
Fund raising	\$86,953
Administrative	\$225,609
Total expenses	\$2,302,372
Net	(49,327)
Investments	(49,662)
Ending net assets	\$627,203

THANK YOU DONORS!

LEGACY SOCIETY

The following donors notified Disability Law Colorado that they included a gift in their estate plan

Alexander R. Aitken	Merle Greear
Anonymous (2)	Mary Anne Harvey
J. Fern Black	Paul Hunter
Randy Chapman	Thomas Stamm
George & Marion Curtis	Louise Todd & Gerald Stoll

The following donors have made contributions since our Summer 2015 issue of Mainstream

* The Presidents' Circle includes individuals making gifts of \$500 or more in one year or annual gifts in any amount for over a decade

INDIVIDUAL DONORS

*Norm Aaronson	Jennifer Levin
Michelle D. Amidei	Mark Lewis
Joshua Anderson	*Peter & Pam Lindquist
*JP and Abby Anderson	*John Litz
Anonymous (14)	*Monica K. Loseman
*David Aschkinasi	*Terry & Emmett Malone
David & Alexis Ball	*Michele Manning
Julie Bansch-Wickert	*Nancy McMahan
*John & Marjorie Berman	Anne Meier
*Bruce Bernstein	Mitzi Mortensen
*Gail Bernstein	*John & Myrna Murray
Ulla & Terryl Berringer	Kathleen A. Negri
*Marcela & Ian Bird	*Judge William Neighbors
*J Fern Black	*Arnie & Bobbi Neiss
Nelson Boyle	*Mike & Shirley Nosler
*Sheila Buckley	William & Phyllis Odell
Kevin Burns	*Randy Parcel & Tracy Kovach
*Julie Z. Busby	*Richard & Karen Parsons
David Cardegna & Stephanie Titus	Geoffrey Peterson
James Carr	*Eileen Price
Deborah Clendenning	Mary Catherine Rabbitt
*Frederic "Jerry" Conover	Ken Ransford
*Dale Coski & Alice Fritz	*Stephen & Blayne Rickles
Kato Crews	*Mandy M. Rigg
Tiffany Curtis	Tim Fox & Amy Robertson
*George & Marion Curtis	*Stan & Jane Rosenbaum
Manucher & Aban Daruvala	*Howard Rosenberg
Laura Eibsen	*Nancy Salerno
*Kimberly Erickson & Barbara Vossler	*Helen Sanks
*Bruce & Beverly Fest	Deirdre Santoscoy
Donald Finlayson	Way Shen & Chris George
*Mary & Andy Flurkey	Renee Shields
*Rev. Mark Franceschini	*Jennifer Shook
Dawn Fritz & Aaron Amaya	Amy Smith
*Terry Galpin-Plattner	*Rod & Connie Smith
*Angie Garberding	*Vinson Snowberger
*Roger & Sandy Garberding	*Sandra & Richard Stanley
*Marjorie & Seth Goldstein	Darla Stuart
*Faith Gross	Michele Suriano
*Cindy & Bill Hanna	Dolly Tarachand
*Deborah Harney	*Erik & Frances Taylor
*Mary Anne Harvey	A. Thiessen
*Leeon Hayden	*Nancy Tucker
*Jim & Jean Hertzelt	*Valerie & Steve Veraldi
*Bill and Ellen Higgins	James Wade
Joseph Hodges, Jr.	Rebecca Wallace
*Elizabeth Horn	Ashley Wheeland
Walter Houghtaling	*Lola & Chuck Wilcox
Kris Kautz	Neil & Joan Windsor
George & Ruth Kawamura	Gean Wingert
*Nora V. Kelly	*William A. & Shirley P. Yolles Support Foundation
*David Le Compte	

TRIBUTE GIVING

In Honor of Ebonie	In Honor of Emily Harvey
*Louise Bouzari	Linda Henry
*Katherine Gerland	In Honor of Kellen Haworth
Law Offices of Louise Bouzari LLC	*Carol & Rick Haworth
In Honor of Julie Bansch-Wickert	In Honor of Miriam Hermann
Janet Bowman	*Allen & Lee Hermann
In Honor of Julie Busby	In Memory of Melissa Bentson
Vicki Capek	*Robert & Brenda Bentson
Kerry Conti	In Memory of John Carl
Mark Lomax	*Geoff & Mary Lou Peterson
*Billie & Sid Smith	In Memory of Lindsey Clearwater
Steve Tant	Anonymous
*Jody Webb	In Memory of Dalice Hertzberg
In Honor of Randy Chapman	*Howard Hertzberg
*Elizabeth W. Bauer	In Memory of Dan Hoffman
*Bruce Bernstein	*Jack Hanley
*Liz Fuselier	In Memory of Anna McCoy
*Jim Lauer	*Don & Pat Echtermeyer
*Cleone & Paul Smith	In Memory of Kathleen Metsch
In Honor of Randy Chapman & Kasey Daniel	*Randy & Carol Chapman
Jeanne Weis	In Memory of Tim Parsons
In Honor of Andrew Fox	Comprecare Foundation
*Denver & Nora Fox	In Memory of John Poole
	Leonard Segreti

FOUNDATION, BUSINESS AND ORGANIZATIONAL SUPPORT

Amazon Smile	Gibson Dunn & Crutcher
The Benefit Group	Gigi's Cupcakes
Berenbaum Weinshienk	The Jay & Rose Phillips Family Foundation
The Campus Lounge	Law Offices of Louise Bouzari, LLC
Caring Connection	Louis & Harold Price Foundation
CenturyLink	McConnell Fleischner Houghtaling, LLC
Choquette & Hart LLP	PASCO
Colorado Bar Foundation	Reilly Pozner LLP
Community First Foundation	The Schramm Foundation
Contiguglia Law Firm, PC	Sherman Joint Venture
The Denver Foundation Lowe Fund	Sound Communication
Dill Dill Carr Stonbraker & Hutchings, PC	Source Office & Technology
Disability Benefit Support Contract Committee	Virginia W. Hill Foundation

CHANGES AT DISABILITY LAW COLORADO (continued from pg 2)

Alison Daniels continued

When asked what she sees in Disability Law Colorado's future, Alison replied, "I am thrilled to be working with a group of passionate and dedicated advocates. Everyone here strives to do their best to advance the mission of Disability Law Colorado and with a team like that, the possibilities are endless."

A New Advocate for Individuals with Intellectual/Developmental Disabilities



Claire Dickson joined Disability Law Colorado in February 2016 as the coordinator for the Protection and Advocacy for Intellectual/Developmental Disabilities (PADD) program. Claire will investigate allegations of abuse, neglect and exploitation; assist individuals in institutions who desire to live in the community to overcome legal barriers; and help people cut through bureaucracy to access the benefits and services to which they are entitled by law. She will be working on systemic advocacy as well as individual representation.

Claire has prior experience working on behalf of individuals with disabilities, having worked for seven years at New Mexico Protection & Advocacy System (now Disability Rights New Mexico). She is particularly proud of her work as co-counsel in a lawsuit on behalf of individuals with mental illness and developmental disabilities against the metropolitan jail, challenging their treatment and the conditions of the jail. Claire also worked at DNA People's Legal Services on the Navajo Nation and the Senior Citizens' Law Office, in Albuquerque. Claire graduated from the University of Denver College of Law in 1993, and is licensed in Colorado, New Mexico, and the Navajo Nation.

Michelle Takes Charge



After 20 years working as firm administrator for a health care law firm, Michelle L. Herbert joined Disability Law Colorado in 2015 as office manager. She

brings two decades of experience administering a law firm with offices in multiple jurisdictions, as well as boundless energy, efficiency and compassion to this critical position. Michelle holds a master of business administration (MBA) from the University of Colorado and is already revolutionizing our publications division, Mighty Rights Press. Michelle is passionate about technology and desires to learn something new every day.

Marcy Derryberry



Marcy already had a lot of first-hand experience with the disability community prior to working at Disability Law Colorado. She went to school with students with disabilities who were integrated into her classes. Her entire school learned American Sign Language to better communicate with students who were deaf or hard of hearing. Marcy's Girl Scout troop included a girl with Down Syndrome who "ALWAYS spoke her mind. I've always been surrounded in one way or another with people with disabilities. They have been my friends and classmates throughout my life."

When Marcy came to Disability Law Colorado she was immediately inspired and moved by our impact and our important role as the voice for people with disabilities and older people throughout Colorado. "When I got the chance to work for Disability Law Colorado as an administrative assistant I was excited!" Marcy works in the Disability Law Colorado Grand Junction office with Deirdre Santoscoy, managing attorney, and Geoff Peterson, program coordinator. "I appreciate the opportunity I've been given to be a part of DLC and its mission to fight for the civil rights of people with disabilities. I learn something new every day!"

New Challenges for Current Staff

Emily Harvey



Emily is the new coordinator of the Assistive Technology Program. She joined Disability Law Colorado in 2014 as a legal fellow and was hired later that year as a staff attorney. One of Emily's proudest moments involved helping a parent whose daughter was attending a segregated school for students with disabilities that did not have a playground, a library, or art and music classes. Emily successfully negotiated with the school district to build a playground, stock a school library, and hire both art and music teachers. Her proudest moment was seeing a photo of the new playground just a few months after negotiations were finalized.

Jennifer Levin



Jennifer grew up in Alabama, aware that civil rights advocacy was important work. She always assumed that as an adult her work would be connected to the very important laws that protect those rights. Since her promotion to coordinator of the Special Education Program, Jennifer has been able to focus on civil rights' violations for students with disabilities in Colorado's public schools, making it a priority to ensure that students with disabilities receive special education services alongside their non-disabled peers to the maximum extent possible.

Jennifer Purrington



In January, Jennifer was promoted to coordinator of the Individual Rights (PAIR) Program. Jennifer began working with children with disabilities in college where she was a special education major. After graduating and working in several different schools, she felt she could make a bigger impact and create more systemic change in special education by going to law school. Since joining Disability Law Colorado, in addition to special education law, she also took on individual rights cases involving employment and housing. After

working on several employment cases over the past few years, Jennifer has come to truly enjoy the area of individual rights. She is excited for this new challenge.

Kelsey Meredith



Kelsey came to Disability Law Colorado as a legal fellow and was hired as a staff attorney in the Protection & Advocacy for Individuals with Mental Illness (PAIMI) program. Kelsey also now coordinates the Olmstead Program, part of the Nursing Home Project which helps to move people with mental illness and developmental disabilities living in nursing homes back into the community. Kelsey became interested in disability law when a family member with a serious mental illness was placed in a nursing home and she witnessed the difficulties individuals with disabilities have in finding appropriate and dignified care and treatment. Kelsey holds a law degree, a master's degree in public administration, and she is also trained in counseling.

Welcome to our Interns

Emily Clancy



Emily is a junior at the University of Denver with a double major in Spanish and strategic communication and minors in business and socio-legal studies. She adores Mighty Rights Press and its goal to educate the community about special needs and elder care rights and can't wait to see where the brand goes in the future!

Kathryn Wilson



Kathryn is a junior at the University of Denver and is thrilled to join the Publications Division at Disability Law Colorado to raise awareness of Mighty Rights Press. She is enjoying the opportunity to learn about elder care and disability rights.

Jim Murray



Jim is a legal intern studying at the University of Colorado Law School. He is interested in using his legal skills to assist people in need. Prior to attending law school, Jim was an online community manager and tech support specialist.

PRESERVING AN ELDER'S FREEDOM

The Denver Ombudsman Program was contacted by facility staff concerned that a resident in a secure memory care unit was being coerced by his wife to sign Power of Attorney (POA) paperwork. During the ombudsman's initial visit, the resident told her he was admitted by his wife under false pretenses, and he did not want to be in a secure unit. Over multiple visits, the ombudsman noted that the resident remembered her and appeared to be alert and oriented to person, place, and time. The resident's wife petitioned the court for emergency guardianship, and the resident retained an attorney to challenge the petition - he wanted to return to work to close a multi-million dollar real estate deal on the sale of his business.

With the resident's permission, the ombudsman took several actions: 1) She conducted a thorough medical record review, which indicated that the resident's

expressed interests were not reflected on the MOST (medical orders for scope of treatment) form and the facility had allowed his wife/POA to fill out all paperwork, which included restriction of the use of a cell phone, mail, and visitors. 2) The ombudsman contacted the resident's lawyer to inform her of ombudsman's findings and the resident's expressed interests; 3) The ombudsman advocated for a meeting to discuss the resident returning home and to educate the facility staff on their violation of resident rights. With thorough examination and assistance from the Attorney General and State Ombudsman, the ombudsman was cleared to testify on behalf of the resident and his expressed interest to return home, as well as his opinion that he was being inappropriately and involuntarily confined in a secure unit. The resident's attorney wrote demand letters to the facility - that the facility update the MOST form to

reflect the resident's wishes, that alternative placement be found, and that financial records be provided.

Days before the guardianship hearing, the wife withdrew the petition for emergency guardianship. With assistance from Adult Protective Services, the resident's lawyer, the ombudsman, and a private case manager, the resident was able to move into his daughter's home with health services. Utilizing many different advocacy tools and collaboration with multiple outside agencies, the resident was finally able return to work just in time to close on the sale of his business and to personally hand out Christmas bonuses to his staff as he had done for over 40 years.

This powerful story appears in the 2015 Annual Report on the Colorado Long-Term Care and Legal Assistance Developer programs. See BOOKSHELF (on page 6) for information on how to obtain a copy.

COLORADO MOVES CLOSER TO A UNIFORM VOTING SYSTEM

Disability Law Colorado is pleased to announce that Colorado Secretary of State Wayne Williams has accepted the recommendation of the Pilot Election Review Committee and will enter into contract negotiations with Dominion Voting Systems in the statewide effort to move Colorado towards a uniform voting system.

Along with other members of the Pilot Election Review Committee (PERC), Jennifer Levin, Disability Law Colorado VOTE! Program Attorney Coordinator, evaluated four different pilot systems in eight counties during the November 3rd election. PERC reviewed information provided by representatives from each of the piloted systems and analyzed data gathered from thousands of evaluations filled out by election judges, county officials, and in-person voters.

Of the four piloted systems being tested, Dominion rated highest for accessibility for voters with disabilities. Scoring was based on an analysis of answers to questions that relate to a voter's ability to vote without assistance from election workers, ensuring that voters with disabilities will be able to vote privately and independently.

testified against HB 16-1308, *Fraudulent Misrepresentation of a Service Animal*. The bill failed to pass, but this is a complex area of the law and the issue is unlikely to go away. Disability Law Colorado will continue to provide the public with information and education, and defend the rights of people with disabilities to the support of their chosen animals within the limits of the law. For more information and downloadable fact sheets, visit www.disabilitylawco.org.

Fact Sheets

Disability Law Colorado has free fact sheets on a variety of disability law issues. Visit www.disabilitylawco.org to view and print the fact sheet(s) of the topic(s) you are interested in learning more about.

Fluffy Isn't a Service Dog? (continued from page 1)

in the aisle of a grocery store or sitting on the table in a restaurant to eat off of a plate, staff at the business can ask that the animal be removed (though they still must offer their services to the person with a disability). If the owner refuses, the staff can call the police on the basis of trespass. *This is allowed under current law.*

Assistance and companion animals are defined by the Fair Housing Act and Colorado state law as animals that help a person with a disability alleviate one or more symptoms of their disability while in their home. Assistance and companion animals can be many different types of animals, and are not limited to just dogs and miniature horses. Examples of assistance or companion animals include a dog that barks when the doorbell rings to assist a person who has a hearing impairment or a cat that provides a person with bipolar disorder a reason to get up in the morning, take her medicine and go to work. Emotional support animals fall within this classification of animals as a subset of companion animals.

Only people with disabilities are entitled to have companion animals and even then, *companion animals are only allowed in a person's home* (and, with proper documentation, on airplanes).

Landlords cannot charge pet fees for animals that are assistance or companion animals because they are not considered "pets" under the law. Business owners are not required to allow assistance or companion animals into their businesses. If a person brings an assistance or companion animal into a business, the business owner can ask the person to remove the animal.

Housing providers can ask for documentation to provide evidence of a person's disability if the disability is not obvious. This evidence typically comes from a medical provider. Housing providers can also ask for documentation to show the disability-related need for the animal if the disability-related need is not readily apparent (this is referred to as the "nexus"). Regarding the nexus, this evidence can come from anyone "in the know" about the tenant's need for the animal - meaning it does not have to come from a doctor. The reason that federal regulations are more lenient regarding animals in the home is because the law recognizes that people should be safe and comfortable in their homes and for many people with disabilities, this comfort comes from an animal.

Therapy animals are those animals that are taken to

hospitals, schools and other facilities to provide therapy to the people there. For example, a therapy dog may visit patients at a children's hospital. The major difference with therapy animals is that their owners do not necessarily have disabilities. Instead, therapy animals visit people with disabilities to provide them a form of therapy. Therapy animals are required to be allowed into places of public accommodation. Unless the person who owns the therapy animal also has a disability and a disability-related need for the animal, therapy animals are not required to be allowed in housing, either.

Pets are the final catch-all classification and include all animals that any person, with or without a disability, may have if they do not fall into one of the other categories. Pets do not have to be allowed in public accommodations or housing; admittance is based on the business or housing provider's rules on pets.

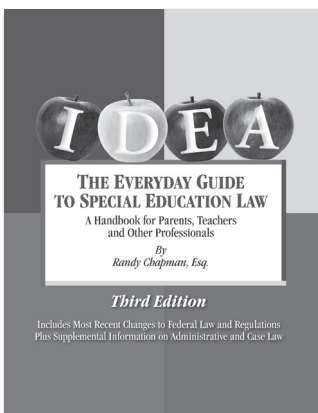
Disability Law Colorado believes that if more people, including business owners, landlords, tenants, and the general public, understood these laws, we would not see the violations or abuse that the recent legislation has been attempting to curb. Our thanks to everyone who contacted their legislators or

Mighty Rights Press, our publications division, was created in 2005 with the two-fold goal of reaching more people with disabilities with the critical tools they need to advocate for their rights, and as a way to generate unrestricted income for our programs. The name "Mighty Rights Press" was chosen to emphasize the powerful rights of the people we serve.



THE BOOKSHELF

The Everyday Guide to Special Education Law, 3rd Edition



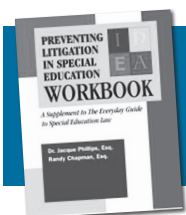
Published January 15, 2015 by Randy Chapman, Esq., updated to include new content from Randy's blogs as well as the most recent changes in federal law including:

- 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)

The Everyday Guide to Special Education Law, Third Edition is available for \$24.95. *The Preventing Litigation in Special Education WORKBOOK* can be purchased for \$19.95. **BUT both books can be purchased together for only \$35.00.**

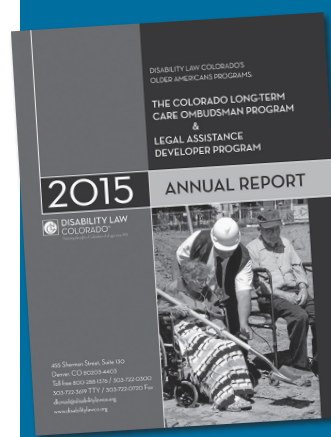


The Preventing Litigation in Special Education WORKBOOK can be purchased for \$19.95. *The Everyday Guide to Special Education Law* is available for \$24.95, **BUT both books can be purchased together for only \$35.00. Now available as e-books for \$9.95.**



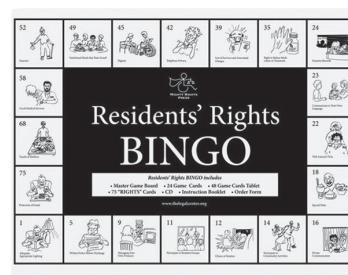
Guía de la Ley de Educación Especial is the Spanish translation of *The Everyday Guide to Special Education Law*. The Spanish and English texts are included side-by-side on every page. \$29.95. Purchase *Guía de la Ley* and the *WORKBOOK* together for \$40.

Colorado Long-Term Care Ombudsman & Legal Assistance Developer Programs Annual Report 2015



The Colorado Long-Term Care Ombudsman & Legal Assistance Developer Programs Annual Report 2015 was published in February and is available free of charge by calling or emailing Disability Law Colorado or by downloading from www.disabilitylawco.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.

Residents' Rights BINGO!



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

CONNECT WITH US



/DISABILITYLAWCO

Follow news about Disability Law Colorado online at
www.disabilitylawco.org

Randy Chapman's Ability Law Blog (updated regularly)
<https://disabilitylawco.org/resources/ability-law-blog>



@DISABILITYLAWCO