

# Creating and Maintaining a Safety Net for Survivors with Disabilities

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May 15, 2018

# Disclaimer

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Nothing in this presentation is designed to constitute legal advice. The scenarios and examples are for illustrative purposes only. For legal advice or guidance on a particular situation, please contact one of the resources referenced at the end of the presentation. For information on any of the benefits discussed in this presentation, please contact the administering agency.

# Today We Will Identify...

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- Unique elements of domestic violence and sexual assault of people with disabilities that may lead to the need for additional supports;
- The types of supports survivors with disabilities may need to be connected to;
- How to connect survivors to those supports; and
- Resources for survivors to apply for and maintain those supports.

# Why Do Survivors with Disabilities Need Additional Supports?

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# Unique Tactics of Abuse

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- Abusers of people with disabilities may use unique tactics, including, but not limited to:
  - Becoming a relied-upon, or primary, caregiver before beginning the abuse;
  - Becoming a legal guardian;
  - Using transportation options for stalking route;
  - Severing relationships with other caregivers and fostering isolation;
  - Refusing necessary medical care.

# Unique Dynamics of Abuse of People with Disabilities

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- People with disabilities who experience domestic violence face a variety of unique circumstances that make it more difficult for them to leave their abuser.
- For example, a survivor's abuser may also be his or her:
  - Primary caretaker, helping with tasks of daily living;
  - Financial fiduciary/ power of attorney;
  - Legal guardian;
  - Only means of transportation;
  - Provider of insurance that pays for life sustaining treatment.

# Additional Supports

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- Because survivors with disabilities may rely on their abuser for daily living, leaving the situation could mean losing:
  - Personal care assistance;
  - Transportation;
  - Healthcare;
  - Other support
- Leaving an abusive situation may also mean leaving supports necessary for survival. Helping a survivor may mean replacing those supports.

# Getting Survivors Supports They Need

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# Poll

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What services or financial supports are you aware of for people with disabilities?

Please answer in the chat box.

# There are a Variety of Supports for People with Disabilities

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- Federal
  - Social Security Disability Insurance (SSDI)
  - Supplemental Security Income (SSI)
  - Federal Supportive Housing
  - Medicare
- State
  - Medicaid
  - Long Term Services and Supports

# Social Security Disability Insurance

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- Funded by payroll taxes
- Applicant must:
  - Have a qualifying disability;
  - Be under age 65;
  - Have a sufficient work history
  - Not participate in substantial gainful activity
- After two years, person qualifies for Medicare
- 5 month waiting period

# Supplemental Security Insurance

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- Funded by general taxes
- Need-based
- Applicant must:
  - Have a qualifying disability;
  - Have less than \$2,000 in assets (or \$3,000 for a couple) and a very limited income
- Allows the person to also receive Medicaid in their state
- Begins at the first full month after determination of disability

# Scenario 1

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Marie and her son, Luke, are living in your transitional housing and receiving other services from your organization. Luke is 10-years-old and has Down's syndrome. Marie works full time at a medical office with a salary of \$50,000 per year.

What, if any, financial benefits does Luke likely qualify for?

Would there be any change to his benefits if Marie was permanently injured and had to go on Social Security Disability Insurance (SSDI)?

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# Scenario 2

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Crystal is a 30 year old woman with autism spectrum disorder. She and her 65 year old mother recently arrived seeking shelter and services.

Crystal has never worked and chooses not to live alone. Her mother receives Social Security retiree benefits, and had a long career as a teacher.

What, if any, financial benefits does Crystal likely qualify for?

# Applying for SSDI or SSI and Other Considerations

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- Apply on the [Social Security Administration's website](#)
  - High likelihood of denial; helpful to have a legal aid attorney or P&A attorney assist in the process early on
- Representative Payees when a person has a mental health disability

# Housing for Survivors with Disabilities

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- Section 811 Supportive Housing for People with Disabilities
  - Only HUD program dedicated to producing affordable, accessible housing for non-elderly, very low-income people with significant disabilities
- Housing Choice Vouchers (Section 8)



# Applying for Housing and Other Considerations

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- For federal housing assistance, apply through [HUD](#).
- Income limitations and calculations are similar to other HUD programs

# Medicare

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- If on SSDI, a person will automatically be enrolled in Medicare 2 years from the date he or she was declared by the SSA to be disabled, even if he or she is not 65 years old.
- Limited coverage for disability services
  - LTSS coverage is limited
  - Home health services are only covered for beneficiaries who are homebound
  - Personal care services are not covered

# Medicaid

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- In addition to traditional medical care, but Medicaid can also provide a whole host of other services to people with disabilities, including long term supports and services
  - Institutional care – nursing homes and intermediate care facilities
  - Home and community based services

# Long Term Supports and Services – Home & Community Based Services

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- Program allows people with disabilities to receive services in the community instead of an institutional setting
- Long-term services and supports provide assistance with activities of daily living and instrumental activities of daily living Personal Care Attendants
  - Case and Medication Management
  - Adult Day Programs
  - Occupational/ Physical/ Speech Therapy
  - Supported Employment Services
  - And so much more

# HCBS (2)

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- Almost every state has a waitlist for these services. The wait time varies – can be up to 10 years.
- Priority: people in crisis situation (at risk).
  - Crisis includes homelessness, danger to self or others, and caregiver unable to give care
- In 2013, spending on HCBS accounted for 46 percent (or \$56.6 billion) of total Medicaid LTSS spending, up from 32 percent (or \$29.8 billion) in 2002 ([Kaiser Family Foundation](#)).

# Scenario 3

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Mike has been homeless since leaving his abusive partner. He has an intellectual disability. He does not know how to take public transportation, manage his medications, or manage his finances.

What services and/or financial supports may Mike qualify for?

# Applying for Long Term Supports and Services

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- The process for applying for HCBS or other long term services and supports varies based upon the person's state of residency.

# Scenario 4

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Marissa and her 4-year-old son, Matthew, are receiving services from your organization. Matthew has cerebral palsy and uses a wheelchair. Before Marissa's divorce, she was able to pay for a personal care attendant for Matthew while she worked at her full time job, where she makes \$60,000 a year. For the past three months, she has been on leave, but she now has to return to work.

How can you help to ensure Matthew gets the services he needs while Marissa works?



# Scenario 5

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Janet has just left her husband after twenty years of marriage. She is blind, has several health conditions, and cannot work. She has not initiated divorce proceedings. She and her husband share a savings account, but Janet does not know how to access the money or how much money is in the account.

What, if any, benefits could Janet qualify for?

# Poll

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What challenges do you foresee for your organization in connecting survivors to these supports?

Please answer in the chat box.

# Resources to Help Survivors Get and Maintain These Supports

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# Protection and Advocacy Agencies

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- Federally mandated and funded to provide advocacy for people with disabilities; one in every state
- Often focus on abuse and neglect, especially when occurring in institutional or service settings
- Expertise in advocating on behalf of people with disabilities for public benefits
- National Disability Rights Network – the federal network of the P&As
- [Directory of P&As](#)

# State Disability Agencies

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- Every state has a disability services agency that can assist in connecting a person to services – they are also the administrator of services.
- Examples:
  - Agency for Persons with Disabilities (Florida)
  - Disability Services Agency (Virginia)
  - Department on Disability Services (Washington, DC)
- [I/DD agency directory](#)

# Disability Advocacy Organizations

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- The Arc of the United States
- Autistic Self-Advocacy Network
- American Association of People with Disabilities
- Association of University Centers on Disabilities

# Questions?

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# Thank you!

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Please complete our [webinar survey](#).

Do not forget to join us for our next End Abuse of People with Disabilities webinar, “Nothing About Us Without Us: Centering the Movement Around Self-Advocates” on July 17, 2018 at 3 pm ET.

[Register here](#).