



## **HAWAII DISABILITY RIGHTS CENTER**

# **PROGRAM FACT SHEETS**

CAP

## **CLIENT ASSISTANCE PROGRAM**

for Rehabilitation Applicants and Recipients

## **PROTECTION AND ADVOCACY SYSTEM**

for Individuals with Disabilities

**PAAT - P&A for Assistive Technology**

**PABSS - P&A for Beneficiaries of Social Security**

**PADD - P&A for Individuals with Developmental  
Disabilities**

**PAIMI - P&A for Individuals with Mental Illness**

**PAIR - P&A for Individual Rights**

**PATBI - P&A for Individuals with Traumatic Brain Injury**

**PAVA - P&A for Voter Access**

1132 Bishop Street, Suite 2102, Honolulu, Hawaii 96813

Phone/TTY: (808) 949-2922 Toll Free: 1-800-882-1057 Fax: (808) 949-2928

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## HAWAII DISABILITY RIGHTS CENTER

On July 1, 1977, **Kahua Ho'omalua Kina (A Place of Protection for Handicapped Persons), Inc.**, was registered with the State of Hawaii Department of Regulatory Agencies, as a non-profit corporation in the State of Hawaii, to carry out the new federal Protection and Advocacy mandate. Shortly thereafter, the corporation registered and began doing business as (dba) **Protection and Advocacy Agency of Hawaii**. In January 2000, the corporation changed its name to **Hawaii Disability Rights Center (HDRC)**.

## HAWAII'S "PROTECTION AND ADVOCACY" SYSTEM

HDRC is designated by the federal Administration on Developmental Disabilities (ADD) and Executive Orders 77-3, 82-4, 89-2 and 94-06 as Hawaii's Protection and Advocacy (P&A) System for people with disabilities, as authorized in **42 USC §15001, Developmental Disabilities Assistance and Bill of Rights Act of 1975, as amended**. As each new P&A program was established by Congress, the authorizing statute specified that the new program's services must be provided by this designated system.

Protection and Advocacy is also authorized in **Hawaii Revised Statutes 333F-8.5**.

## ADMINISTRATION

The Hawaii Disability Rights Center is governed by an independent 15-member Board of Directors. The Board is subject to term limits (3-year terms) and membership rotation (3 terms). The Center's Bylaws provide for Board members to elect the successors of retiring directors at an annual election.

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# CAP

## CLIENT ASSISTANCE PROGRAM

### FACT SHEET

#### AUTHORITY AND PURPOSE

**29 USC § 732, the Rehabilitation Act of 1973, as amended** established and funds **Vocational Rehabilitation (VR)** and other services across the United States. These programs offer people with disabilities training and other preparation so they can find a job and go to work. Federal administration of VR and CAP is provided by the:

U.S. Department of Education (DOE)  
Office of Special Education and Rehabilitation Services (OSERS)  
Rehabilitation Services Administration (RSA)  
400 Maryland Avenue, SW, Room 5017, Washington, DC 20202-2800

In the State of Hawaii, the VR program is operated by the:

Department of Human Services  
Vocational Rehabilitation and Services to the Blind Division  
P.O. Box 339, Honolulu, Hawaii 96809

#### CAP AUTHORITY AND OPERATION

The Rehabilitation Act also established and funds the **Client Assistance Program (CAP)** in each State, to help people with disabilities when they are having difficulty getting services funded under the Rehabilitation Act. In Hawaii, CAP is operated by:

Hawaii Disability Rights Center (HDRC)  
1132 Bishop Street, Suite 2102, Honolulu, Hawaii 96813  
Telephone (v/tty): 949-2922, 1-800-882-1057 . Fax: 949-2928  
Email: [Info@HawaiiDisabilityRights.org](mailto:Info@HawaiiDisabilityRights.org) . Website: [www.HawaiiDisabilityRights.org](http://www.HawaiiDisabilityRights.org)

#### CAP CLIENTS

The following individuals may be eligible for CAP assistance:

- **Applicants for VR services** - individuals who have applied for VR services, but a final determination of eligibility has not been made.
- **Applicants or Clients of Independent Living Programs** - individuals who either applied for or are receiving Independent Living (IL) services.
- **Applicants or Clients of Special Projects (Non-VR)** - individuals who either applied for or are receiving services from any grantee authorized by one of the discretionary grant programs of the Rehabilitation Act.
- **Clients of VR** - individuals who have been determined eligible for services.
- **Individuals Seeking Information** - on services and benefits under the Rehabilitation Act and Title I of the Americans with Disabilities Act.
- **Applicants or Clients of Facilities (Non-VR)** - individuals who have relationships with any facility that provides rehabilitation services and is not otherwise classifiable into any of the five preceding categories.

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## CAP SERVICES

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### CAP can assist individuals in the following ways:

- **Inform and advise** applicants and recipients of all available services under the Rehabilitation Act and under Title I (Employment) of the Americans with Disabilities Act (ADA).
- **Help** applicants and recipients obtain services funded under the Rehabilitation Act, whether the services are provided by the State Division of Vocational Rehabilitation and Services to the Blind Division, or by any of their private providers, such as the Hawaii Centers for Independent Living.
- **Investigate** the questions or complaints that applicants and recipients have about services provided under the Rehabilitation Act.
- **Assist** applicants and recipients to resolve problems they may have with their rehabilitation counselor or other providers.
- **Assist** applicants and recipients to appeal decisions made by counselors or programs providing rehabilitation services.
- **Represent** applicants and recipients in administrative, legal or other appropriate proceedings when they are not receiving the treatment, services or rehabilitation they are entitled to under the Rehabilitation Act.
- **Link** applicants and recipients to other agencies that may be able to assist them, including Protection and Advocacy (P&A) for people with disabilities.

### CAP can assist individuals at any time during the rehabilitation process:

- **When they are interested in applying for services**
- **During the application process**
- **When they are receiving services**
- **When they have finished receiving services**
- **When they have begun working, but still have questions or concerns**

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## APPLICANT AND CLIENT RIGHTS UNDER THE REHABILITATION ACT

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### The Rehabilitation Act established certain rights for individuals seeking or receiving vocational rehabilitation services, including:

- **THE RIGHT** to apply for vocational rehabilitation services. This includes the right to an evaluation.
- **THE RIGHT** to be provided services without regard to race, color, sex, age, creed, religion, national origin or disability.
- **THE RIGHT** to be involved in planning their own rehabilitation program and to be informed of any changes to the program.
- **THE RIGHT** to confidentiality. All information obtained by the vocational rehabilitation counselor can only be used for the applicant / client's rehabilitation program.
- **THE RIGHT** to appeal a decision made by the vocational rehabilitation counselor.
- **THE RIGHT** to request assistance and advocacy services from CAP - the Client Assistance Program.

# PROTECTION & ADVOCACY FOR ASSISTIVE TECHNOLOGY

## FACT SHEET

### AUTHORITY AND PURPOSE

The Technology-Related Assistance for Individuals with Disabilities Act of 1988 “Tech Act,” provided funding for each State to develop an Assistive Technology program. The current authority is **29 USC § 3001, Assistive Technology Act of 1998**. Federal administration of PAAT is provided by:

**U.S. Department of Health and Human Services (DHHS)  
Administration for Community Living (ACL)  
Administration on Intellectual and Developmental Disabilities (AIDD)  
330 C Street, SW, Washington, DC 20201**

In the State of Hawaii, the Assistive Technology program is operated by the:

**Assistive Technology Resource Centers of Hawaii  
200 N. Vineyard Blvd., #430, Honolulu, Hawaii 96817  
Phone: 808-532-7110 (v) 808-532-7113 (tty)  
800-645-3007 (v) Toll-free Neighbor Islands 808-532-7120 (fax)  
Website: <http://www.atrc.org> Email: [atrc-info@atrc.org](mailto:atrc-info@atrc.org)**

### PAAT OPERATION

In 1994, Congress expanded the “Tech Act” to authorize **Protection and Advocacy for Assistive Technology (PAAT)**, to “assist individuals with disabilities and their family members, guardians, advocates and authorized representatives in accessing technology devices and assistive technology services” through case management, legal representation and self-advocacy training. In Hawaii, PAAT is operated by the Hawaii Disability Rights Center (see below).

### PAAT CLIENTS

People with disabilities who are eligible for funding of assistive technology devices and services through the Rehabilitation Act, Medicaid, Medicare, Special Education, or private insurers or other possible sources of payment, are potential PAAT clients.

### PAAT SERVICES

PAAT provides Information and Referral, and advocacy, including informal, administrative and legal remedies to obtain assistive technology for its clients.

# **PABSS**

## **PROTECTION & ADVOCACY FOR BENEFICIARIES OF SOCIAL SECURITY**

### **FACT SHEET**

#### **AUTHORITY AND PURPOSE**

**The Ticket to Work and Work Incentives Improvement Act of 1999, 42 USC § 1320b-21**, authorized Protection and Advocacy for Beneficiaries of Social Security (PABSS). Federal administration of PABSS is provided by:

**Social Security Administration  
6401 Security Blvd., 107 Altmeyer, Baltimore, MD 21235  
Phone: (410) 965-8658, Fax: (410) 966-1278**

#### **PABSS OPERATION**

The Commissioner of Social Security makes payments in each State to the “Protection and Advocacy System established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act” (42 U.S.C. § 15001). In Hawaii, that is the Hawaii Disability Rights Center.

#### **PABSS CLIENTS**

PABSS provides services for beneficiaries of the Social Security Act who have disabilities.

#### **PABSS SERVICES**

PABSS services include:

1. Information and advice about obtaining vocational rehabilitation and employment services; and
2. Advocacy or other services that a disabled beneficiary may need to secure or regain gainful employment.

# **PADD**

## **PROTECTION & ADVOCACY**

### **FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES**

## **FACT SHEET**

### **AUTHORITY AND PURPOSE**

**Developmental Disabilities Assistance and Bill of Rights Act of 1975, as amended, 42 USC § 15001**, authorized Protection and Advocacy for Individuals with Developmental Disabilities. Federal administration of PADD is provided by:

**U.S. Department of Health and Human Services (DHHS)**  
**Administration for Children and Families (ACF)**  
**Administration on Developmental Disabilities (ADD)**  
**HHS, Mail Stop HHH 453-G, 370 L'Enfant Promenade, SW, Washington, DC 20447**  
**Phone: (202) 401-6970, Fax: (202) 690-6904**

### **PADD OPERATION**

In 1977, Kahua Ho`omalua Kina, dba Protection and Advocacy Agency of Hawaii, was designated by Executive Order, as Hawaii's system to protect and advocate for the rights of persons with developmental disabilities, as mandated by the Developmental Disabilities Assistance and Bill of Rights Act of 1975, as amended. Today, the renamed Hawaii Disability Rights Center (HDRC), continues to provide PADD services.

### **PADD CLIENTS**

PADD provides services for:

Individuals with a severe chronic disability that is attributable to a mental or physical impairment or combination of mental and physical impairments; and

- Is manifested before the individual attains age 22;
- Is likely to continue indefinitely;
- Results in substantial functional limitations in 3 or more of the following areas of major life activity: Self-care, Receptive and expressive language, Learning, Mobility, Self-direction, Capacity for independent living and Economic self-sufficiency; and
- Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

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## **PADD CLIENTS**

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PADD also provides services for children from birth to age 9, inclusive, who have a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting 3 or more of the functional limitations described above, if the individual, without services, and supports, has a high probability of meeting those criteria later in life.

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## **PADD SERVICES**

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PADD protects and advocates for the rights of people with developmental disabilities who may be eligible for treatment, services, habilitation; or who are being considered for a change in living arrangements.

- PADD has authority to pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of such individuals within the State who are or who may be eligible for treatment, services, or habilitation, or who are being considered for a change in living arrangements (with particular attention to members of ethnic and racial minority groups);
- Provides information on and referral to programs and services addressing the needs of individuals with developmental disabilities;
- Investigates incidents of abuse and neglect of individuals with developmental disabilities if the incidents are reported to the system or if there is probable cause to believe that the incidents occurred.



# PAIMI

## PROTECTION & ADVOCACY FOR INDIVIDUALS WITH MENTAL ILLNESS

### FACT SHEET

#### AUTHORITY AND PURPOSE

**Protection and Advocacy for Individuals with Mental Illness Act 1986, as amended, 42 USC § 10801**, authorized Protection and Advocacy for Individuals with Mental Illness. Federal administration of PAIMI is provided by:

U.S. Department of Health and Human Services (DHHS)  
Substance Abuse and Mental Health Services Administration (SAMHSA)  
Center for Mental Health Services (CMHS)  
1 Choke Cherry Road , Room 2-1091, Rockville, MD 20857  
Phone: (240) 276-1739, Fax: (240) 276-1770

#### PAIMI OPERATION

The PAIMI Act assigns the PAIMI program to the same system designated to provide Protection and Advocacy for Individuals with Developmental Disabilities (PADD). In 1986, Kahua Ho`omalua Kina, dba Protection and Advocacy Agency of Hawaii, began operating Hawaii's PAIMI program. Today, the renamed Hawaii Disability Rights Center (HDRC), continues to provide PAIMI services.

#### PAIMI CLIENTS

PAIMI provides services for:

Individuals who have a significant mental illness or emotional impairment, as determined by a mental health professional qualified under the laws and regulations of the State; are an inpatient or resident of facility rendering care and/or treatment; or are 90 days post discharge from a facility; or are in transport to a facility; or are in process of being admitted to a facility; or are involuntarily confined to a municipal detention facility without a criminal conviction; or live in a community setting including their own home; and allege abuse or neglect, or a rights violation.

#### PAIMI SERVICES

PAIMI protects people with a diagnosis of mental illness from abuse and neglect, and advocates for their rights as established in our federal and state constitutions and laws.

PAIMI:

- Provides information and referral;
- Protects and advocates for the rights of such individuals through activities to ensure the enforcement of the Constitution and Federal and State statutes; and
- Investigates incidents of abuse and neglect of individuals with mental illness if the incidents are reported to the system or if there is probable cause to believe that the incidents occurred;

# PAIR

## PROTECTION & ADVOCACY FOR INDIVIDUAL RIGHTS

### FACT SHEET

#### AUTHORITY AND PURPOSE

**Protection and Advocacy for Individuals Rights, 29 USC § 794e**, is authorized in the Rehabilitation Act of 1973, as amended. Federal administration of PAIR is provided by:

**U.S. Department of Education (DOE)  
Office of Special Education and Rehabilitation Services (OSERS)  
Rehabilitation Services Administration (RSA)  
400 Maryland Avenue, SW Room 5017, Washington, DC 20202-2800  
Phone: (202) 245-7331, Fax: (202) 245-7591**

#### PAIR OPERATION

The Rehabilitation Act assigns the PAIR program to the same system designated to provide Protection and Advocacy for Individuals with Developmental Disabilities (PADD). In Hawaii, this is the Hawaii Disability Rights Center (HDRC).

#### PAIR CLIENTS

PAIR provides services for individuals with a disability which substantially limits one or more of their major life activities; and who have experienced a violation of their civil rights because they have a disability; and who are not eligible for PADD, PAIMI or CAP services.

#### PAIR SERVICES

PAIR services are provided to protect the legal and human rights of individuals with disabilities through:

1. Provision of information and referral;
2. Investigation of allegations of abuse and neglect; and
3. Use of administrative, legal and other remedies.

# **PATBI**

## **PROTECTION & ADVOCACY FOR INDIVIDUALS WITH TRAUMATIC BRAIN INJURY**

### **FACT SHEET**

#### **AUTHORITY AND PURPOSE**

**Protection and Advocacy for Individuals with Traumatic Brain Injury, 42 USC § 300d-53**, was authorized in the Children's Health Act of 2000. Federal administration of PATBI is provided by:

**Department of Health and Human Services (DHHS)  
Health Resources and Services Administration (HRSA)  
Room 18A-30 PKLN, 5600 Fishers Lane, Rockville, MD 20857  
Phone: (301) 443-2250, Fax: (301) 443-1296**

#### **PATBI OPERATION**

The PATBI statute assigns PATBI to the protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. §15001). In Hawaii, this is the Hawaii Disability Rights Center (HDRC).

#### **PATBI CLIENTS**

PATBI provides services for individuals with Traumatic Brain Injury (TBI), as defined in the HRSA regulations.

#### **PATBI SERVICES**

The PATBI statute and funding enables P&A systems to provide services for people with Traumatic Brain Injury:

1. Information, Referrals and Advice
2. Individual and Family Advocacy
3. Legal Representation
4. Assistance with Self-Advocacy

# PAVA

## PROTECTION & ADVOCACY VOTER ACCESS

### FACT SHEET

#### AUTHORITY AND PURPOSE

**Protection and Advocacy for Voter Access (PAVA), 52 USC §210612**, was authorized in the Help America Vote Act of 2002. Federal administration of PAVA is provided by:

**U.S. Department of Health and Human Services (DHHS)  
Administration for Children and Families (ACF)  
Administration on Developmental Disabilities (ADD)**

**HHS, Mail Stop HHH 453-G, 370 L'Enfant Promenade, SW, Washington, DC 20447  
Phone: (202) 401-6970, Fax: (202) 690-6904**

#### PAVA OPERATION

The PAVA statute assigns PAVA to the Protection and Advocacy System established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. §15001). In Hawaii, this is the Hawaii Disability Rights Center (HDRC).

#### PAVA CLIENTS

PAVA provides services for individuals with disabilities as defined in the Americans with Disabilities Act (ADA).

#### PAVA SERVICES

PAVA services are provided to ensure full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places. PAVA funds may also be used to support training in the use of voting systems and technologies; and to demonstrate and evaluate the use of such systems and technologies by individuals with disabilities (including blindness), in order to assess the availability and use of such systems and technologies for such individuals.

None of the funds shall be used to initiate or otherwise participate in any litigation related to election-related disability access.

## HDRC CLIENT ELIGIBILITY REQUIREMENTS

- Individuals served by HDRC must meet the **eligibility criteria** established in one of our federal programs: CAP or the seven P&A programs.
- Individuals served by HDRC must have a **disability**, as defined in one of our federal programs: CAP or the seven P&A programs.

According to U.S. Census Bureau data the State of Hawaii has about 1,420,000 residents. National data conservatively estimates that 15% of the population has a disability; therefore, it is estimated that **210,000 of Hawaii's residents have a disability and are HDRC's constituency.**

- Individuals served by HDRC must have a **problem** that has resulted from neglect, abuse, a rights violation, or discrimination or stigma related to their disability.
- Individuals served by HDRC must have a problem that falls within HDRC's current **Client Services priorities.**

## HDRC ADVOCACY INTERVENTIONS

Federal laws and regulations specify that HDRC should have the capacity to:

- Resolve client's problems with the lowest feasible level of intervention, such as **counseling/professional assistance, investigation, monitoring, mediation, negotiation, arbitration, administrative reviews; and administrative appeals.**
- Provide full **legal representation** for its clients, including **litigation**, if necessary.

## HDRC ADVOCACY PRINCIPLES

HDRC strives to provide services that are:

- Sensitive to the **personal dignity, choice and cultural/ethnic diversity** of each client.
- Offered with appropriate **accommodations.**
- Distributed based on the **needs** of people with disabilities.
- **Consumer driven** and **consumer responsive.**



The  
**HAWAII DISABILITY RIGHTS CENTER**

is the designated Protection and Advocacy (P&A) System  
for Hawaii's estimated 210,000 residents with disabilities.

P&A systems are authorized by Congress in each state and territory of the United States to defend and enforce the human, civil and legal rights of people with disabilities and to protect them from discrimination.

**HUMAN RIGHTS** are those natural rights that are accorded to all human beings, stated in the U.S. Constitution as the right to Life, Liberty and the Pursuit of Happiness.

**CIVIL RIGHTS** are an expansion of basic human rights and are stated in the U.S. Constitution, the U.S. Bill of Rights and the Hawaii State Constitution. They include the rights to: Freedom of Religion, Speech, Press, Assembly, Equal Protection under the Law, Privacy, and Confidentiality.

**LEGAL RIGHTS** are an expansion of our human and civil rights as established by specific laws, such as those laws which authorize **Protection & Advocacy** for people with disabilities.

**IT IS THE POLICY OF HDRC** to advocate for as many people with disabilities in the State of Hawaii, on as wide a range of disability rights issues, as our resources allow; and to resolve rights violations with the lowest feasible level of intervention; but, if necessary, to also provide full legal representation to protect the rights of people with disabilities, consistent with authorizing statutes and Center priorities.

## **HDRC SERVICES**

- No Income Requirements
- No Forms to Complete
- Always Free

## **TO REQUEST ASSISTANCE**

Visit Our Office ■ Call Us ■ Visit Our Website

**For assistance, or for more information,  
or to obtain this information in an alternate format, please contact the:**

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E-mail: [info@HawaiiDisabilityRights.org](mailto:info@HawaiiDisabilityRights.org) . Website: [www.HawaiiDisabilityRights.org](http://www.HawaiiDisabilityRights.org)

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