

**DISABILITIES LAW PROGRAM
FOCUS AREAS AND CASE ACCEPTANCE
STANDARDS**

**Protection & Advocacy for Individuals with Mental
Illness (PAIMI) Program
FY 2025 (10/1/2024-9/30/2025)**

I. ADVOCACY IN FACILITIES AND INSTITUTIONS

Priority/Goal Description:

Individuals with significant mental illness (SMI) / emotional impairment (EI) in facilities will be free from abuse and neglect and live in healthier, safer, or otherwise improved environments.

Objectives:

1. DLP will monitor facilities, including psychiatric hospitals, corrections, nursing homes and other facilities, to ensure that individuals with SMI/EI are receiving appropriate treatment services, are not subjected to inappropriate discipline, restraint or seclusion, and are free from abuse, neglect, criminalization of disability, and disability rights violations, through monitoring visits, office hours, and other monitoring activities. If monitoring uncovers issues of public interest or that require intervention, monitoring activity may include public reports and/or encouraging appropriate intervention by oversight agencies.

➔ Target: 125 contacts or visits with facilities that serve PAIMI eligible individuals in Delaware
2. DLP will seek to ensure appropriate access to and review reports, critical incident reports and data from public and private facilities to facilitate effective monitoring and abuse and neglect investigations.

➔ Target: 325 reports or data reviewed concerning PAIMI eligible individuals in Delaware
3. DLP will screen and investigate, on a case-by-case basis, reported or discovered incidents of abuse, neglect, injury, or death of an individual with SMI/EI living in a facility.

➔ Target: 18 allegations regarding PAIMI eligible individuals in Delaware screened or investigated
4. DLP will participate in the DPC Patient Rights Committee to address abuse,

neglect, civil and human rights, or quality of care issues at DPC.

➔ Target: 4 meetings

5. DLP staff will, as appropriate, attend treatment team meetings to foster choice, treatment options consistent with client wishes, and enforcement of patient rights.

➔ Target: 6 meetings on behalf of PAIMI eligible individuals in Delaware

6. DLP staff will, as appropriate, assist clients in transitioning to community life from facilities (psychiatric or acute care hospitals, corrections, and other settings), including facilitating effective discharge planning, addressing violations of state and federal regulations related to notice and due process, discharges, and on a case-by-case basis, removing barriers to discharge including, legal impediments, housing, public benefits, credit history, or denial of key public benefits.

➔ Target: 8 PAIMI eligible individuals in Delaware

7. DLP will prompt review and transfer or discharge, of long-term patients at DPC with Not Guilty by Reason of Insanity (NGRI) status, to less restrictive treatment settings. DLP will also address issues with delays in the pre-trial competency restoration process and other issues relating to mental health support for individuals awaiting trial or participating in specialty courts, particularly those where detention or incarceration may be prolonged due to lack of services or supports, on a case-by-case basis. If resources allow, DLP may also provide technical assistance to court-appointed attorneys or the court, for individuals involved in involuntary commitment proceedings.

➔ Target: 4 PAIMI eligible individuals in Delaware, or group matters

8. DLP will ensure the availability of DLP-sponsored patient rights materials upon admission to DPC and mental health facilities.

➔ Target: 200 materials given to individuals newly admitted to facilities that serve PAIMI eligible individuals in Delaware

9. DLP will offer self-advocacy and patient rights' training and training of peers at DPC, and other sites as time and opportunity allows, and collaborate with peer education initiatives with the Mental Health Association of Delaware and/or NAMI-Delaware.

➔ Target: 6 trainings

10. DLP will promote the development and use of grievance system within DPC and

at private facilities as appropriate and will assist residents in filing and pursuing grievances.

➔ Target: 5 PAIMI eligible individuals in Delaware, or group cases

II. COMMUNITY-BASED SERVICES

Priority/Goal Description:

Individuals with SMI/EI will have access to appropriate and individualized community-based services that will enhance their ability to live independently, reduce risk of institutionalization and homelessness, and to be free from abuse and neglect in community settings.

Objectives:

1. DLP will screen and on a case-by-case basis investigate complaints of abuse and neglect including neglect, serious injuries or deaths, and rights violations of individuals with SMI/EI living in non-facility based and community settings.

➔ Target: 8 incidents involving PAIMI eligible individuals in Delaware

2. DLP will promote access to less restrictive settings and/or help individuals with SMI/EI to receive services that will enable them to participate more fully in their community living through removal of barriers including lack of access to technology, transportation, access to key public benefits including Veteran's Benefits, threats to familial integrity, access to employment supports, addressing acts of discrimination related to housing and other community living arrangements, and other barriers to being housed and otherwise supported in the community.

➔ Target: 10 PAIMI eligible individuals in Delaware, or group cases

3. DLP will assist individuals with SMI/EI in addressing treatment issues in the community, particularly lack of capacity and waiting lists. Activities may include participation in treatment team meetings and coordination with community agencies and providers, with a particular focus on services and supports for homeless individuals with SMI/EI, improvements to crisis intervention services such as the 988 system, diversion from law enforcement intervention in crisis situations, and assisting individuals warehoused at acute care hospitals who are denied admission to less restrictive settings, including nursing facilities.

➔ Target: 5 PAIMI eligible individuals in Delaware or group cases

4. DLP will assist children with EI, and with co-occurring developmental disabilities and EI, to receive behavioral supports and services including home-based services and transitional planning services through Medicaid, Prevention and Behavioral Health Services, Division of Developmental Disabilities Services and the Delaware Department of Education.

➔ Target: 3 PAIMI eligible individuals in Delaware

5. DLP will help individuals with SMI/EI understand supports and services available in the community by advocating for a more robust and responsive grievance and quality assurance system and the provision of training (including peer training) technical assistance and/or information and referral.

➔ Target: 40 PAIMI eligible individuals in Delaware trained

III. ACCESS TO FREE APPROPRIATE PUBLIC EDUCATION

Priority/Goal Description: Youth with EI will be provided a free and appropriate public education (“FAPE”) in their least restrictive environment to move them toward independent living, and depending on their goals and interests, secondary education, training, or employment.

Objectives:

1. DLP will investigate allegations that students have been exposed to illegal disciplinary measures, the use of inadequate behavioral planning including the use of seclusion and restraint, and/or are being denied FAPE in the least restrictive environment with appropriate supports. DLP will also assist students in facilities, including corrections, who have been deprived FAPE and other disability rights in education protections. DLP will provide legal assistance, technical assistance, or referral as appropriate.

➔ Target: 6 PAIMI eligible individuals

2. DLP will educate parents of students with EI about self-determination, age of majority and guardianship and its alternatives, due process rights and remedies for inappropriate or excessive use of seclusion and restraint.

➔ Target: 10 parents of PAIMI eligible individuals in Delaware trained

IV. SYSTEMIC ADVOCACY

Priority/Goal Description: Promote safe and adequate residential and non-residential community-based services, integrated housing, and options for

individuals with SMI/EI through active participation in systemic advocacy.

Objectives:

1. DLP will monitor and as appropriate influence through policy analysis and participation in DSAMH, DPC, DPBHS, and/or Department of Corrections policy and planning affecting recipients of services by participating on councils and committees, and in meetings with administration and key staff.

➔ Target: 10 meetings or written recommendations

2. DLP will co-sponsor and/or present at seminars, conferences and other events on topics related to mental health and behavioral health in the state; CLASI will provide informational materials via CLASI's website and social media.

➔ Target: 2000 individuals receiving training or access to materials

V. PAIMI STAFF AND ADVISORY COUNCIL TRAINING AND SUPPORT

Priority/Goal: Provide robust training and education to staff and advisory council to enhance understanding of client needs and improve quality of services provided to PAIMI-eligible clients.

Objectives:

1. DLP will provide PAIMI staff with opportunities for internal and external training to improve skills and understanding to better serve PAIMI eligible clients.

➔ Target: 20 trainings

2. DLP will conduct regular meetings of PAIMI staff to promote coordination and progress in goals and objectives to better serve PAIMI eligible clients and constituencies.

➔ Target: 3 staff meetings

3. DLP will provide PAIMI AC with training at meetings and offer attendance at outside events, so that the PAIMI AC can augment its knowledge in order to advise the DLP on how to best serve PAIMI eligible clients and constituencies.

➔ Target: 8 PAC members trained

The DLP will investigate allegations of abuse or neglect in institutional and community settings

as program resources allow. Reports involving unexpected death or serious bodily harm, or implicating a systemic concern that is relevant to current DLP program goals and objectives will receive the highest priority for investigation. Reports falling outside of these categories may still be investigated at the DLP's discretion.

GENERAL STANDARDS AFFECTING LEVEL AND TYPE OF SERVICES OFFERED

Recognizing that the demand for DLP's assistance has historically outstripped our available resources, the following factors will be considered in determining the level and type of services which will be offered to a group or individual:

- (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 [e.g., State agencies; other advocacy groups; Delaware Volunteer Legal Services ("DVLS"); private bar].
- (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; and
- (6) 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 DLP'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 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 DLP program goals and objectives;
- 3) Incidents occurring within restrictive settings, such as facility based long-term care and psychiatric acute care settings.

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