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A STUDY OF THE UNMET CIVIL LEGAL SERVICE NEEDS OF PEOPLE WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES IN SPOKANE COUNTY

June 2023

a report prepared for The Arc of Spokane

Based on a study conducted from February through May of 2023
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EXECUTIVE SUMMARY

People with intellectual and developmental disabilities (IDD) experience extensive and persistent barriers to legal services. On top of that, they are subject to certain legal actions more than others including, guardianship, special education, administrative claims about benefits and discrimination in housing, employment, and public accommodations.² People who are low income in Washington state experience an average of more than nine legal problems a year and accessing legal help is challenging for everyone due to barriers like complicated intake processes and phone trees, long holding times or waiting period for a call-back, an inability to take action on brief service or trainings offered, lack of understanding about when a problem has a legal remedy, lack of clarity regarding who to call due to priorities, and lack of capacity for representation due to scarce resources. However, these barriers are magnified and often insurmountable for people with IDD. Moreover, many people with intellectual and developmental disabilities, particularly Black, Indigenous and people of color (BIPOC) and those with co-occurring disabilities like mental health or addiction, lack access to a diagnosis that can open the door to many services and protections of rights.

These problems are even further exacerbated when living in Spokane, as compared to the other larger counties in Washington state. In Spokane, we have an estimated 19,918 people with intellectual or developmental disabilities, of which only 4,382 are enrolled with Washington State's Developmental Disabilities Administration (DDA) and of those, only 3,245 have been deemed eligible to receive paid service. But the Spokane community has a lower percentage of attorneys to population, with a ratio of one attorney to every 270 people compared to Washington state's ratio of one lawyer for every 250 people.³ This disparity in legal services seems more problematic given Spokane's central role in the Inland Northwest and the lack of legal service providers on the eastern side of the state.

With all of these reasons as to why we should be targeting legal services to people with IDD, our legal service system rarely tracks the specific legal needs of people with intellectual and developmental disabilities or their access to services. Thus, we are also failing to track the additional impact on accessing legal services when a person with IDD is also targeted by multiple

forms of discrimination and live in more rural areas or communities with smaller percentages of attorneys. This failure to target services to one of the highest need populations in our community too often leaves people with intellectual and developmental disabilities with nowhere to turn when they are fighting for their basic civil rights.

When people with IDD cannot access the services that they need to live their lives fully, they suffer. Additionally, our community suffers – their families and friends are impacted, our legal system works less effectively, and the failure to provide critical services often leads to a

“It is a win win for everyone if we can help improve the lives of people with intellectual and developmental disabilities”

– A mom with an intellectual and developmental disabilities

downward cycle resulting in increased support needs. For example, a person denied educational services in their youth may enter adulthood with trauma and increased service needs. A person denied DDA services may end up stuck in the hospital with large hospital bills for an unnecessary and inappropriate level of care or denied opportunities to live in their community where they might obtain employment. A person denied housing may end up unhoused, leading to an array of other potential problems including criminalization and medical issues.

“Access to justice for all persons is a fundamental right. It is the policy of the courts of this state to assure that persons with disabilities have equal and meaningful access to the judicial system.” – General Rule 33⁴

We can no longer ignore the civil legal needs of people with intellectual and developmental disabilities, in Spokane or across Washington.

Thus, we recommend the following actions to improve access to legal services for people with IDD in Spokane County:

RECOMMENDATION #1

Improve Referrals to and Coordinate Services with Existing Spokane Legal Service Providers

Identify, and as necessary seeking funding for, a Coordinator at The Arc of Spokane with the responsibility to coordinate and partner with diverse community partners focusing on those who historically lack access, coordinate and partner with legal service providers, maintain an up-to-date list of legal service providers and resources including facilitating effective referrals, track intakes and referrals, coordinate trainings and clinics, and possibly, seek additional funding to maintain this position. The Arc of Spokane will not be a gatekeeper, controlling which people or communities can access legal services. Rather, the Coordinator's role will be to ensure diverse community leaders have direct input into and connections with the services provided and implementation.

RECOMMENDATION #2

Provide Education About and Assistance with Requests for Counsel or Suitable Representatives as an Accommodation

We recommend that The Arc of Spokane's Individual Advocacy and Parent to Parent Programs provide information about and assist people in requesting appointed counsel and suitable representatives in state court and administrative hearings. The goal of this work is to improve awareness of the availability of this valuable resource and assist people with the request process. These efforts will increase awareness in Spokane among those who access The Arc of Spokane, but efforts will need to be made statewide to improve information about this accommodation, assist with drafting the request form, and increase an available and trained pool of representatives and counsel.

RECOMMENDATION #3

Track the Unmet Need for Legal Services for People with IDD

We recommend legal service providers partner with the Access to Justice (ATJ) Board's Washington Legal Mapping Project to track the unmet need for legal services for people with IDD creating a more detailed report of available legal services in Spokane and the needs of people with intellectual and developmental disabilities in Spokane.

RECOMMENDATION #4

Expanding Capacity and Addressing the Highest Unmet Needs Through Two New Programs

First, we recommend seeking funding to establish a Special Education Clinic in a law school and partnership with the Volunteer Lawyers Program (VLP) to expand capacity in the local legal bar. A law school professor would teach special education law, supervise the law students at the in-person clinics, and supervise direct representation. Additionally, the VLP could offer Continuing Legal Education trainings to private attorneys, requiring attorneys to participate in a set number of clinics with the law students and to represent a specific number of clients. Together the law students and the VLP attorneys can host in-person community based legal clinics providing brief advice. Students or attorneys can be assigned cases for direct representation on a range of special education cases dealing with discipline appeals, setting Individualized Education Program (IEP) meeting agendas, preparing for and attending IEP meetings, documenting requests in a letter, and drafting Community Complaints to the Office of the Superintendent to Public Instruction (OSPI). If a case proceeds to a due process hearing, the law students may need private attorneys to co-counsel.

Second, we recommend seeking funding for a designated Northwest Justice Project (NJP) Attorney and legal assistant based on the Medical-Legal Partnership Model. With this designated attorney, we can increase capacity for and access to direct representation for people with intellectual and developmental disabilities who need more direct assistance than standard brief services such as trainings, rights information and advice and counseling. The designated IDD attorney at NJP would be able to provide legal services to address an array of issues such as denials of government benefits, family law, and alternatives to guardianships and complaints about guardians.



RECOMMENDATION #5

Meeting the Long-term Legal Service Needs for People with IDD

This model is based on the unique California Office of Clients' Rights Advocacy (OCRA) program, which provides legal services targeted to people with IDD with more than 70 staff, comprised of mostly lawyers and advocates. Under recommendations one and two above, we will begin with a designated NJP attorney and portion of a legal assistant and will collect data on the needs and services provided to people with IDD. Based on data collected through these steps, we can more effectively target and analyze the unmet need for legal services for people with intellectual and developmental disabilities in Spokane and throughout Washington state. Using this data, we can more precisely target legal services to people with IDD, with outreach to those who need assistance, but do not know where or when to seek it, and with communication skills and flexibility to provide these services in an accessible manner.

By implementing these recommendations, we will improve access to justice for people with IDD, focusing on increasing access for those who also experience other types of discrimination particularly BIPOC persons, and those with co-occurring disabilities like mental health or addiction. Accessing legal services is not an end in itself, but rather an often necessary step towards accessing justice, a fundamental right necessary to protect basic civil rights.

“I have been so hurt by systems and I am afraid to ask for help because I have been treated so badly.” When asked about what qualities she would want in a legal services provider, she explained that she wanted “a welcoming environment, reassurance, patience, understanding that I might get emotional speaking quickly or shutting down, and someone who will work alongside me throughout the process because it is really hard to do it alone.” She explained that she understands she may not get the results she wants, but she needs someone who is not intimidating and who gives her some hope.

– A woman with IDD

INTRODUCTION

A dad who has IDD had three children. He raised his oldest daughter, but when he went through a custody battle over his youngest two children, he did not have legal assistance, could not represent himself, and struggled because he could not see his children. His case did not meet the priorities for legal service providers. He was given a referral for a legal clinic to receive brief service, but he could not attend because he could not miss work. When he has made appearances in court, he did not understand the proceedings, but no one in the court mentioned that he could request an appointed attorney as an accommodation through General Rule (GR)–33.⁵

– A dad with IDD

It does not have to be this way. When a mom with IDD had resources through her family and some savings, she took parenting classes and hired an attorney. She had to provide proof that her disability did not impede her parenting and was terrified she would lose her child. With legal representation, she resolved her custody dispute through mediation, maintaining partial custody of her child. Without legal assistance, the court case would have dragged on wasting resources and more importantly, separating parents and children.

– A mom with IDD

This report is funded by a grant to The Arc of Spokane from the Spokane County Developmental Disabilities Division and is based on a feasibility study conducted from February through May of 2023. The feasibility study's purpose is to:

- Determine whether we can bridge the gap for those with IDD and their families as they fight for their human and legal rights.
- Examine appropriate models, partnerships, and funding streams to better understand if we can offer legal assistance to an underrepresented group of people who are in desperate need of access.
- Research and create a prototype model that could become a disability advocacy best practice.

The Arc of Spokane is a non-profit organization dedicated to advancing the welfare of people with IDD throughout the Inland Northwest. Its mission is to “promote independence and choice and enhance the quality of life for people with developmental disabilities and their families.” The Arc of Spokane is a member of a federation of agencies throughout the United States and is the largest local Arc in the State of Washington. The Arc of Spokane serves as the regional hub for services and advocacy for people with IDD and their families in the Inland Northwest.



The Arc of Spokane is guided by written positions on 32 different issues affecting people with IDD. At the core of those positions is the notion that people with IDD should be respected and treated as valued members of every community. The Arc of Spokane provides an array of services including Supported Living, Representative Payee, and Supported Employment Programs. It works to promote socialization through its

Community Center, Transition and Young Adults Program and Community Inclusion programs. Additionally, The Arc of Spokane provides several advocacy and family support programs including Individual Advocacy, The Spokane County Parent Coalition, The Parent to Parent Program, and the Sexual Abuse Prevention Program. Across these programs and particularly in the advocacy programs, The Arc of Spokane learns about the barriers to living full and independent lives that people with IDD experience, many of which could be resolved with increased knowledge of and skills to advocate for individual civil rights.

People with IDD regularly come to The Arc of Spokane reporting they need help stopping illegal denials of education, health care, employment, housing, and other basic human needs. However, The Arc of Spokane often finds effective referrals lacking.

In an effort to understand the scope of this problem, we looked to data collected by legal service providers and the Washington State Civil Legal Needs Study Update of 2015. The Civil Legal Needs Study found that “[j]ustice is absent for low-income Washingtonians who frequently experience serious civil legal problems. More than 70% of the state’s low-income households experience at least one civil legal problem each year on matters affecting the most fundamental aspects of their daily lives ...”⁶

Notably, the Civil Legal Needs Study and most legal service providers in Washington do not track the civil legal needs of people with IDD. This common failure to target and track the legal needs of people with IDD suggests a systemic denial of the needs of a community that historically experiences challenges accessing services. We recognize that collecting increased demographics during the intake process can itself present a barrier to accessing legal services, but legal providers do regularly track a large array of demographics.

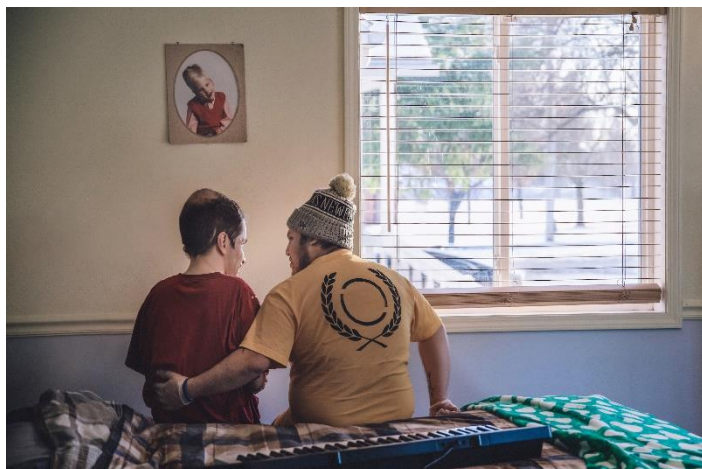
By failing to actively address the need for legal services and change current practices to meet the extensive legal needs of the IDD community who have additional barriers to both self-advocacy and securing an attorney, the legal community is passively saying “no” to providing people with IDD the individualized services they need to obtain and maintain employment, housing, education, government benefits, and health care without

discrimination and to live their lives fully. Often people with IDD have faced so much discrimination in their lives that when people treat them unjustly, they do not think they can ask whether they have rights that are being violated. In those instances where they feel like they can stand up for themselves, they often do not know where they can obtain legal information from someone willing to explain it to them in plain language they can understand, and their disabilities may restrict the time, ability, and resources they have to put that information to use or direct an attorney they may be lucky enough to retain. These challenges are further compounded when a person also experiences other forms of discrimination based on race, ethnicity, sexual orientation, gender, national origin, or co-occurring conditions such as mental health or substance abuse. When we fail to track and target the needs of these communities, we are making a choice to deny them equal opportunities to participate in society.

This study was conducted to initiate a process to identify and meet specific the civil legal needs of people with IDD.⁷

METHODOLOGY AND SCOPE OF STUDY

To assess the unmet need for legal services for people with IDD, understand the barriers to these services, and analyze potential legal models to meet those needs, we gathered data mostly through a series of interviews largely conducted between February and May of 2023. In total we conducted 53 interviews with people with IDD,⁸ various staff at The Arc of Spokane, community leaders working with diverse communities in Spokane, and legal service providers across the state of Washington and with California's Office of Clients' Rights Advocacy housed in Disability Rights California.⁹



Given the large potential scope of need for legal services, this study focused on addressing the immediate needs of individuals with IDD, rather than focusing on systemic or root cause change.¹⁰ Additionally, to avoid any duplication of services provided through the existing public defense system and the very limited mandated free legal representation to people who cannot afford an attorney¹¹ and systemic legal and policy advocacy,

this study focused on individual civil legal service needs. However, many legal issues arise due to experiences with the criminal legal system, and thus, such issues are considered and included in this study.

Civil legal services cover a wide array of substantive issues. For purposes of this study, we referenced the 2015 Washington State Civil Legal Needs Study.¹² When conducting interviews, we often referenced the list of civil legal service needs included in the Civil Legal Needs Study¹³

- Accessible and affordable health care
- The ability to get and keep a job
- The right to financial services and protection from consumer exploitation
- The security of safe and stable housing
- Education
- Estate planning
- Family-related
- Access to government assistance and public benefits
- Municipal services/utilities/law enforcement

When conducting interviews, we utilized a definition of developmental disability based on federal law.¹⁴ However, during our interviews, we did not require proof of disability or a diagnosis when identifying someone as having IDD. As the study exposed, many people lack resources to obtain formal evaluations of diagnosis and we wanted to ensure that this study

included those who are most in need, rather than focusing solely on those who already are accessing services.

Similarly, we conducted outreach to communities targeted with anti-Black and anti-Indigenous racism, classism, and other forms of ableism such as those with co-occurring conditions like addiction or mental health throughout Spokane. Developing strong, trusting relationships requires time and this report does not purport to be a complete picture of the needs of diverse communities throughout Spokane, but hopefully describes some of the intersectional needs people in Spokane with IDD face. As such, this report is a step in the process to expand civil legal services to a broad community of people with IDD in Spokane County and even beyond, many of whom experience various barriers to justice.

Finally, while this study considered the legal service needs of people with IDD who live and/or access services in Spokane County, that specific data is often not tracked and many service providers cover a wider geographic region. Thus, in certain cases, stories and insight are informed by a broader geographic population.

STATEMENT OF NEED

California's Office of Clients' Rights Advocacy (OCRA)¹⁵ program provides targeted legal services to people with IDD. This unique state program, housed at Disability Rights California (DRC), has 70 staff, mainly attorneys and advocates, to serve the roughly 400,000 regional center clients (clients eligible for state developmental disability services). According to an Annual Report through June 30, 2022, OCRA resolved 8,386 issues for 5,474 people. According to Shannon Cogan, Director of OCRA and Work Incentives Planning and Assistance programs, and Christian Abasto, Legal Advocacy Unit Director of DRC, they are challenged to meet the demand and may need to hire more attorneys and advocates or limit priorities. The most requested areas for help are Regional Center eligibility and services (similar to accessing services from the Developmental Disability Administration (DDA) in Washington), and accessing Special Education, In-Home Supportive Services, Social Security, and Medi-Cal. The need for targeted legal services is apparent. So then, what is happening to people with IDD in Washington with nowhere to turn?

This report compiles existing data and reflects the input of many interviews focused on understanding the unmet civil legal service needs of people with developmental disabilities in Spokane. From these sources, it is obvious that people with IDD have a high unmet need for civil legal services, experience significant challenges accessing existing legal services, and as a system, we need to improve our ability to track and respond to the need and barriers. It is also apparent that people with developmental disabilities who experience multiple forms of oppression have additional barriers to accessing legal services such as language, lack of diagnosis, and hesitancy to ask for assistance.

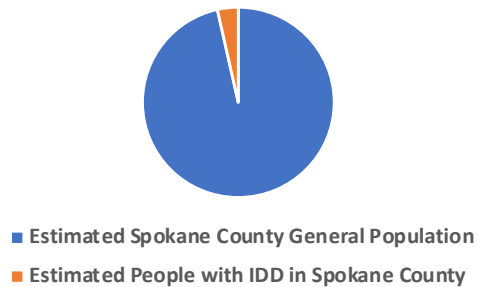
INTELLECTUAL AND DEVELOPMENTAL DISABILITIES IN SPOKANE

"Developmental disabilities are a group of conditions due to an impairment in physical, learning, language, or behavior areas. About one in six children in the U.S. have one or more developmental disabilities or other developmental delays."¹⁶ In 2019, 7.39 million people in the United States had IDD.¹⁷ Of these, 22% (or 1.58 million people) were known to or served by state agencies serving people with IDD.¹⁸ And 19% (or 1.40 million people) received at least one long term care supports or services in addition to case management through state agencies serving people with IDD.¹⁹

In Washington state, 49,805 people with IDD are enrolled as a client of the DDA.²⁰ Of these, 72% receive care from a parent or other family member.²¹ Spokane County has a population of 549,690 people.²² In Spokane County, 3,245 people with IDD are deemed eligible and approved to receive DDA paid services and thus, will have a case manager on the paid services caseload.²³ 1,137 people with IDD in Spokane County are eligible for and enrolled in DDA, but do not receive any paid services.²⁴ With new legislative funding beginning July of 2022, these

individuals on the unpaid caseload will have a case manager with a ratio of one case manager to 300 people.²⁵ Using the statistic that 22% of people with IDD are served by the state agency, we estimate that the total number of people with IDD in Spokane County is 19,918, most of whom are not receiving services from DDA.²⁶

Population of Spokane and Number of People with IDD



Population of People with IDD in Spokane And Number of Those on DDA Caseloads

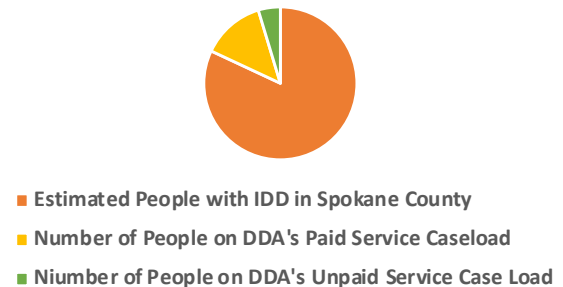


Image descriptions: Total Population in Spokane County is 549,690.²⁷ The pie chart on the left shows that of this total estimated population of Spokane County and the estimated 19,918 people who have an IDD within that population. The pie chart on the right shows the total estimated population of people with IDD and of those, the 3,245 people, who have been found eligible for DDA paid services, and the 1,137, who are eligible for and enrolled with DDA, but who do not receive any paid services.

TRACKING THE NEED FOR CIVIL LEGAL SERVICES IN WASHINGTON

The need for legal services is increasing across Washington state. According to the Washington State Civil Legal Needs Study Update of 2015, the average number of significant legal problems that low-income households experience in a year tripled, increasing from 3.3 in 2003 to 9.3 in 2014.²⁸ Of those who experienced a civil legal problem, at least 76% do not get the help they need to solve their problems. Sixty-five percent of those who have a civil legal issue do not pursue help at all.²⁹ Nearly a third (30%) of those who sought help but could not get it said they could not afford to pay for it. Others reported they were unable to get through on busy phone lines or that nobody returned their calls. Some said they were confused by the information they had received.³⁰

People with disabilities, including those with IDD, are among the highest demographic group in need of legal services in Washington state. The most recent Civil Legal Needs Study Update in Washington state found that people with disabilities, including those with IDD, ranked third highest in legal problems involving discrimination based on demographic identity (tied with African Americans and after domestic violence survivors and Native Americans)³¹ and third highest in the total number of legal problems by demographic identity (behind domestic violence survivors and Native Americans).³² People with disabilities commonly experience denials or termination of government disability assistance, denials or limited access to government services because of failure to make reasonable accommodation for their disability, denials or limited access to services from a private business because of lack of

accommodation or other factor.”³³ “Persons with disabilities who are also low-income report higher rates of discrimination or unfair treatment in areas related to their employment (35.4%), rental housing (32.4%), consumer/financial issues (32.7%) and health care (32.4%).”³⁴

Notably, while people with disabilities experience very high rates of legal problems, data tracking the needs of people with IDD is rarely collected by legal service providers and has not been collected in the Washington Civil Legal Needs Survey, despite this population being at high risk for experiencing barriers to accessing legal services and being subject to certain legal actions more than others such as guardianship, special education, administrative claims about benefits, and discrimination. The federal government has found that “individuals with developmental disabilities are at greater risk than the general population of abuse, neglect, financial and sexual exploitation, and the violation of their legal and human rights.”³⁵

Importantly, under the 2018-2020 State Plan for Coordinated Delivery of Civil Legal Aid to Low-Income People (“State Plan”),³⁶ we should be targeting legal service delivery to people with IDD.

For example, Goal 2 of the State Plan states that “[t]he Alliance will work to ensure that low-income communities and individuals understand their legal rights and responsibilities and where to seek legal assistance.”³⁷ One of the goal’s strategies specifically calls for effective communication with people with disabilities and those with limited access to technology.³⁸ It then calls for the development of models for effective community-based outreach and education both on- and off-line and demonstrating success through increased contact with people including those with disabilities.

Additionally, Goal 3 requires the Alliance organizations to “work to ensure that low-income members of underserved and underrepresented communities will be able to obtain legal assistance regardless of geographic and/or demographic circumstances or eligibility for federal and state funded legal services.”³⁹ Goal 3, premised on the conclusion that who you are matters, specifically identifies people with disabilities as a targeted group who experience a greater prevalence of legal problems in nearly every substantive area. Goal 3, Strategy 1 specifies the need to “work with data, community-based partners, and communities to identify underserved and underrepresented communities on an ongoing basis and provide targeted legal assistance.”⁴⁰ Despite these goals and strategies to conduct outreach to, provide effective communication with, collect data from and connect with those with disabilities, our state fails to even track the needs of one of the most targeted and discriminated groups of people with disabilities, those with IDD.

“The purpose of the state plan is to expand access to our civil justice system and identify and eliminate barriers that perpetuate poverty and deny justice.”

– 2018-2020 State Plan for Coordinated Delivery of Civil Legal Aid to Low-Income People

Thus, Washington's Civil Legal Needs Study demonstrates that people with disabilities have a high need for legal services and the Access to Justice (ATJ) Board's State Plan calls for targeting legal services to people with disabilities, including people with IDD who are least likely to be able to access legal services. However, its data fails to accurately capture the more unique issues and barriers experienced by people with IDD and demonstrates a broader problem of disregarding the unique needs of people with IDD, especially those who are multiply marginalized.

EXISTING COURT AND ADMINISTRATIVE HEARING RULES ALLOW FOR THE APPOINTMENT OF COUNSEL OR SUITABLE REPRESENTATIVES AS A DISABILITY ACCOMMODATION

Washington state recognized that people with disabilities are at a high risk of experiencing barriers to accessing justice and thus, adopted rules to provide free representation when an individual is unable to represent themselves. The Washington State Courts recognized that "access to justice for all persons is a fundamental right. It is the policy of the courts of this state to assure that persons with disabilities have equal and meaningful access to the judicial system."⁴¹ In 2007, the Washington State Courts adopted General Rule 33 (GR-33) and the Office Administrative Hearings (OAH) adopted a correlating rule that went into effect January 1, 2019.⁴² GR-33 requires the use of accommodations in state court processes including appointment of an attorney to an unrepresented parties "as appropriate or necessary to making each service, program, or activity, when viewed in its entirety, readily accessible to and usable by a person with a disability."⁴³ The OAH rule includes a provision allowing the appointment of a suitable representative as an accommodation in an administrative hearing.⁴⁴



People with disabilities bringing cases to OAH are fighting for their rights to basic needs like government benefits, child support and education. During the first two years, OAH received 136 requests for Suitable Representatives, arising in cases involving "unemployment insurance, child support, Medicaid, public benefits, licensing or regulation (like child protective or adult protective services), and special education."⁴⁵

Even learning that you have a right to request a suitable representative is not accessible to many, especially people with IDD. The OAH website contains a link to the form that a person can use to request accommodations, but many people with IDD lack access to the internet or an ability to read and the accommodation form does not specifically list the option to request a suitable representative.⁴⁶ The form also contains an option for an individual to make a request for an accommodation by phone.

Similarly, Spokane County Superior Court provides information about requesting reasonable accommodations on its website that includes links to its ADA Accommodations and a PDF Request for a Reasonable Accommodation, which both mention the possibility of requesting appointed counsel.⁴⁷ However, in both of these forms the specific information about seeking appointment of counsel is among a lot of other information.⁴⁸

“Requesting a Suitable Representative can present a catch-22 because if a person with a disability is able to submit a well-presented request, it suggests the person with IDD is capable of representing themselves or has someone to help them with the process.”
– Anonymous

The OAH rule requires an Administrative Law Judge (ALJ) who “has a reasonable belief that an otherwise unrepresented party may be unable to meaningfully participate in the adjudicative proceeding because of a disability, with that party’s consent” to refer the case to the ADA Coordinator and delay commencing or resuming the case until the ADA Coordinator has addressed the referral.⁴⁹

GR-33 and the OAH suitable representative rules provide critical supports to people with IDD in accessing justice through the legal system, but implementation of these rules needs improvement. Unfortunately, the Washington State Courts have not collected sufficient data regarding GR-33 to understand how often people make requests for accommodations including appointment of an attorney and the outcome of that request.⁵⁰

Robert Lichtenberg, Senior Court Program Analyst with the Disability Justice Task Force, a working committee of the Washington State Supreme Court, stated the Administrative Office of the Courts collects some data on GR-33 requests filed in Superior Court dockets. However, the data that is collected does not include the accommodation type, and while courts of limited jurisdiction also receive such requests, data related to those requests are not collected through the Judicial Information System. Mr. Lichtenberg stated that a two-year study is underway looking at disability justice in the courts, which will likely also include how courts are addressing GR 33 requests. The study is a result of a 2023 legislative proviso to the Administrative Office of the Courts. We are hopeful that more information will be made more widely available in the future regarding the types of accommodations granted to requestors seeking the appointment of an attorney as an accommodation.

OAH conducted three reports of the implementation of its rule. The most recent covered January 1, 2018, through December 31, 2021.⁵¹ Over the four years from the OAH rule's inception, OAH approved (and the parties accepted) the appointment of 16 suitable representatives and denied 172 requests.⁵² Even when approved, OAH has experienced challenges finding a suitable representative.

“We have struggled to build a consistent pool of advocates across the state to serve in this innovative role, which has also been difficult to fund and insure with liability coverage. Partly due to these factors, we were unable to provide an SR to 11 of 26 SR-eligible parties, i.e., roughly 42%. If we are evaluating our implementation of the SR process by this metric, we have failed so far.” – Executive Summary of Suitable Representation at OAH—January 1, 2018, to December 31, 2021⁵³



“I was injured on the job but could not find an attorney to help me. I went alone in front of the Industrial Board of Insurance Appeals during the pandemic. The Judge told me they hoped I could get representation. It took me a very long time to find an attorney; he was the last one on the list. My attorney had to work for almost a year to get my claim reopened. I still do not have an answer.”

—Autumn Rose Maurer

SPOKANE'S LEGAL AND DEMOGRAPHIC LANDSCAPE

“We are operating in a system of scarce resources. Legal services across the board do not meet the overall need. CLEAR attorneys provide a broad range of assistance to clients, but due to capacity constraints, we are only able to connect with about 20% of the potential clients contacting the CLEAR hotline.” – Eva Wescott, Client Access Senior Managing Attorney at Northwest Justice Project

data about legal service providers outside of King County and to clarify responses from providers to ensure they truly provide legal services to the communities identified, particularly those who state they provide services statewide. Unfortunately, the Mapping Project does not present information about disability and does not collect data regarding IDD. Thus, it is impossible to determine the provision of legal services to people with IDD in Spokane.

For example, the 2021⁵⁶ data collected through the ATJ Board's Washington Legal Mapping Project indicates that of the 5,073 legal services cases in Spokane County, 3,408 involved housing (see the chart below). The high prevalence of housing related cases seems to reflect the recent increase in state funding to combat housing-related legal issues, including a new requirement to provide free legal representation in eviction proceedings.

The Washington State Supreme Court established the ATJ Board in 1994 in response to a growing need to coordinate access to justice efforts in Washington.⁵⁴ The ATJ Board's Washington State Legal Mapping Project has been surveying the inventory of legal services and the demographics and locations of client-eligible populations across the state.⁵⁵ It released its first Annual Report covering 2020 and data is available online demonstrating the usage of legal services in Spokane. The ATJ Board's Legal Mapping Project is updating its inventory to collect more

“Based on my observation, because the need for legal services is so great, our numbers really represent the services that legal aid organizations are able to offer.”
– Michael Terasaki, Pro Bono Council Manager at Washington State Pro Bono Council and Co-chair of the Delivery Systems Committee of the Access To Justice Board

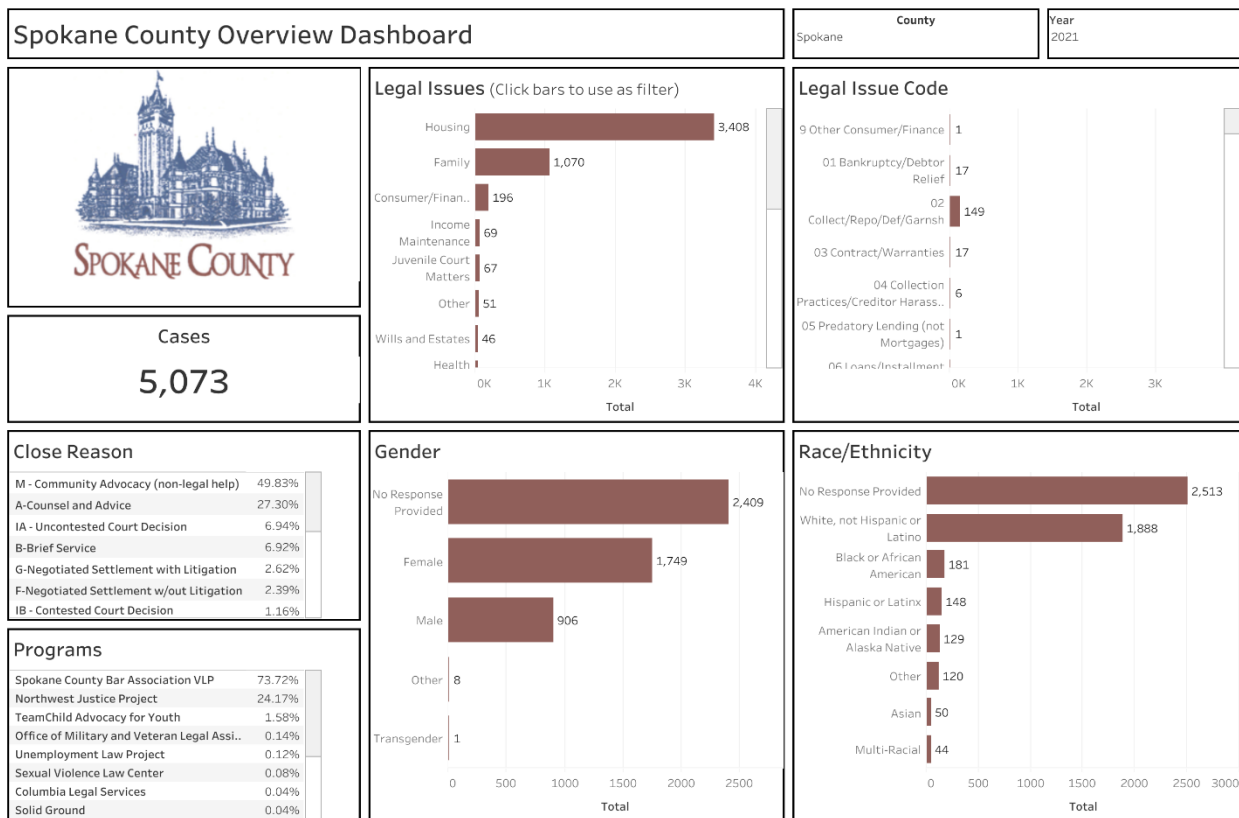
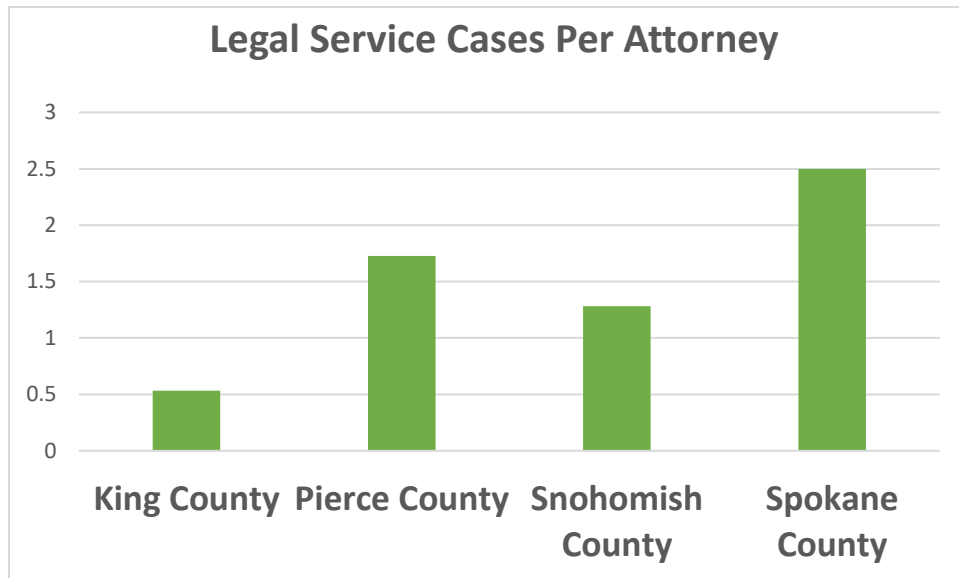


Image description: The 2021 Spokane County Overview of Legal Services Provided as tracked by the ATJ Board's Legal Mapping Project (to view the complete data set, visit https://public.tableau.com/app/profile/michael.terasaki/viz/CountyOverview_16532759609620/CountyOverviewDashboard)

Spokane County serves a key role in the Inland Northwest for legal services. Spokane County is the fourth largest county by population in Washington state and most populous county in Eastern Washington.⁵⁷ The city of Spokane is the second-largest city in Washington state, serving “as the business, transportation, medical, industrial and cultural hub of the region, the [I]nland Northwest.”⁵⁸ “Spokane County is far less diverse than either the state or the nation. In 2021, 88.9 percent of the county was white compared to 78.5 percent of the state and 76.3 percent of the nation. Hispanics or Latinos made up 6.1 percent of the population [of Spokane County] compared to 13.0 percent in the state.”⁵⁹

As of 2022, Spokane’s percentage of attorneys is lower than the state average. Spokane’s ratio of attorneys to the county population is one attorney to every 270 people compared to Washington state’s ratio of one lawyer for every 250 people.⁶⁰ This disparity in legal services seems more problematic given Spokane is surrounded by counties with even worse ratios, which means Spokane serves a central role in serving the greater Inland Northwest and making up for the lack of other legal service providers and services on the east side of the state. Furthermore, the impact of a lower percentage of attorneys per population likely impacts people with IDD significantly, given that people with disabilities experience poverty at more than twice the rate of people without disabilities⁶¹ and are unlikely to be able to afford private attorneys.



The above chart illustrates the total number of legal service cases per attorney in the four Washington state counties with the largest populations. The total number of attorneys is based on Washington State Bar Association attorney data as of May 1, 2023, and includes all attorneys practicing in the county, as we do not have data on the number of attorneys who actually provide civil legal services for low-income people. The total number of legal service cases is based on the ATJ Board's Legal Mapping Project for 2021, tracking services to low-income people.⁶²

One woman needed to escape domestic violence and get a divorce. She spoke to the Spokane Regional Health District and was advised to go to Seattle because they had more resources. She shared, “I left Spokane for safety, unconditional compassion, and better resources.”

– A woman with IDD

“Spokane has a greater need for civil legal help than other communities statewide, and needs increased funding to improve access to civil legal help.”

– Dainen Penta, Staff Attorney, Northwest Justice Project and the 3rd Executive Director for the Center for Justice in Spokane

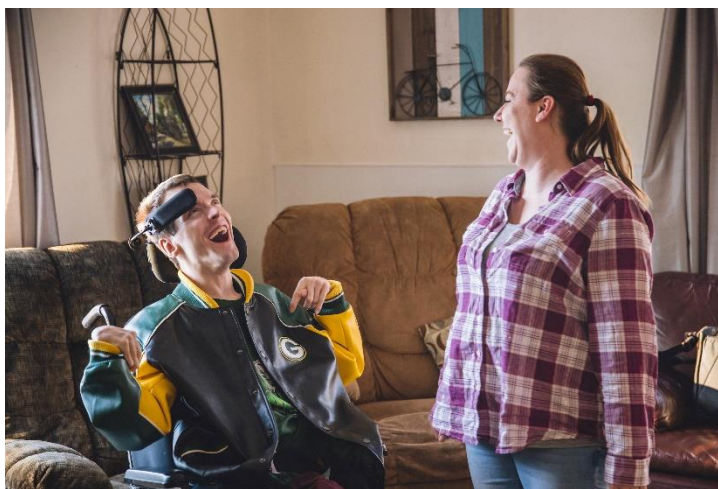
“There are more resources in King County and Pierce than across state including Spokane.”

– Sujatha Branch, Statewide Advocacy Counsel, Northwest Justice Project

THE NUMBERS: QUANTITATIVE DATA ON ACCESSING LEGAL SERVICES

As explained above, legal service providers usually do not collect data about disability and even more rarely collect data on the numbers of people with IDD seeking services and the types of issues they experience. Thus, collecting quantitative data has proven challenging.

The Arc of Spokane provides advocacy services through its Individual Advocacy Program, providing support, information and referrals to people with IDD and their families, and Parent to Parent services, providing support to parents of children with IDD through referrals to disability related services. In 2022, The Arc of Spokane's Individual Advocacy Program, served 389 people who raised in total approximately 416 issues involving discrimination, estate planning, family law, exploitation, education, housing, government benefits and guardianship. From April through December of 2022,⁶³ The Arc of Spokane's Parent to Parent program received 246 requests for services. Of these, the Parent to Parent coordinator noted that the most prevalent calls pertained to special education, DDA services, guardianship and diagnosis.



While these numbers provide a piece of information that at least 635 people reached out to The Arc of Spokane for help understanding their rights in 2022, the data is an incomplete picture of need. The Arc of Spokane receives calls from those who already are connected to them in some way such as Facebook, phone, website, email or through events and support groups. Additionally, The Arc of Spokane was not conducting outreach to people with IDD to educate them about what issues may have legal remedies. Furthermore, in 2022, The Arc of Spokane did not have an existing program⁶⁴ connecting to BIPOC communities and people with co-occurring conditions like addiction and mental health. Thus, the data collected is likely a significant under-estimation of the need and only captures a portion of the issues. Other legal service providers shared data that they collect on requests for services. However, most legal services providers do not track people with IDD. Over a twelve-month period, NJP⁶⁵ Spokane Field Office received 1,019 requests for legal service from people with disabilities in Spokane, of which 208 were not served for a variety of reasons including a lack of eligibility,

abandoned, incomplete, duplicate or referred to another provider. The Health Justice Initiative,⁶⁶ a Medical Legal Partnership in Spokane, consisting of two designated attorneys at NJP, similarly does not track whether the people they serve have an IDD. However, their attorneys reported that they see the highest need for people with IDD in special education and dependency. They shared that parents who have IDD in a dependency proceeding, especially those who are Native American, have the greatest need for legal counsel.

“Our intake system asks clients if they have a disability and we can note what the specific disability is in that system. However, we do not specifically ask whether or not a person has an IDD or track what issues people with IDD call about in particular.”

– Kylene Kelsey, Director of the Volunteer Lawyers Program for the Spokane County Bar Association

The Northwest Fair Housing Alliance (NWFHA)⁶⁷ receives on average a 1,000 calls per year. They refer about 80% to NJP and other community organizations based on the services needed. Of the 20% they retain, 80% are related to disability and 20% are related to other protected classes. Again, NWFHA does not track IDD specifically.

Disability Rights Washington (DRW),⁶⁸ the state’s designated Protection and Advocacy System, provides an array of statewide services including systemic advocacy and time-limited self-advocacy support, in which attorneys and legal interns provide general legal rights information and strategies on how to self-advocate. DRW recognizes there is a great need for longer term individual legal services that DRW is too small to deliver statewide. DRW, however, was the one legal service agency we found in the state that collects data on the needs of people with IDD. In fiscal year 2022, people with IDD contacted DRW for about 97 issues. Of those, the most prevalent request was for education with 52 people experiencing educational barriers. The next highest areas of requests were five requests involving government benefits and four people each who called about guardianship, access to community supports through the DDA waiver, housing and abuse.

Sarah Eaton, DRW’s Director of the Community Inclusion & Services Program explained that people with IDD rarely call DRW. It is usually family or service providers. Thus, a critical component to providing legal services to people with IDD will be to ensure effective outreach that also targets racially, ethnically, and culturally diverse communities.

The Office of the Developmental Disabilities Ombuds⁶⁹ (DD Ombuds) is a private, independent office focused on improving the lives of persons with developmental disabilities in Washington State. The DD Ombuds is funded by State Legislation through the Department of Commerce and is a program of DRW. The DD Ombuds collects and investigates complaints brought by those who use developmental disabilities services, resolving complaints at the

lowest level possible. The DD Ombuds does not provide legal representation. Since 2018, the DD Ombuds received 230 complaints in Spokane County concerning individuals with developmental disabilities. The most common complaint pertained Discharge/Transition (41), including many who were stuck in a hospital. The next most prevalent complaints related to Individual Care mostly involving access to DDA services, and Autonomy and the Exercise of Rights, often involving complaints about guardians. The fourth most common complaints concerned Abuse/Neglect, including sexual assaults.

THE SUBSTANTIVE ISSUES WITH THE HIGHEST UNMET NEED FOR LEGAL SERVICES

Along with the data provided above, interviews with people with IDD and their families, community leaders and legal service providers indicate that the highest unmet need for individual legal services for people with IDD in Spokane are primarily special education and government benefits, with additional unmet needs for guardianship and family law. Below, we share insights from community leaders and legal providers discussing the wide array of legal problems that people with IDD encounter and then delving into each of the four highest unmet legal services needs in turn. Shannon Cogan, Director of OCRA in California, shared that the highest need for legal services of people with IDD is education and government benefits focused on income maintenance such as Social Security and developmental disability agency benefits. She also shared that in guardianships (called conservatorships in California), they see a lot of ableism with people incorrectly assuming people with IDD cannot make decisions.

“The greatest need for legal representation is for families in school. Parents of kids with disabilities are often a single parent or living on one income and can’t afford legal representation. Schools know they are at a huge advantage and frequently break the law without repercussions.”

– Tami Leitz, Parent to Parent

“The hardest referrals to find for people are in guardianship and education. The highest need for legal services includes Special Education Support, consultation on guardianship and financial planning, Social Security, and legal advocacy that’s delivered in a way that people with disabilities can comprehend in plain language and so they feel empowered.”

– Megan Juneau, Advocacy and Family Support Manager for The Arc of Spokane

Jessica Renner, Mobilization Manager with Self Advocates in Leadership (SAIL)⁷⁰ described SAIL’s priorities, which are focused on achieving systemic policy change. In regard to issues for which people with IDD need individual civil legal needs help, Jessica identified that people with IDD need help accessing DDA’s paid services, learning about and creating supported decision-making agreements, and making guardianship complaints or seeking guardianship modifications.

Sujatha Branch, Statewide Advocacy Counsel for NJP, explained that the greatest unmet need for legal services for people with IDD involve special education, government benefits, and housing, including people being kicked out of housing, a lack of housing, and violations of rights while in housing. She also noted legal service needs for

family law and guardianships including alternatives to guardianship, preparing annual reports, making complaints, and requesting modifications.

Julie Hinkemeyer, Program Director at Peer Spokane,⁷¹ explained that they serve many people with IDD. The most common issues they see are abuse, complaints about guardians, Child Protective Services involvement with parents who have IDD, family law, and accessing community-based supported residential services.

Fernanda Mazcot, Executive Director of the Nuestras Raíces (formerly known as the Hispanic Business/Professional Association)⁷² shared her experiences that the highest unmet needs are in the areas of special education, alternatives to guardianships, and access to quality, accessible health care with a proper diagnosis. She explained that often people cannot access community services because the programs are set up in silos with complicated application processes.

For people with IDD, who also are members of other communities that experience discrimination and lack of privilege, the impact is magnified. Incarceration of Black and Indigenous communities impact the entire family, increasing legal problems, which is even further complicated for people with IDD. Curtis Hampton,⁷³ Board Member at the Carl Maxey Center⁷⁴ and Pre-Employment Preparatory Program (PEPP)⁷⁵ and member of Spokane Citizens Against Racism (SCAR),⁷⁶

“Black and Indigenous people in Spokane are disparately incarcerated in Spokane.”

– David Carlson, Director of Advocacy at Disability Rights Washington

explained that if a wage earner is incarcerated, it often results in job loss and loss of housing. As a result, the family has to obtain government assistance. Then when the person comes home after incarceration, the government assistance goes away even though the individual may not be able to obtain employment.

“In [Spokane County] in 2019, jail incarceration rates were 13 times higher for Black residents than white residents and six times higher for Native Americans. Black, Native American, and Latinx/Hispanic people also have longer lengths of stay in jail.”⁷⁷

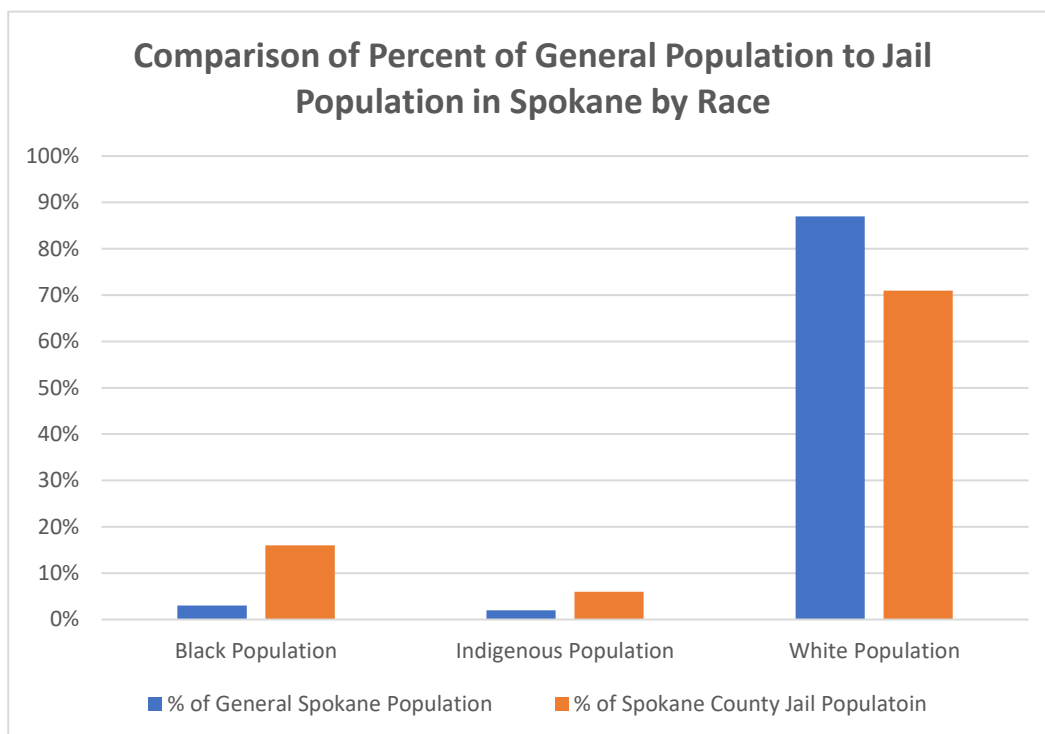


Image description: As of January 2023, Black and Indigenous people are disparately incarcerated, compared to their representation in the general Spokane County population.⁷⁸

When we get in trouble, we go to jail and we stay there. Because of a lack of generational wealth to support bail and because of stigmas attached to run-ins with law enforcement, society sees you as a guilty. But most people in Spokane County jail are innocent because they have not had a trial. – Pastor Walter Kendricks.⁷⁹

In short, a wide array of legal issues impact people with IDD. When addressing the overall needs, we cannot provide a single silver bullet or address merely one specific legal issue. Instead, we can start by focusing on the highest identified unmet needs including education, government benefits, guardianship, and family law.

“There is no silver bullet. The solution starts with the education of young people. Start with black, brown, and poor youth. The common denominator is the lack of education and the lack of access to resources.”

– Curtis Hampton

EDUCATIONAL SERVICES

“A lot of the advocacy comes down to resources and who has power and can get an attorney,” said Carrie Basas, the former director of the Washington State Governor’s Office of the Education Ombuds.⁸⁰

“I feel like I am going into battle. They burn us parents out and exhaust us. The battles keep going – whether it is a lack of eligibility, lack of services, assaults at school, failure to provide a paraeducator... we are exhausted and traumatized.” – A parent of a child with IDD

Approximately 15% nationally and more than 146,000 students with disabilities in Washington state received special education services in public schools in 2021-2022.⁸¹ In Spokane County during the 2022-23 school year, 50,828 students with disabilities received special education services under the IDEA and an additional 7,998 students had Section 504 plans, totaling 58,826 students,⁸² which is 18.9% of the total enrolled student population.^{83 84} However, when families disagree with school districts regarding educational needs, a significant imbalance exists in resolving disputes. In Washington state, students and families have three basic avenues to resolve disagreements regarding the right to a free appropriate public education: facilitation, mediation, and due process. Students and their families are at a disadvantage, lacking knowledge about the complex IDEA processes and their rights and fearing retaliation if they stand up to the school.

By the time an issue reaches due process, schools are at a significant advantage. Due process hearings are complex and require highly specific legal knowledge. School districts almost always will be represented by counsel, but too often families do not have access to counsel. This lack of representation disparately impacts the outcomes for students with one study finding that school districts prevailed in 98% of due process hearings when families did not have representation.⁸⁵

Washington’s special education system is underfunded overall – a shortfall of nearly \$500 million a year, according to state education officials.⁸⁶

Tami Leitz, the Parent to Parent Coordinator at The Arc of Spokane, provided a long list of problems that people with IDD experience in school. For example, she explained:

“Districts often change the locations of these programs from year to year, creating more instability for the students and families. School districts in Spokane are bussing students with disabilities across town regardless of their right to be educated in their community. These students cannot stay in their home school with neighbors and siblings. So parents lose their ability to be involved in their child’s school and the accountability that is provided by siblings and people who know the child seeing them at school and communicating that to parents. The staff at these schools are overwhelmed by the disproportionate numbers of students with support needs and often none of them get an adequate level of support. Most students in Spokane will never have the opportunity to interact with students with disabilities because students receiving special education are either segregated in another building or if the program is in the same building, they have too many students in special education services to staff their time in general education classes. Often schools are relying on self-contained classrooms regardless of the law favoring the least restrictive setting.”

Even with some knowledge around educational rights and advocacy supports from organizations like The Arc of Spokane, families are at a disadvantage.

A mom who also was a paraeducator in the same school district as her child with IDD was told by the principal that her child would be move to a new school, enrolled in a new program with a new team. This was a major change of placement, but the school did not modify the Individualized Education Program (IEP) and the family received no written notice. The child was moved without a team meeting or any plan. She did not know what her rights were

“My daughter had to change schools three years in a row. [Spokane School] District 81 threatened to move her a fourth time the following year, but I contacted the local news.” – A parent of a child with IDD

A mom explained how she has been fighting with schools starting when her child was in third grade and is now in seventh grade. They fought back, filing a complaint with the Office of the Superintendent of Public Instruction (OSPI), but mediation did not resolve the issue. So they hired a lawyer and finally reached a settlement, receiving compensatory education without the district admitting to any wrongdoing or addressing the harm to her child. Her child has endured long periods out of school due to an assault and trauma by another student. – a parent of a child with IDD who hired a lawyer

“Even with legal representation, families need money to pay for expensive evaluations when the school district is denying services.”

– A parent of a child with IDD who hired an attorney

One mom sought help from Parent to Parent because she had a hard time accessing special education services in a rural area. The school denied her child an IEP, claiming she was not disabled enough. She had ADHD, autism and a sensory processing disability. Parent to Parent helped her write a letter, and she will use it to fight to access the special education services her child needs.

The lack of access to educational services including services available under the IDEA or section 504 is exacerbated if a student is otherwise marginalized including unhoused youth, youth in foster care, BIPOC youth and youth with additional mental health or addiction.

One child was sent out of school multiple times by multiple teachers. The child lacked effective communication skills and was labeled as having behavioral issues. But the child had a developmental disability and needed access to proper educational supports. Carmen Pacheco-Jones,⁸⁷ Executive Director of the Health and Justice Recovery Alliance⁸⁸ explained that within black families, they often do not obtain a diagnosis because of system distrust and because the children are often labeled as behavioral, disregarding an underlying condition.

When proper educational services are not provided, youth are harmed. DRW with the ACLU of Washington released a report, “Coming Into the Light,”⁸⁹ addressing the isolation and restraint of youth with disabilities in schools.

Report findings show that restraint and isolation have no educational or therapeutic benefits but have profound disabling effects and result in lifelong harm, especially for students with disabilities who are low-income, live in foster care or are homeless, are Black or multiracial, and are in Kindergarten or elementary school.⁹⁰ Students in Washington public schools, non-public agencies and other contractual placements experienced more than 24,000 restraint or isolation incidents in the 2019–2020 school year.⁹¹ In 2020–21, students with disabilities made up 92.5% of those subject to restraint and over 96% of students subject to isolation, even though they comprise only 15% of student enrollment.⁹² “Restraint and isolation are used primarily on elementary school students, young children who are still learning how to regulate their behavior and who are especially vulnerable to harm by restraint and isolation.”⁹³

“I am concerned about students with IDD and behavioral or mental health needs who are also low income, BIPOC or multi-racial, homeless, and English Language Learners. We need to improve access to supports and services so these youth do not enter the adult system traumatized.”

– Andrea Kadlec, Staff Attorney at Disability Rights Washington

Merf Ehman, Executive Director of Columbia Legal Services,⁹⁴ explained that "we need to address the school to prison pipeline, especially for black and brown children. For kids with intellectual and developmental disabilities, their behaviors exploring sexuality can get criminalized, often resulting in them being labeled as potential sex offenders and entered into restrictive programs. The intersectionality of race and disability can compound these issues."

One mom described the challenges protecting her seven-year-old-daughter, who had autism and down syndrome, when in school. The mom had noticed her daughter's behaviors escalating at home, but did not understand what was causing the change. Her daughter had started hitting and kicking. People did not want to come over, the mom had to protect her other children, and ultimately, they had to find a new home for their dog. Then one day the classroom teacher called the mom to report that another child had assaulted her daughter the previous day, trying to strangle her. The classroom teacher was not allowed to share any more information and the school would not share the safety plan for the other child. The mom picked up her daughter from the school and saw that inside the class everyone was on edge with paraeducators just trying to protect students from each other. At least one family did not speak English and was not advocating for their child. The school refused to bus her daughter to another school and only offered a self-contained class 20 minutes away with a wide array of ages of students, not appropriate for her daughter. With no other options, the mom home schooled her daughter for eight months, sold their house, and moved to another school district to keep their daughter safe.

A mom described the trauma her child experienced in special education, being called retarded and assaulted by another student. The school failed to express concern for her child and did not share a safety plan. Her child started to talk about suicide. She chose not to file charges against the other student, understanding that the school was failing both of these children. She just wants accountability and fairness.

Pam Kil, Director of Legal Services at Washington Autism Alliance (WAA)⁹⁵ states that "not all teachers and school leaders know or understand the students' rights. You need advocates and attorneys to teach the schools and hold them accountable."

GOVERNMENT BENEFITS

Government benefits provide access to a wide array of services through the state and federal government including cash benefits such as Social Security, health care insurance, housing, and residential, vocational and day services. People rely on these services to live their lives fully, but unfortunately, they often experience an array of legal problems seeking eligibility, obtaining worker's compensation, fighting overpayments, and accessing timely, effective, integrated and safe community-based supports for employment, day services and residential services including accessing DDA services upon release from incarceration. When people do not have access to these necessary services, people are harmed. For example, in Spokane people may get stuck in hospitals such as Sacred Heart and Eastern State Hospital or Lakeland Village, a state institution for people with IDD in Spokane County.

Obtaining a diagnosis is often the first step in accessing services like government benefits. For many communities, however, accessing a diagnosis is notably harder. Fernanda Mazcot with Nuestras Raíces shared the story of a mom with a child who went two years without any testing. He needed a walker and had stopped speaking, but he had no diagnosis, and his medical providers were not helping. His mother did not even know what a developmental disability was.

“Black and brown kids are often invisible when accessing healthcare and the waitlists to get to see a doctor are so long. We need medical providers to understand that they are in a protected class that have a right to access health care.”

– Merf Ehman, Executive Director of Columbia Legal Services

People with IDD often experience problems accessing services through DDA including managing the application process, understanding and responding to notices, accessing services and understanding their rights. For example, DDA provides Planned Action Notices (PANs) describing changes to services, but without assistance or a necessary supplemental accommodation, people with IDD may not understand what they mean or how to take



necessary action to initiate a legal proceeding to protect their rights. Sometimes people with IDD are identified as a potential safety risk due to behaviors during their youth that were not properly addressed in the educational system. As a result, they may be at risk for placement into the restrictive Community Protection Program, and if they refuse the program, they will lose access to most DDA services.⁹⁶ When facing such a potential restriction of liberty and

services, people with IDD should have access to legal services to protect their basic civil rights. Denial of these services directly impacts a person's ability to live safely and fully in the community.

Rosey Thurman with Spokane's Team Child⁹⁷ explained that without effective services people with IDD can be institutionalized and harmed. Team Child helped a young person who was stuck at local psychiatric hospital after a DDA funded residential home kicked them out of their program. Due to the person's behaviors, crisis supports would not accept placement and DDA continued to assert that they could not find a residential provider. Team Child attended every meeting at the hospital, pushing DDA for a placement. Ultimately, the young person was placed at a large institution for people with IDD and is still awaiting a community-based home.

Often people with IDD are dumped by residential providers and end up stuck in hospitals with nowhere to turn for help. For example, in April of 2021, DDA reported that seven people were stuck in the hospital for an average of 114 days.⁹⁸

The DD Ombuds issued a report, "Stuck in the Hospital"⁹⁹ in 2018, about adults with developmental disabilities stuck in a hospital without any medical need.

"Most of these individuals were Developmental Disabilities Administration (DDA) clients who had been receiving residential services. Some individuals went to the hospital for a medical condition, but when they were ready for discharge, they had no place to go because their residential services provider had terminated their services. Other individuals were dropped off at the hospital by a provider who could no longer manage their care. These individuals with developmental disabilities then spent weeks or months in a hospital because DDA could not locate available residential placement with staff to provide care. As a result, these individuals had to live in hospitals while waiting for residential placement.

Hospital staff are not trained to provide support to people with developmental disabilities and hospitals are often stressful living environments. Many complaints the DD Ombuds received reported the safety of the staff and DDA client were in jeopardy, and the DDA client's mental health was declining in the hospital setting. Additionally, hospitals reported that, because there was no medically necessary reason for the individual's hospital stay, there was no mechanism for hospitals to be reimbursed for costs of housing individuals awaiting residential placement. This situation is dangerous for the individuals involved and costly to the medical system."

The DD Ombuds issued a second report “I Want to Go Home” in September of 2022, sharing the stories of youth with IDD who are stuck in the hospital or sent out of state for services.¹⁰⁰

“If we can increase coordination between DRW, the DD Ombuds and legal service providers who can provide individual representation, we can help these people access services. We need attorneys to hold DDA accountable through involuntary treatment act proceedings, individual administrative hearings, and negotiations.”

– Kim Mosolf, Director of the Treatment Facilities Program at DRW

GUARDIANSHIPS

People with IDD often become subjects of guardianship proceedings, even when less restrictive options are available. Washington state updated its guardianship law, effective January 1, 2022.¹⁰¹ Under the new law, courts must consider less restrictive alternatives such as a power of attorney, technological assistance, or supported decision making.¹⁰² With Supported Decision Making (SDM), people with IDD can identify people to help them make decisions and exercise their rights, avoiding a court proceeding and preventing a loss of rights and self-determination resulting from a guardianship. “With an SDM agreement, the person chooses a trusted friend, relative and/or other to help them understand and make decisions, and to communicate decisions to, for example, doctors and the bank.”¹⁰³ People with IDD experience many needs for legal services associated with guardianships. Many people need help with the paperwork and annual reports required by guardianships, complaining about guardians, and learning about alternatives to guardians like SDM. Without

“We hear a lot of complaints and concerns about professional guardianships. While the changes in the law improved on paper what should happen, we need to help people with IDD to work towards their goals and protect their rights. People with IDD need more education as to their rights and help filing complaints when a guardian violates those rights. We need to educate courts to assign representation if needed at the hearing. All of these steps need someone to advocate and to assist the person with IDD.”

– Kim Mosolf, Director of the Treatment Facilities Program at DRW

legal assistance to understand their rights, people with IDD may be subjected to abusive or neglectful guardians and may lose basic civil rights.

“One woman gets dropped off at Peer Spokane every day, even though the program is not a drop-in center. The guardian is just trying to get rid of the woman for the day and will not respond to the woman’s needs. The woman should be able to complain about her guardian. Another woman showed up at the program repeatedly covered in scabs and bruises. The program staff suspect the guardian. The woman needs help complaining about her guardians.” – Julie Hinkemeyer, Peer Spokane

FAMILY LAW

“I meet so many people who need help and support and their need never gets answered. I am currently working with one individual that needs to fill out a parenting plan. He shared them with me because he is unable to read. He has asked for help at the Courthouse, but they said they are unable to help him. He brought the packet with him when I saw him this week. Things like this happen all the time.”
– Julie Hinkemeyer, Peer Spokane

Few legal services exist to help people with family law issues like custody and divorce. And many of those that do exist, prioritize services such as helping only when the case involves domestic violence or children at risk. Some legal clinics provide short term advice and counseling for family law issues, but to benefit from those services, the person attending must be able to take steps on their own to advocate and understand court proceedings. For many with IDD, this just is not possible.

“The court will not see that so many false stories had been made up [about me] without any evidence. The court will not see it. Only because I don’t have legal service to stand for me. Each time I ask for [legal] services I just get blown off by the court [The judge] denied all requests.”
–A person with IDD describing a custody case

BARRIERS TO ACCESSING LEGAL SERVICES

People with IDD experience significant barriers to accessing legal services. Generally speaking, legal service systems are intimidating and mystifying, and can be time consuming and difficult to navigate for all participants. While the barriers below may impact people who do not have IDD, when a person has an IDD, these impediments become magnified and often insurmountable.

Through our interviews, we created a list of barriers that people with IDD experience when encountering legal problems:

- ***People, especially those from low-income and BIPOC communities, lack a diagnosis, which is the first step in accessing critical benefits and services.*** People do not obtain diagnosis for various reasons including lack of understanding about the value of the diagnosis or how to obtain the diagnosis, lack of funding to pay for an evaluation, lack of access to quality health care, and avoidance due to the stigma in accessing the health care diagnosis. But there also may be more to this than just stigma. When questioned, often people respond with a phrase like “we don’t really call people disabled.” Perhaps part of the reason people do not obtain a diagnosis of disability is that obtaining a diagnosis and identifying as disabled is actually a creation of white privilege established to access services and be protected from discrimination. We may find that merely trying to change the stigma will not be sufficient because culturally requiring an identity that does not match the community may present as yet one more barrier.

“A lot of people do not identify as disabled and do not have a proper diagnosis. The numbers do not show the need because people do not want to share their diagnosis or identify as having a developmental disability. Especially in the Black community, there is a stigma to getting the proper diagnosis and/or lack of access to a proper diagnosis. Culturally, a lot of my ancestors did not go to doctors. The reason is that they did not trust them. That may be part of the issue now.”

– Pastor Kendricks

“As a white individual with a disability and from a family with some resources, I recognize that I have a some privilege. It makes a difference in getting the diagnosis and accessing the services. Regardless of income, every family should have access to these resources.” – A woman with an IDD

- **People do not understand that the issue they are experiencing has a legal solution or that an attorney or legal advice could help.**
- **People do not know what their rights are.**
- **People do not know where to go for help.** Pastor Kendricks shared the story of a man who reached out for help. His mom had helped him with housing, with financial matters as a representative payee etc. But when his mom died, he had no one to help him and did not know where to turn. With a lack of supports, he was left alone and died.

“I had to live unhoused for six years to escape domestic violence. I tried for years to get housing through Spokane Neighborhood Action Partners (SNAP), experienced discrimination and a lack of services. I did not know where to turn for tenant’s rights information, whether my rights were violated, or how to find legal help.” – A person with IDD

- **People cannot benefit from a brief service like advice and counseling if they cannot follow up on the guidance provided.** This often arises with service provided through legal clinics that provide brief service and no direct representation. For example, people contacting CLEAR (Coordinated Legal Education, Advice and Referral), which is a toll-free legal hotline for people with low incomes, must be able to take action on the short-term advice and counseling by advocating for their rights after receiving the legal advice. In many cases, no additional referral to a local legal service provider is available to provide ongoing assistance to clients who receive advice from CLEAR.

“At most Volunteer Lawyers Program (VLP) clinics, services are limited to advice as we do not provide representation. Clients are limited to five hours per issue, but in the unlikely chance that a client will need more than five hours of legal time, we address that on a case-by-case basis. Clients are expected to be active participants in their legal case.” – Kyleen Kelsey, Director

- **Infantilization by community, families and providers limits autonomy and the ability to have adult relationships.** This can also impede an attorney-client relationship despite the Rules of Professional Conduct¹⁰⁴ that guide attorneys to maintain a normal-client relationship to the extent reasonably possible.
- **Hotlines often have confusing messages and phone trees that are often inaccessible to people with IDD.**

- ***The intake process can be cumbersome and time consuming.*** Often long holding times and required forms create obstacles and delays. Some intake procedures provide a more streamlined process like the Health Justice Initiative, the Spokane Medical-Legal Partnership, where a person can leave a message and a screener will call back. But even these processes can be challenging, when running up against a deadline before a person can access help, or when the person is difficult to reach for intake.
- ***People with IDD may have difficulty expressing their issue as legal problem.***
- ***Legal service providers are operating with scarce resources and have to establish priorities, but these priorities may not be public and often change, making it even harder for people to know where to turn for help.***
- ***Intake lines for legal service providers often have long waiting times to schedule an appointment with an attorney or legal service provider.*** This problem is further exacerbated when people are sent to hotlines that cannot serve them.

“Funneling everyone through one intake pathway, a phone line for example, exacerbates the problem. We can facilitate better access when we have multiple, coordinated pathways that allow for clients to connect with legal services; in particular, we need to expand the collaboration with organizations working closely with the community to facilitate connections to legal service providers.” – Eva Wescott, Client Access Senior Managing Attorney at Northwest Justice Project

- ***Just accessing services can require a lot of complicated paperwork, like IEPs, supported decision making agreements, guardianships, DDA services, etc.*** When compounded by an IDD and/or a language barrier, these processes block access.
- ***People have language and cultural barriers to accessing services.***
- ***People may be unhoused and lack access to phones or computers.***
- ***Often family or service providers call on behalf of the person with IDD, but it is important and many legal service providers require that they speak directly with the person with IDD.*** Sometimes this conversation can happen by phone, but other times it requires an in-person meeting often where the person with the IDD resides, taking more time and patience to provide effective communication. We heard from

NJP that when needed, they will send a field office attorney out to meet directly with the person with IDD.

- ***People are often overwhelmed and exhausted, having tried to access services for years.*** Often the issues continue to pile on, with never ending paperwork and processes. Sometimes they just need someone to walk through the process with them.

Dainen Penta, the last Executive Director of the Center for Justice in Spokane and current staff attorney for NJP, opined that trust and credibility are critical to outreach. He believes government and systems folks must collaborate with community and grassroots leaders to build these connections.

- ***Many people with IDD do not have the internet at home and thus, cannot access many of the online resources to learn about their rights or find services.*** Some people can access the internet through the library, but the library has limited hours and may not be located close to someone's home.

“If I had a legal problem, I do not know where I would go to get help. I would likely start with The Arc or Parent Coalitions. A lot of advocates do not know where to get information or how to get services. And 2-1-1 does not work for everyone – everyone does not have access to internet or know how to read or write” – Mobilization Manager with Self Advocates in Leadership (SAIL)

- ***People may not be able to read or write, which impedes their ability to use written resources and to find services.***
- ***The legal services such as clinics and trainings may be offered at times that do not work, in locations that are not convenient or comfortable, and without childcare or supports for other family members.***

One parent who attended an advocacy training at The Arc of Spokane found it helpful, but she explained that many families cannot attend because they are caring for children, taking them to school, working, and/or do not have the available time to attend. She also explained that while trainings are helpful, the schools run over you during meetings and you feel manipulated. It is really helpful to have someone in the meeting with you, giving support and taking notes.

– A parent of a child with IDD

“At Women’s Hearth, we hold in person legal clinics. We see a reduction in anxiety for the women just being at a place where they were comfortable and trusted the community.” – Kathy McFaul, Volunteer and Legal Preparedness Coordinator¹⁰⁵

- ***People who have experienced abuse and poor treatment through systems and in society, avoid asking for help.*** People, especially those who are not used to more privilege, are afraid to ask for help and do not feel a general entitlement to request assistance. This often results in those with more privilege accessing legal assistance, and those without, failing to access the services they need.

“I have a lifetime of legal issues – accessing services, fighting an overpayment, getting worker’s compensation, escaping domestic violence... My developmental disability made all these problems harder.” She shared, ***“I struggled in school, did not understand what abuse looked like or that I could do better. I stayed in harmful and abusive situations, and I am still struggling because of my developmental disability.”*** – A woman with an IDD

“I have been so hurt by systems and I am afraid to ask for help because I have tried to get help, people ignore me or are not completely kind.” When asked about what qualities she would want in a legal services provider, she explained that she wanted “a welcoming environment, reassurance, patience, understanding that I might get emotional speaking quickly or shutting down, and someone who will work alongside me throughout the process because it is really hard to do it alone.” She explained that she understands she may not get the results she wants, but she needs someone who is not intimidating and who gives her some hope. – A woman with IDD

- ***Legal service providers are not tracking when people with IDD seek or receive services.*** We lack information about whether people with IDD are able to access services, what issues they need help with, or how they are falling through the cracks. As noted by Sarah Eaton at DRW, people with IDD do not call for legal assistance. Effective outreach is critical to meeting their legal needs.

“I do not even know how often CLEAR is connecting with people with intellectual and developmental disabilities.” She explained that the “lack of ability to identify the issues impacting people with IDD indicates that there are significant barriers for people with IDD in accessing CLEAR and NJP” – Catherine Brown, Managing Attorney of Northwest Justice Project’s Screening Unit

People experience multiple legal problems, often related to each other. One parent explained that they were unhoused for six years, escaping domestic violence and experiencing barriers and discrimination in the housing process. During this time, they were faced with a potential termination of parental rights. Because of all the other problems in their life including a lack of housing and supports, they felt they had no other option than to give up their parental rights to their child. – A parent with IDD

“It is so important for people to have access to these resources and to know they are there.” – Autumn Rose Maurer

RECOMMENDATIONS

“Access to justice for all persons is a fundamental right. It is the policy of the courts of this state to assure that persons with disabilities have equal and meaningful access to the judicial system.” GR-33¹⁰⁶

In assessing how to best meet the unmet legal service needs for people with intellectual and developmental disabilities, we considered an array of models for delivery of legal services including training, information and referral, brief advice and counseling, legal clinics, and individual representation in meetings, hearings, mediations and legal proceedings. We considered the costs and efficacy of service models including: small private for profit legal service providers to for profit law firms providing focused legal services like special education, small legal departments within larger non-profit organizations, medical-legal partnerships that are connected to NJP, small non-profits that connect with volunteer lawyers programs, and law school clinics. Additionally, we considered California’s OCRA, a dedicated legal service provider for people with intellectual and developmental disabilities, funded in large part by the state of California and housed within Disability Rights California.

After considering an array of legal service models,¹⁰⁷ we make the following recommendations to meet the legal service needs of people with intellectual and developmental disabilities. Ultimately, to effectively provide people with intellectual and developmental disabilities equitable and meaningful access to justice, we need to create a targeted legal service program for people with IDD, like California’s OCRA program, and we must effectively utilize GR-33 and the correlating administrative hearing level rule to provide people with IDD accommodations including appointment of counsel. Realistically, we understand that the creation of a comprehensive legal services program focused solely on people with intellectual and developmental disabilities with the capacity to meet the needs of our full community will require significant, stable resources, likely in substantial part from the state. Thus, this report provides three general models for increasing current capacity, with the hope that ultimately, we move towards a more comprehensive legal services program for people with intellectual and developmental disabilities.



Our short-term recommendation is to take immediate action to increase access to and accessibility of currently available legal services. Our mid-term recommendations are to increase capacity in the legal community to address the prioritized need for educational services, with the ultimate goal of addressing the stark imbalance of power, resources, and legal expertise between families and the school districts, and to initiate the creation of

identified legal service providers skilled in serving people with intellectual and developmental disabilities. Throughout all of this, it is imperative that we work across community partnerships to ensure that we are not merely helping those with IDD already connected to the DDA or The Arc of Spokane, but instead we are working together with community partners to reach people who are Black, Native American, Latino/a, unhoused, in the foster care system, previously incarcerated, experiencing addiction, and mental health. Additionally, we must work across the state to track the legal needs of and services delivered to people with IDD we can continue to improve our service in a meaningful and effective manner.

RECOMMENDATION #1

Improve Referrals to and Coordinate Services with Existing Spokane Legal Service Providers

- **Identification of A Legal Services Coordinator at The Arc of Spokane:** Identify, and as necessary seeking funding for, a Coordinator at The Arc of Spokane with the responsibility to coordinate with community partners, coordinate and partner with legal service providers, maintain an up-to-date list of legal service providers and resources including facilitating effective referrals, track intakes and referrals, coordinate trainings and clinics, and possibly, seek additional funding to maintain this position. The Arc of Spokane will not be a gatekeeper, controlling which people or communities can access legal services. Rather, the Coordinator's role will be to ensure diverse community leaders have direct input into and connections with the services provided and implementation.
- **Conduct and Improve Community Outreach, Education, Partnership and Facilitation:** The Arc of Spokane Coordinator will:
 - **Partner with community leaders** including, but not limited to, organizations like the Nuestras Raíces (formerly known as the Hispanic Business and Professional Association), Carl Maxey Center, YoYot SpQ'n'i,¹⁰⁸ YWCA, Women's Hearth, and Latinos En Spokane to coordinate outreach, education, and clinic opportunities for people with IDD across diverse communities. By listening to the needs of these communities and partnering with trusted organizations and leaders, we can help a broader group of people access information about rights and legal services in a way that is accessible and with less barriers. For example, clinics can be held at times, in locations, and in a manner that work best for the community they intend to serve.
 - **Build and utilize relationships with other similar peer model organizations** including Carmen Pacheco-Jones with Health and Justice Recovery Alliance, Angel Tomeo Sam with YoYot SpQ'n'i,¹⁰⁹ Salish for 'Strong Spokane', and Julie Hinkemeyer with Peer Spokane. These organizations support people with IDD in accessing educational services, health care services including diagnosis, legal representation for housing cases and more. Peer services and non-attorney advocates have a critical role to play in providing accessible, culturally responsive, and effective services to address legal issues without the involvement of attorneys. By developing these relationships further, we can share resources and partner to meet our joint communities' needs.

- ***Facilitate and appropriately target referrals to legal service organizations*** like NJP's CLEAR Intake and Screening Units, Special Education Clinic, Health and Justice Initiative, and Local Spokane Field Office. Similarly, utilize and facilitate existing resources like the Spokane County Bar's Volunteer Lawyers Program (providing brief advice and counseling through clinics and phone assistance), Team Child (providing free legal services to youth ages 12-24 and direct legal services on education issues through the Youth Education Law Collaborative to low-income students with disabilities experiencing additional risks), Northwest Fair Housing Alliance (providing training on fair housing rights and responding to complaints regarding housing discrimination), Developmental Disability Ombuds (responding to individual complaints with non-legal services), Washington Autism Alliance (providing its Special Education Resource Library, online special education clinics, 1:1 coaching by an attorney or legal assistant, Blueprints trainings on special education issues, and legal representation on a sliding fee scale for education and health care) and private law firms (providing representation to families for special education, social security benefits, and family law). Accessing existing legal services presents an array of obstacles as described above. However, establishing closer relationships with these legal service providers, The Arc of Spokane and community leaders can help people more effectively access available services, understand priorities and capacity minimizing ineffective referrals and decreasing bottlenecks for existing intake systems, streamlining the intake process, and hopefully, targeting the legal services provided to meet the community's needs more effectively.
- ***Create targeted services for people with IDD in partnership with legal services provider's existing resources.***
 - Team Child offered to provide clinics in coordination with The Arc of Spokane on record sealing and education rights for 8-16 people on a weekends.
 - NJP's Local Spokane Office offered to coordinate with The Arc of Spokane to provide three types of services free to people with IDD and their families:
 - An individualized advice and counsel clinic model in the areas of housing, family law, and benefits denials on average of one time per month (usually two-hour sessions, serving up to six clients with two attorneys)
 - "Know Your Rights" trainings covering issues such as housing, domestic safety and public benefit denials, and/or
 - Trainings to The Arc of Spokane staff to support the advocacy they provide to The Arc of Spokane's clients.
 - The Spokane Volunteer Lawyers Program (VLP)¹⁰⁰ offers a non-representation model, giving legal advice, but not providing in court representation for up to five hours of advice per legal issue. Advice may

be given over the phone or through an in person legal clinic. People can apply online, over the phone or at a clinic. Eligibility is 200% of the poverty line. Additionally, they can offer clinics and assistance in partnership with The Arc of Spokane on issues including parenting plans, divorces and minor guardianships and pre-eviction defense in coordination with The Arc of Spokane. VLP estimates that it could hold up to four legal clinics per year, one each quarter, serving up to 80 people per year based on other clinic models. However, this number may be lower to accommodate the communication needs of clients with IDD.

- Build trust and connections with the communities served. Lawyers need to build trust and connections with the communities they serve and must provide services in an accessible, culturally appropriate manner. We also need to offer opportunities for rights education so that people with IDD and their families learn about their rights, ideally before they experience problems. These trainings and informational experiences can happen in an array of formats and over time. When providing these trainings or clinics, look for opportunities to host them in comfortable settings, offer childcare, time events when people can participate, and offer stipends for travel.
- **Train Legal Service Providers.** The Arc of Spokane's Coordinator can work with legal service providers to develop trainings for attorneys providing legal services in Spokane for people with IDD to improve cultural competence and practicing with humility, as indicated by the new ABA Standards.¹⁰⁰ These trainings ideally will include Continuing Legal Education (CLE) credit and should include instruction by people with IDD; perhaps accomplished through a partnership with SAIL or other organizations led by people with IDD), training on using simple, clear language and images. For example, Shannon Cogan, Director of OCRA, explained that many of their clients need an in-person connection to benefit from legal services. Staff need to be trained on how to conduct outreach and communicate most effectively with potential clients, including the use of assistive technology, understandable, plain language, incorporating video and communicating and sharing information in a manner that does not rely on access to the internet or ability to read.

RECOMMENDATION #2

Provide Education About and Assistance with Requests for Counsel or Suitable Representatives as an Accommodation in Legal Proceedings

The Arc of Spokane's Individual Advocacy and Parent to Parent Programs can provide information about and assist people in requesting appointed counsel and suitable representatives in state court and administrative hearings. The goal of this work is to improve awareness of the availability of this valuable resource and assist people with the request process. Given that The Arc of Spokane does not have attorneys and lacks capacity to provide

ongoing assistance as a suitable representative, people with IDD who then present a well-argued request, will not have the but the quality of that argument used against them to show they don't need a lawyer because the ADA Coordinator will understand that the person with IDD still lacks available ongoing assistance in the case. These efforts will increase awareness in Spokane County among those who access The Arc of Spokane, but efforts will need to be made statewide to improve information about this accommodation, provide assistance with the request form, and increase an available and trained pool of representatives and counsel. While this will not address the remaining deficit of available suitable representatives, it will allow the courts and OAH to understand more fully the need and provide data to support requests to more fully fund creation of a pool trained and available representatives. Additionally, OAH may consider incorporating into its trainings of Administrative Law Judges and suitable representative presentations by people with IDD such as SAIL and organizations like The Arc of Spokane and DRW on effectively representing people with IDD.

RECOMMENDATION #3

Track the Unmet Need for Legal Services for People with IDD.

Partner with the ATJ Board's Legal Mapping Project to collect data from legal services providers about the available legal services in Spokane and the needs of people with IDD. This likely will require increased funding to ensure demographic data for people with IDD is collected and analyzed across the state by legal service providers.

RECOMMENDATION #4

Expanding Capacity and Addressing The Highest Unmet Needs Through Two New Programs

RECOMMENDATION 4A

Establish a Special Education Clinic in a Law School and Partner with the Volunteer Lawyers Program

As explained above, the most frequently reported unmet need for legal services for people with IDD was education. In Spokane County during the 2022-2023 school year, 50,828 students with disabilities received special education services under the IDEA and an additional 7,998 students had Section 504 plans, totaling 58,826 students,¹¹² which is 18.9% of the total enrolled student population.¹¹³ The power imbalance is notable, with most families unrepresented throughout their requests for educational services. The need here appears to be insurmountable.

Providing individualized legal services generally do not ameliorate the underlying systemic problems or root causes, but they can begin to shift power and create incentives for decreased violation of rights. To try to address this imbalance, we can increase the capacity to address rights violations for students with disabilities. By teaching special education law and providing training through a law school clinic and VLP legal clinic, we can increase access to representation, increase legal capacity by educating the local bar on special education law, and begin to hold the school districts accountable, shifting the ultimate balance of power. Additionally, the clinical model increases access for clients as the professor supervises six to eight students who together can take on more client cases than a single attorney.

“We could have 200 NJP attorneys working on special education only and would still have more need.” – Sujatha Branch, Statewide Advocacy Counsel for Northwest Justice Project.

Thus, we recommend seeking funding for establishing a legal clinic at a law school¹¹⁴ that will provide brief advice, counseling, attendance at IEP meetings, and direct representation in hearings. We recommend that these clinics be year-long programs to establish more continuity for the clients.

Specifically, the Special Education Law School Clinic will have three components:

1. ***Provide Substantive Education.*** A law school professor would teach special education law focusing on the IDEA and section 504.
2. ***Hold In-Person Clinics at Community-Based Locations for People with IDD.*** At the clinic, the law school professor will supervise the law students, who will provide students IDD and their families with brief service. To expand capacity, law students can be paired with a VLP attorney at the clinic for the provision of brief service. As appropriate, the students and VLP attorneys can provide a legal rights training at the beginning of the clinic hours.
3. ***Provide Direct Representation.*** The law school clinic would accept referrals through the clinic or by other means including direct referrals from community partners and online and phone requests. Students, who are supervised by a professor, can take a range of special education cases dealing with discipline appeals, setting IEP meeting agendas, preparing for and attending IEP meetings, documenting requests in a letter, and preparing Community Complaints to the Office of the Superintendent to Public Instruction (OSPI). If a case proceeds to a due process hearing, the law school may need private attorneys to co-counsel.

Importantly, the in-person legal clinics will need to be held in an accessible manner, reaching out to people with IDD where they live and work, at times they are available to focus on this advocacy given school, work and childcare needs, and in settings and communities that are

comfortable to them, using language and communication that is accessible, simple and clear. Over time, these clinics will help to build trust and connections between lawyers and people with IDD from diverse communities.

Additionally, we recommend partnering with the VLP to further expand capacity in Spokane County. VLP, with an attorney practicing education law, can offer CLE trainings to private attorneys, requiring attorneys to participate in a set number of clinics and to accept a set number of cases. Attorneys may be able to receive CLE credits for both the trainings and the representation.¹¹⁵ These attorneys can partner with the Special Education Law School Clinic, by partnering with the students to provide brief service at the in-person legal clinics.

Additionally, referrals for direct representation may be assigned to either the law students at the clinic or to private attorneys through the VLP. If a VLP attorney accepts a case for direct representation, the VLP's malpractice insurance would cover the practicing attorney.

“Once an attorney gets involved, it changes the conversation”

– Lara Hruska, Founding Partner, Cedar Law PLLC¹¹⁶

“I know students who want to work with families protecting their right to special education, but due to the lack of opportunities in Spokane to represent families, they end up working for private law firms or the school districts representing the schools.” – Genevieve Mann, Director of the Elder Law Clinic,¹¹⁷ Gonzaga University School of Law

RECOMMENDATION 4B

Funding A Designated Northwest Justice Project Attorney and Legal Assistant Based on the Medical-Legal Partnership Model

We need to increase capacity for and access to direct representation for people with IDD, who need more direct assistance than standard brief services such as trainings, rights information and advice and counseling. While we can try to streamline and facilitate referral processes to existing resources as described in Recommendation 1 above, we need to have legal service attorneys focused solely on meeting the legal service needs of people with IDD. Housing this position at NJP will have lower costs associated with the sharing of overhead, greater flexibility and more stability than if housed in a small non-profit or as an isolated attorney in a larger organization and will present minimal conflicts of interest. In essence, this model mirrors the existing Spokane Medical-Legal Partnership, Health Justice Initiative, which funds specific full-time equivalents of an attorney and a legal assistant at NJP to provide the necessary services. The designated IDD attorney at NJP would be able to provide legal services to address an array of issues such as denials of government benefits, family law, and alternatives to guardianships and complaints about guardians. Additionally, the attorney

could work to enforce people's rights to access attorneys as accommodations under GR 33 and the correlating administrative rule for a suitable representative.

RECOMMENDATION #5

Meeting the Long-Term Legal Service Needs for People with Intellectual and Developmental Disabilities

This recommendation is based on the unique California OCRA program, which provides legal services targeted to people with IDD with staff of more than 70 people, comprised of mostly lawyers and advocates. Beginning with a Medical-Legal Partnership type model to designate an NJP attorney and portion of a legal assistant, together with increased data tracking the needs and services provided to people with IDD will allow us to more effectively target and analyze the unmet need for legal services for people with IDD in Spokane and throughout Washington state. Using this data, we more precisely determine the need for targeted direct representation to people with IDD. Through this model we can conduct outreach to those who need assistance, but do not know where or when to seek it, and the staff will be trained using effective communication skills and flexibility to provide these services in an accessible manner. This program will require significant investments of stable funding, most likely funded by the state or a progressive funder.

In conclusion, we must stop passively disregarding the civil legal needs of people with IDD. We must actively collect and analyze data to more completely understand how to best meet those needs and track our progress. We must immediately take steps to effectively utilize existing resources and expand partnership with diverse communities who have lacked access to services and diagnosis. We must build capacity to



provide legal assistance on a range of issues with a special focus on education, self-determination, and government benefits. And we must work towards creation of a specialized program of trained, effective attorneys and advocates, who can address the broad array of civil legal needs of people with IDD in a culturally competent manner ensuring the inclusion of those who historically have been denied access to resources, including those who are BIPOC and who have co-occurring disabilities like mental health or addiction. While these new services will require a significant long-term commitment of resources, access to justice is a fundamental right and without it, we are denying people with IDD the opportunities to live their fullest lives and thrive.

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This project happened solely because of the generosity and trust of many people. People with IDD and their families trusted their stories with us. They generously shared their time, understanding that they would not receive further assistance addressing their problems through this involvement, but hoping that together we can try to build a more responsive and effective legal service system for people with IDD. We also are incredibly grateful to community leaders who spent time sharing their experiences and insight, gathering data, sharing information, and connecting us to other community leaders and people with IDD. We understand that too often those who are most impacted by discrimination and lack of access to resources and privilege are asked to contribute their valuable time and energy to help us to understand their experiences. We truly appreciate their willingness to once again explain the harm and injustices they experience.

Private and public civil legal service providers across the state generously spent time explaining their programs, sharing insight into barriers and needs impacting people with IDD, making introductions to other interviewees, sharing data and other important information, and brainstorming ways to partnering as we strive to find ways to improve and expand existing resources. Brian Nichols with the Spokane County Community Services, Housing, and Community Development Department (CSHCD) Developmental Disabilities Division has supported the efforts of The Arc of Spokane, generously shared his time and insight, and provided valuable information. David Carlson, the Director of Advocacy at DRW, provided invaluable consultation throughout the project and contributed to the writing of this report. And last but not least, the staff at The Arc of Spokane initiated this project, frustrated by the lack of effective resources for people with IDD and their families, obtained funding for this project and generously contributed their time, knowledge, and passion to provide insight, facilitated introductions to people with IDD seeking legal services, shared data and information, consulted on the study and contributed to the writing of this report.

Thank you all for your generous contributions and partnership!!!

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Autumn Rose Maurer

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Theresa DeMonte

Tim Lynch

Pastor Walter Kendricks, Community Leader, Board Member of Spokane Community Against Racism and the Carl Maxey Center

GLOSSARY OF ACRONYMS

ADA: The Americans with Disabilities Act

ATJ Board: Access to Justice Board

BIPOC: Black, Indigenous, and people of color

CLE: Continuing Legal Education

CLEAR: Coordinated Legal Education, Advice and Referral

DDA: Developmental Disabilities Administration

DD Ombuds: Office of the Developmental Disability Ombuds

DRC: Disability Rights California

DRW: Disability Rights Washington

GR: General Rule

HJRA: Health and Justice Recovery Alliance

HJI: Health Justice Initiative

HBPA: Hispanic Business/Professional Association

IDEA: Individuals with Disabilities Education Act

IDD: Intellectual and Developmental Disabilities

IEP: Individualized Education Program

NWFHA: Northwest Fair Housing Alliance

NJP: Northwest Justice Project

OCRA: California's Office of Clients' Rights Advocacy

OA: Office of Administrative Hearings

OSPI: Office of the Superintendent of Public Instruction

PAN: Planned Action Notice

SAIL: Self Advocates in Leadership

SCAR: Spokane Citizens Against Racism

SNAP: Spokane Neighborhood Action Partners

State Plan: State Plan for Coordinated Delivery of Civil Legal Aid to Low Income People

SDM: Supported Decision Making

VLP: Volunteer Lawyers Program

WAA: Washington Autism Alliance

¹ Stacie Berger Siebrecht worked as a disability rights attorney for more than 20 years and most recently, worked as the Director of Strategic Partnerships at Disability Rights Washington (DRW). In this role, she built the capacity of DRW to maximize and utilize its core competencies to increase the number of people served and to more effectively and efficiently impact change. Previously at DRW, she served as the Director of the Treatment Facilities Program to ensure individuals in facilities receive effective treatment in humane and therapeutic conditions in the most integrated manner possible with effective and timely discharge planning. Her systemic litigation at DRW includes Reynoldson v. City of Seattle, addressing the lack of accessible curbs in Seattle, and Marr, et al. v Eastern State Hospital, addressing the needs for proper treatment of people with developmental disabilities institutionalized at Eastern State Hospitals. Prior to working at DRW, she worked at the Disability Law Center in Boston, Massachusetts as a Skadden Fellow and clerked for the Honorable Raymond J. Pettine, United States District Judge for the District of Rhode Island. She received her undergraduate degree from Duke University in 1996 and graduated Order of the Coif from New York University School of Law in 1996.

² “Decision Package Title: Disability Justice Task Force Study and Program Development Staffing,” Program contacts Robert W. Lichtenberg and Judge David Whedbee, Task Force Chair, Washington State Judicial Branch 2023-25 Decision Package, The Supreme Court of Washington, at 2 fn3 and 4 (stating “Disabled people experience higher rates of crime and abuse. They are also referred to courts for issues such as involuntary treatment, CPS investigations, and guardianship.” And citing U.N. Access to Justice: https://www.ohchr.org/Documents/Issues/Disability/SR_Disability/GoodPractices/Access_to_Justice_Knowledge_Hub.docx.)

³ Based on U.S. Census data as of July 1, 2022, Spokane County’s estimated population is 549,690, and the total number of attorneys in Spokane County is 2,031, according to WSBA Licensing report dated May 1, 2023. In comparison, Washington has a population of 7,785,786 people and 31,114 total attorneys. “WSBA Member Licensing Counts,” Washington State Bar Association, May 1, 2023, https://www.wsba.org/docs/default-source/licensing/membership-info-data/countdemo_20190801.pdf?sfvrsn=ae6c3ef1_220. Accessed June 19, 2023; “Quick Facts,” United States Census Bureau, estimates July 1, 2022, <https://www.census.gov/quickfacts/fact/table/snomishcountywashington,piercecountywashington,spokanecountywashington,kingcountywashington/PST045222>. Accessed June 19, 2023.

⁴ Washington General Rule 33, “Requests for Accommodation by Persons with Disabilities,” Comment 1 (available at https://www.courts.wa.gov/court_rules/pdf/GR/GA_GR_33_00_00.pdf).

⁵ For a more complete discussion of Washington General Rule 33, see the section below, “Statement of Need: Existing Court and Administrative Hearing Rules Allow for the Appointment of Counsel or Suitable Representatives as a Disability Accommodation.”

⁶ 2015 Washington State Civil Legal Needs Study Update, by the Civil Legal Study Update Committee of the Washington State Supreme Court, October 2015, at 3 (available at https://ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeedsStudy_October2015_V21_Final10_14_15.pdf)

⁷ To our knowledge, this is the first study in Washington State to address the civil legal needs of people with IDD.

⁸ Community leaders and service providers referred all of the people with intellectual and developmental disabilities who were interviewed for this study, indicating some connection with resources for each of these individuals. Additionally, this report includes information obtained from websites and data and information that interviewees provided.

⁹ A list of contributing legal service providers and community leaders is provided at the conclusion of this report. To protect confidentiality, we have omitted the list of some participants.

¹⁰ Civil legal services include individual legal services, systemic advocacy, and root cause change, each of which contains a broad range of services. For example, individual civil legal services incorporate a broad array of services including, but not limited to, education, trainings, brief advice and counseling assistance, and individual direct representation. Similarly, systemic advocacy includes public policy advocacy and large impact litigation.

¹¹ Washington State does not guarantee a general right to legal representation even when a person cannot afford an attorney. Washington State provides free legal representation to those who cannot afford it in limited situations. The Spokane County Public Defender’s Office handles a variety of criminal charges, involuntary treatment of people with mental health and substance abuse facing institutionalization in locked treatment facilities, children who fail to attend school, and “at risk” or “children in need of services” petitions. To learn more,

visit <https://wa-spokanecounty.civicplus.com/463/Cases-We-Do-Do-Not-Handle>. Additionally, “In 2021, Washington passed the first in the nation statewide ‘right to counsel’ law for tenants with low income facing eviction. This historic legislation provides free attorneys to represent tenants with low income facing eviction in court.” “Eviction Protection Campaign,” by the Northwest Justice Project, Winter 2021, at 1 (available <https://docs.google.com/document/d/1a8cD0rJDS3NO9do9zO4Dgz1--G49jR5VO4Xx8A8QjLw/edit>). Additionally, when the Department of Children, Youth, and Families (DCYF) files a petition to terminate parental rights, the parent has a right to legal representation if they cannot afford one. To learn more, visit <https://www.atg.wa.gov/TRM#:~:text=You%20have%20the%20right%20to,lawyer%20be%20appointed%20for%20you>.

¹² See generally 2015 Washington State Civil Legal Needs Study Update, by the Civil Legal Study Update Committee of the Washington State Supreme Court, October 2015, at 3 (available at https://ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeedsStudy_October2015_V21_Final10_14_15.pdf)

¹³ *Id.* at 7.

¹⁴ 42 U.S.C. §15002(8)(A) (2000) (stating “The term “developmental disability” means a severe, chronic disability of an individual that—(i) is attributable to a mental or physical impairment or combination of mental and physical impairments; (ii) is manifested before the individual attains age 22; (iii) is likely to continue indefinitely; (iv) results in substantial functional limitations in 3 or more of the following areas of major life activity: (I) Self-care. (II) Receptive and expressive language. (III) Learning. (IV) Mobility. (V) Self-direction. (VI) Capacity for independent living. (VII) Economic self-sufficiency; and (v) 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.”)

¹⁵ OCRA Annual Director’s Report, Disability Rights California’s Office of Clients’ Rights Advocacy, (July 1, 2021 – June 30, 2022), <https://www.disabilityrightscalifornia.org/system/files/file-attachments/ANNUAL%20-%20Directors%20Report.pdf>. Accessed on June 19, 2023.

¹⁶ “Developmental Disabilities,” Center for Disease Control and Prevention, <https://www.cdc.gov/ncbddd/developmentaldisabilities/index.html>. Accessed June 19, 2023.

¹⁷ Residential Information Systems Project, “People with IDD in the United States,” Minneapolis: University of Minnesota, RISP, Research and Training Center on Community Living, Institute on Community Integration, <https://publications.ici.umn.edu/risp/infographics/people-with-idd-in-the-united-states-and-the-proportion-who-receive-services>. Accessed June 19, 2023.) (Note: US prevalence estimates for adults are from 1994/95 National Health Interview Survey (NHIS) Disability Supplement. Prevalence (Larson, et al., 2001). Estimates for children are from the 2016 NHIS (Zablotsky et al., 2017)).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Report to Advocates and Stakeholders 2022 Caseload Report and Cost Report, diagram labeled “Where Clients Live- Residence Type,” Developmental Disabilities Administration, at 9 <https://www.dshs.wa.gov/sites/default/files/DDA/dda/documents/2022DSHSDDACaseloadandCostReport.pdf>. Accessed June 19, 2023.

²¹ *Id.*

²² 2023; “Quick Facts,” United States Census Bureau, estimates July 1, 2022, <https://www.census.gov/quickfacts/fact/table/spokanecountywashington/POP060210>. Accessed June 19, 2023.

²³ Report to Advocates and Stakeholders 2022 Caseload Report and Cost Report, diagram labeled “Where Clients Live- County and Caseload Type,” Developmental Disabilities Administration, at 8 <https://www.dshs.wa.gov/sites/default/files/DDA/dda/documents/2022DSHSDDACaseloadandCostReport.pdf>. Accessed June 19, 2023; see also Developmental Disabilities Administration Strategic Plan 2021- 2023, March 2020, at 5, <https://www.dshs.wa.gov/sites/default/files/os/stratplan/2020/DDA-Working-Strategic-Plan-21-23.pdf> (explaining that the Developmental Disabilities Administration offers a range of paid services including employment, residential and community supports and services). Accessed June 19, 2023.

²⁴ Report to Advocates and Stakeholders 2022 Caseload Report and Cost Report, diagram labeled “Where Clients Live- County and Caseload Type,” Developmental Disabilities Administration, at 8 <https://www.dshs.wa.gov/sites/default/files/DDA/dda/documents/2022DSHSDDACaseloadandCostReport.pdf>. Accessed June 19, 2023; see also “No-Paid Services,” Department of Social and Health Services, January 2023, <https://fortress.wa.gov/dshs/adsaapps/about/factsheets/DDA/No%20Paid%20Svs.pdf>. Accessed June 19, 2023.

²⁵ Report to Advocates and Stakeholders 2022 Caseload Report and Cost Report, Developmental Disabilities Administration, at 6

<https://www.dshs.wa.gov/sites/default/files/DDA/dda/documents/2022DSHSDDACaseloadandCostReport.pdf>. Accessed June 19, 2023.

²⁶ The Kuni Foundation funded a 2020 study that assessed the current data on intellectual and developmental disabilities population in Oregon and Southwest Washington and housing. In its report, it highlighted the lack of accurate data tracking the population of people with IDD. Instead of relying on data that is more than 25 years old, it referenced Ohio data, where the rate of people with developmental disabilities is 41 out of 1000 (4.1%) and a 2017 study that found the prevalence rate of IDD among children to be 70 out of 1000 (7%). Thus, applying these prevalence rates in Spokane County the population of people with IDD would range between 22,537 to 38,478 people. The report recommends improved data collection on the prevalence of people with IDD. “Housing Needs for Individuals with Intellectual and Developmental Disabilities,” ECON Northwest prepared for the Kuni Foundation, Summer 2020, at iii – iv, <https://www.kunifoundation.org/wp-content/uploads/2020/09/ECONorthwestStudy.pdf>.

²⁷ The population of Spokane is based on data from the Census. 2023; “Quick Facts,” United States Census Bureau, estimates July 1, 2022, <https://www.census.gov/quickfacts/fact/table/spokanecountywashington/POP060210>. Accessed June 19, 2023.

²⁸ 2015 Washington State Civil Legal Needs Study Update, by the Civil Legal Study Update Committee of the Washington State Supreme Court, October 2015, at 3 (available at https://ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeedsStudy_October2015_V21_Final10_14_15.pdf

²⁹ *Id.* at 15.

³⁰ *Id.* at 16.

³¹ *Id.* at 26 Appendix B, Master Table 2A: Relative Percentage of Legal Problems Involving Discrimination Based on Demographic Identity Shown as a Percentage of Total Number of Discrimination Problems by Substantive Problem Area and Demographic Group (listing people with disabilities as having 1.41 mean number of problems per capita).

³² *Id.* at 25 Appendix B, Table 1A Relative Percentage of Legal Problems Shown as a Percentage of Total Number of Legal Problems by Substantive Problem Area and Demographic Group (listing people with disabilities as having 8.41 mean problems per capita).

³³ *Id.* at 11.

³⁴ *Id.* at 12.

³⁵ Developmental Disabilities Assistance and Bill of Rights Act of 2020, 42 U.S.C. § 15001(a)(5).

³⁶ The Access to Justice Board created the State Plan “to guide the collective efforts of the [Alliance for Equal Justice](#) to expand access to our civil justice system and identify and eliminate barriers that perpetuate poverty and deny justice ... The Plan sets forth five goals that represent a universal commitment of all Alliance members, while recognizing the differences among programs and their abilities to implement ...” Access to Justice Board 2018–2020 State Plan for the Coordinated Delivery of Civil Legal Aid to Low-Income People, at 5 (available at [file:///Users/staciesiebrecht/Downloads/ATJ%20State%20Plan%20Final%20\(1\).pdf](file:///Users/staciesiebrecht/Downloads/ATJ%20State%20Plan%20Final%20(1).pdf)). Accessed June 19, 2023.

³⁷ *Id.* at 11; *see also* “Who Are the Alliance Members?” Alliance for Equal Justice, <http://allianceforequaljustice.org/about/who-we-are/who-are-the-alliance-members/> (explaining that “The Alliance for Equal Justice is a network of organizations in Washington State that furthers equity and justice by providing and supporting civil legal aid to low income, vulnerable, and marginalized individuals and communities” and listing the member organizations). Accessed June 19, 2023.

³⁸ *Id.* at 12, “Strategy 2”.

³⁹ *Id.* at 13.

⁴⁰ *Id.* at 13.

⁴¹ Washington General Rule 33, “Requests for Accommodation by Persons with Disabilities,” Comment 1 (available at https://www.courts.wa.gov/court_rules/pdf/GR/GA_GR_33_00_00.pdf).

⁴² Washington State's Office of Administrative Hearings (OAH) is responsible for hearing cases for more than 40 state agencies. It adopted a WAC 10-24-010, a rule similar to GR-33 that went into effect January 1, 2018. “OAH hears cases for the Department of Social and Health Services (public assistance and child support cases), Healthcare Authority (Medical assistance cases), Employment Security (UI cases), and the Office of the Superintendent for Public Instructions (special education cases), to name just a few of the agencies that serve clients who often have disabilities affecting their ability to represent themselves in hearings.” “Washington State

Creates Expands for the Appointment of Counsel for Litigants with Disabilities,” National Coalition for a Civil Right to Council, August 2, 2017, http://civilrighttocounsel.org/major_developments/63. Accessed June 19, 2023; “In 2015, Thurston County Superior Court ordered the Board of Industrial Insurance Appeals (BIIA) to appoint counsel at public expense for a party who was disabled. The case name was Weems v. Board of Industrial Insurance Appeals. In June 2016, a Washington resident, the Fred T. Korematsu Center for Law and Equality, and Disability Rights Washington, all petitioned OAH to adopt a rule. Chief ALJ Lorraine Lee authorized a two year rule-making process to gather input from multiple stakeholders, with workgroups to recommend development and implementation of a rule.”SR Training-Overview of New Accommodation Rule,” The Washington State Office of Administrative Hearings, at 1, <https://oah.wa.gov/Portals/0/Content%20Area%20Documents/SR%20TRAINING%20-%20Overview%20of%20New%20Accommodation%20Rule%20WAC%2010-24-010.pdf>. Accessed June 19, 2023.

⁴³ GR 33 (a)(1)(C)

⁴⁴ WAC 10-24-010 (providing a process to appoint a person to serve as a “suitable representative.” The accommodation is for self-represented parties when other accommodation measures are not sufficient to provide meaningful participation in OAH hearings).

⁴⁵ Lorraine Lee, Chief Administrative Law Judge and Johnette Sullivan, Assistant Chief Administrative Law Judge, “WAC 10-24-010: Suitable Representatives as ADA Accommodation Two-Year Assessment Report,” Washington State Office of Administrative Hearings, August 1, 2020, at 3, [https://oah.wa.gov/Portals/0/Content%20Area%20Documents/WAC%2010-24-010%20Two-Year%20Assessment%20Report%20Aug%202020%20Final%20\(002\).pdf?ver=ZuDWdEVGMrT9fb5AnYYZgQ%3d%3d](https://oah.wa.gov/Portals/0/Content%20Area%20Documents/WAC%2010-24-010%20Two-Year%20Assessment%20Report%20Aug%202020%20Final%20(002).pdf?ver=ZuDWdEVGMrT9fb5AnYYZgQ%3d%3d)

⁴⁶ “Have Disabilities and Need Accommodations,” Washington State Office of Administrative Hearings, <https://oah.wa.gov/>. Accessed June 19, 2023.

⁴⁷ “ADA Accommodations and Resources: Request for Reasonable Accommodation (PDF),” Spokane County Superior Court, <https://www.spokanecounty.org/1630/ADA-Accommodations-Resources>. Accessed June 19, 2023.

⁴⁸ *Id.* For example, the Request for a Reasonable Accommodation is a six page document, mostly single spaced. The appointment of counsel is listed under “Line No. 6: What is it that you think you need to help you participate in the court proceedings? Examples of accommodations the court may be asked to provide include: Sign Language Interpreters, Assistive Listening Devices, Note takers, readers for person with impaired eyesight, removal of barriers for persons with mobility impairments, guardians ad litem or appointed counsel for persons with mental impairments or cognitive disabilities.” <https://www.spokanecounty.org/DocumentCenter/View/4546/Request-for-Reasonable-Accommodation-PDF?bidId=>. Accessed June 19, 2023.

⁴⁹ WAC 10-24-1010 (3) and (7) (stating “[i]f, during any stage of an adjudicative proceeding, the administrative law judge or any party has a reasonable belief that an otherwise unrepresented party may be unable to meaningfully participate in the adjudicative proceeding because of a disability, with that party's consent the administrative law judge shall refer the party to the agency ADA coordinator and delay commencing or resuming the adjudicative proceeding until the accommodation request is addressed by the ADA coordinator ... the agency ADA coordinator must determine whether the party is unable to meaningfully participate in the adjudicative proceeding as a result of the disability. The existing assistance of a legal guardian, near relative, or friend shall not affect the agency ADA coordinator's determination of whether the party is able to meaningfully participate in the adjudicative proceeding.”)

⁵⁰ “Decision Package Title: Disability Justice Task Force Study and Program Development Staffing,” Program contacts Robert W. Lichtenberg and Judge David Whedbee, Task Force Chair, Washington State Judicial Branch 2023-25 Decision Package, The Supreme Court of Washington, at 1 (requesting funding for a “Task Force, and ideally the future Commission, [that] will provide guidance to the Supreme Court and other Washington courts to understand barriers and opportunities for disability access and justice for consumers and professionals interacting in the judicial branch of government and its programs”). The Decision Package explained that “In 2015, the Office of Civil Legal Aid’s (OCLA) civil Legal Needs Study found that our courts and programs were not accessible, despite Title II of the ADA and GR 33 requirements. Courts routinely receive requests for accommodations ... and modifications of procedures and policies (*e.g.*, representation by counsel under GR 33(a)(1)(c) ... Yet Washington courts have not adopted a uniform set of best practices for collecting data and fielding GR 33 accommodation requests...” (citing Civil Legal Needs Study

(2015): https://ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeedsStudy_October2015_V21_Final10_14_15.pdf).

⁵¹ Sabiha Ahmad, Staff Attorney and Johnette Sullivan, Deputy Chief, “Executive Summary of Suitable Representation at OAH—January 1, 2018, to December 31, 2021, August 15, 2022, https://oah.wa.gov/Portals/0/Content%20Area%20Documents/Executive%20Summary%20Suitable%20Rep%202018-2021.pdf?ver=DPQpnRWmrX_LhMRN_O97g%3d%3d. Accessed June 19, 2023.

⁵² *Id.* at 1.

⁵³ *Id.* at 2.

⁵⁴ <http://allianceforequaljustice.org/access-to-justice-board/who-we-are/> (explaining that “It reports annually to the Supreme Court and is administered by the Washington State Bar Association.”). Accessed June 19, 2023.

⁵⁵ Access to Justice Board 2022 Annual Report, The Alliance for Equal Justice, at 13, <http://allianceforequaljustice.org/for-the-alliance/alliance-resources-and-tools/>; *see also* visualized informational maps and tables incorporating the mapping project data at https://public.tableau.com/app/profile/michael.terasaki/viz/CountyOverview_16532759609620/CountyOverviewDashboard. Accessed June 19, 2023.

⁵⁶ This report used data from 2021 because the 2022 data presented did not include Northwest Justice Project and thus, was not complete.

⁵⁷ “Washington Counties By Population,” Washington Demographics, https://www.washington-demographics.com/counties_by_population. Accessed June 19, 2023.

⁵⁸ Doug Tweedy, “Spokane County Profile,” Employment Security Department, last updated March 2022, <https://esd.wa.gov/labormarketinfo/county-profiles/spokane>. Accessed June 19, 2023.

⁵⁹ *Id.*

⁶⁰ Based on U.S. Census data as of July 1, 2022, Spokane County’s estimated population is 549,690, and the total number of attorneys in Spokane County is 2,031, according to WSBA Licensing report dated May 1, 2023. In comparison, Washington has a population of 7,785,786 people and 31,114 total attorneys. “WSBA Member Licensing Counts,” Washington State Bar Association, May 1, 2023, https://www.wsba.org/docs/default-source/licensing/membership-info-data/countdemo_20190801.pdf?sfvrsn=ae6c3ef1_220. Accessed June 19, 2023; “Quick Facts,” United States Census Bureau, estimates July 1, 2022, <https://www.census.gov/quickfacts/fact/table/spokanecountywashington/POP060210> and <https://www.census.gov/quickfacts/WA>. Accessed June 19, 2023.

⁶¹ In 2021, people with disabilities experienced poverty at a rate of 25.4% versus 11.8% for people without disabilities. Rehabilitation Research and Training Center on Disability Statistics and Demographics, “Annual Report on People with Disabilities in America: 2023,” 2023, at 17, <https://disabilitycompendium.org/sites/default/files/user-uploads/Accessible-Annual%20Report%20---%202023%20---%20Accessible.pdf>. Accessed on June 19, 2023 (finding that in 2021, people with disabilities experienced poverty at a rate of 25.4% versus 11.8% for people without disabilities).

⁶² The chart is based on data from the Washington State Bar Association and the Access To Justice Board’s Legal Mapping Project. “WSBA Member Licensing Counts,” Washington State Bar Association, May 1, 2023, https://www.wsba.org/docs/default-source/licensing/membership-info-data/countdemo_20190801.pdf?sfvrsn=ae6c3ef1_220 (finding the total number of attorneys per county as 17,253 Attorneys in King County, 2,031 Attorneys in Spokane County, 2,451 attorneys in Pierce County, and 1,723 attorneys in Snohomish County (5/1/23)); Access To Justice Board’s Legal Mapping Project for 2021, https://public.tableau.com/app/profile/michael.terasaki/viz/CountyOverview_16532759609620/CountyOverviewDashboard (finding the total number of legal services as 9,175 legal service cases in King County, 5,073 legal service cases in Spokane County, 4,233 legal service cases in Pierce County, and 2,211 legal service cases in Snohomish County). Accessed June 19, 2023.

⁶³ Parent to Parent was in the process of hiring a Coordinator after December of 2021, and thus, did not provide services from January through March of 2022. While we have Parent to Parent data for 2022, in most years it would be higher because they would have staff providing service during all twelve months.

⁶⁴ The Arc of Spokane has hired a Diversity, Equity, Access, and Inclusion (DEAI) Manager, funded by a short-term grant. This is the first position The Arc of Spokane has created to manage and provide oversight of its DEAI initiatives. The DEAI Manager is responsible for leading the development, implementation, and monitoring of The

Arc of Spokane's DEAI strategic plan and initiatives and promotes diversity, equity, access and inclusion withing The Arc's workforce, clients and externally with related community partners. The Arc of Spokane has taken other new steps to improve its internal and external diversity including convening a DEAI committee, conducting an agency-wide cultural audit and creating an initial DEAI strategic plan.

⁶⁵ Northwest Justice Project is Washington's largest publicly funded legal aid program. NJP provides free legal assistance across Washington State to people with low-income. NJP addresses fundamental human needs such as housing, family safety, income security, health care, education, and more, working to challenge structural and racial inequities to promote the long-term well-being of low-income individuals, families and communities across Washington State. "NJP operates a toll-free intake and referral hotline called [CLEAR](#) (Coordinated Legal Education Advice and Referral). CLEAR serves as the statewide, centralized point of access for clients seeking free legal help, including advice, education, limited legal services, self-help materials and, where available, referrals to other legal aid and local volunteer lawyer programs. CLEAR also refers cases to NJP [offices around the state](#), where attorneys provide assistance and direct representation in high priority, complex cases, including cases that address barriers to accessing our justice system as well as engage in community education efforts. NJP maintains [Washington Law Help](#), a public website containing an extensive library of legal resources and self-help materials including do-it yourself court forms in areas of law needed most by low income persons, the great majority of whom are forced to appear in court unrepresented." To learn more, visit <https://nwjustice.org/about>.

⁶⁶ The Health Justice Initiative (HJI) is a partnership between medical providers and the Northwest Justice Project to provide civil legal services to patients. HJI serves people in Spokane, Ferry, Stevens, Garfield, Pend Oreille, Lincoln, Whitman, Asotin, and Grant Counties, as well as the Colville, Kalispel, and Spokane Reservationn. To learn more, visit https://content.govdelivery.com/attachments/WADEL/2021/06/23/file_attachments/1862166/HJI%20Trifold.pdf.

⁶⁷ The Northwest Fair Housing Alliance's mission is to eliminate housing discrimination and to ensure equal housing opportunities for the people of Washington State through education, counseling, and advocacy. To learn more, visit <https://nwfairhouse.org/>.

⁶⁸ Disability Rights Washington (DRW) protects the rights of people with disabilities statewide focusing on systemic change through legal advocacy, public policy, storytelling, video advocacy and organizing. DRW's mission is to advance the dignity, equality, and self-determination of people with disabilities. To learn more, visit <https://www.disabilityrightswa.org/about-us/>.

⁶⁹ The Office of Developmental Disabilities Ombuds (DD Ombuds) is a private, independent office focused on improving the lives of persons with developmental disabilities in Washington State. The legislature gave the DD Ombuds the duty to monitor procedures and services provided to people with developmental disabilities; review facilities and residences where services are provided; resolve complaints about services; and issue reports on the services provided. To learn more, visit <https://ddombuds.org/>. Accessed June 20, 2023.

⁷⁰ Self Advocates in Leadership (SAIL) is an advocacy organization by and for people with intellectual and developmental disabilities working to shape public policy in state and federal government. Learn more here, <https://www.selfadvocatesinleadership.com/>.

⁷¹ Peer Spokane's mission is to cultivate powerful, healthy lives by providing peer emotional support and development services to those impacted by addiction, mental health and/or HIV/AIDS. Peer Spokane offers Peer Coaching, Support Groups, Employment Support, Housing Support, Resource Connections and a Family Navigator. To learn more, visit <https://www.peerspokane.org/>.

⁷² Nuestras Raíces is "a community center that is committed to increase[ing] public awareness and pride in the depth and diversity of Hispanic / Latino culture." "[It] promotes and serves the Hispanic/Latino interest through cultural, business outreach, social justice and wellbeing of our community." Nuestras Raíces programs include hosting cultural events throughout the year and Esperanza, is a bilingual social services program, offering a range of social and human services through its Resource Navigators and Social Work Practice. Additionally, it houses the Hispanic business and professional association in its 501c6, "business chamber program and membership association that offers networking opportunities, advocacy for small businesses, and business outreach to Hispanic businesses and professionals." To learn more, visit <https://www.hbpaofspokane.org/>.

⁷³ Curtis Hampton is a member of Spokane Community Against Racism, the Racial Equity Committee and Smart Justice Spokane, and is a Board Member for the Carl Maxey Center.

⁷⁴ The Carl Maxey Center is a Black-led and Black-centered non-profit, 501c3 organization, based in the East Central neighborhood of Spokane, Washington. The Carl Maxey Center is both a neighborhood cultural center and gathering place, as well as a community-based organization that provides programs and services focused on addressing the needs of Spokane's African American/Black community. To learn more, visit <https://www.carlmaxeycenter.org/>.

⁷⁵ PEPP (Pre-Employment Preparatory Program) is dedicated to assisting individuals with barriers in areas of employment, training, and education. It prepares them for a Washington State Certified Building Trades Apprenticeship Program. To learn more, visit <https://www.spokesman.com/stories/2021/nov/08/a-step-in-and-a-step-up-new-program-aims-to-bring/>.

⁷⁶ Spokane Community Against Racism's (SCAR) mission is to identify and address racial disparities through a variety of community efforts which include education, advocacy, research, community engagement, policy impact and challenges to the existing organizations and structures. To learn more, visit <https://www.scarspokane.org/>.

⁷⁷ "Spokane County, WA," Safety +Justice Challenge, <https://safetyandjusticechallenge.org/our-network/spokane-county-wa/#:~:text=In%202019%2C%20jail%20incarceration%20rates,lengths%20of%20stay%20in%20jail>. Accessed June 19, 2023.

⁷⁸ Safety + Justice Challenge, Measuring Progress: Jail Trends in SJC Sites, <https://safetyandjusticechallenge.org/measuring-progress-jail-trends-in-sjc-sites/> (select racial disparities and scroll down to view jail population, sort for Spokane County, and view data in the latest quarter, Nov 22- Jan 2023). Accessed June 20, 2023.

⁷⁹ Pastor Walter Kendricks is pastor of Morning Star Missionary Baptist Church of Spokane. Governor Inslee appointed him as the Eastern Washington Representative for the Commission on African American Affairs. He is a founding member of SCAR (Spokane Community Against Racism) and the Vice-President of the Board of the Carl Maxey Center.

⁸⁰ Ramadan, Lulu, and Reicher, Mike, "How a mom fought Washington's special education system – and won," The Seattle Times, February 9, 2022, <https://www.seattletimes.com/seattle-news/times-watchdog/how-a-mom-fought-washingtons-special-education-system/>. Accessed June 20, 2023.

⁸¹ "Students with Disabilities," National Center for Education Research, May 2023, https://nces.ed.gov/programs/coe/indicator_cgg.asp; "IDEA Section 618 Data Products: Static Tables Part B Child Count and Educational Environments: 1. Number of children and students served under IDEA, Part B, by age group and state., " U.S. Department of Education, last updated March 15, 2023, <https://www2.ed.gov/programs/osepidea/618-data/static-tables/index.html#partb-cc>. Accessed June 20, 2023.

⁸² A small number of students, less than 1% statewide, receive both IDEA and section 504 services. Thus, there is a very slight overlap when totaling the total number of students served.

⁸³ The Individuals with Disabilities Education Act (IDEA) requires a free appropriate public education to eligible students with disabilities. 20 U.S.C. § 1400. The IDEA serves eligible students with disabilities. Students who do not qualify for the IDEA, may otherwise qualify for supports through Section 504 of the Rehabilitation Act, which protects the rights of students with disabilities to be free from discrimination in programs receiving Federal Financial Assistance. Section 504 states: "No otherwise qualified individual with a disability in the United States... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...." 29 U.S.C. § 794.

⁸⁴ Based on data from the "Report Card Enrollment 2022-23 School Year," found at the Office of Superintendent of Public Instruction's data portal at <https://www.k12.wa.us/data-reporting/data-portal> (pulling data for 2023, selecting "Report Card Enrollment 2022-2023 School Year," sorting for only Spokane county schools, and selecting all students, students with disabilities and section 504 for total numbers). Accessed June 30, 2023. See also Map of Spokane County School Districts, https://www.dshs.wa.gov/data/research/Map_SchoolDistricts_Spokane.pdf.

⁸⁵ Blackwell, Vivian and Blackwell, William, "A Longitudinal Study of Special Education Due Process Hearings in Massachusetts: Issues, Representation, and Student Characteristics," January – March 2015, <https://journals.sagepub.com/doi/10.1177/2158244015577669>

(stating "The author found that in cases where parents did not have attorney representation, school districts prevailed in 98% of the hearings. When parents did have attorney representation, school districts prevailed in 64% of the hearings. In an earlier study on representation, Kuriloff and Goldberg (1997) reported that parents perceived that they had more relative power in the dispute than parents who used a lay advocate or represented

themselves. Ahearn (2002) found that many states did not collect on data on representation at due process hearings, and that those that did collect data reported that there were issues with securing affordable attorneys for parents.”). Accessed June 20, 2023.

⁸⁶ Ramadan, Lulu, and Reicher, Mike, “How a mom fought Washington’s special education system – and won,” The Seattle Times, February 9, 2022, <https://www.seattletimes.com/seattle-news/times-watchdog/how-a-mom-fought-washingtons-special-education-system/>. Accessed June 20, 2023.

⁸⁷ Carmen Pacheco-Jones is “the co-founder and Executive Director of Health and Justice Recovery Alliance and serves as Equity Strategist/Facilitator with DCYF (Strengthen Families), Empire Health Foundation (Peers at the Front Door Initiative) and Providence Health Systems (Reframing Service Delivery Models, Behavioral Health in the Black Community). Certified National Trainer Providing Peer Based Recovery Support Services for Pregnant and Parenting Families. Carmen also serves as a member of Spokane’s Regional Law and Justice Council as Chair of their Racial Equity Committee, other roles that Carmen is engaged in is as Board President of Northwest Justice Project, Legal Foundation of WA Race Equity Grant’s Advisory Committee, ...” To learn more, visit <https://www.healthjusticerecoveryalliance.org/carmen>.

⁸⁸ Health and Justice Recovery Alliance “stands on the foundation of guiding and supporting lived experts to catalyze reform through holding systems that create harm accountable, lack of equitable accessible care, and traumas imposed on those who are accessing services.” Its programs include Peer Navigator Training, Peer to Peer Recovery Support, Strengthen Families Local, Maternal and Infant Support, Peers at the Front Door, and the Youth Advisory Council. To learn more, visit <https://www.healthjusticerecoveryalliance.org/services>

⁸⁹ Andrea Kadlec, Dr. Mina Barahimi Martin, and Kendrick Washington II, “Coming Into the Light: An Examination of Restraint and Isolation Practices in Washington Schools” Disability Rights Washington and the ACLU of Washington, available at <https://www.disabilityrightswa.org/wp-content/uploads/2023/02/Restraint-and-Isolation-Report-dist.pdf>. Accessed June 20, 2023.

⁹⁰ Id. at 2.

⁹¹ Id. at 6.

⁹² Id. at 9.

⁹³ Id. at 2.

⁹⁴ Columbia Legal Services’ (CLS) mission is to advocate for laws that advance social, economic and racial equity for people living in poverty. CLS represents communities facing poverty and oppression, and we use every legal tool available on their behalf. We have a special responsibility to serve people whose access to free legal services is restricted, due to institutionalized or immigration status. “Through community-led movement lawyering and a systemic approach, we are supporting communities and movements by bringing deep legal expertise that is grounded in – and strongly guided by – an understanding of race equity.” To learn more, visit <https://columbialegal.org/about/>. Accessed June 20, 2023.

⁹⁵ Washington Autism Alliance “extends access to healthcare, education and services for people with autism spectrum disorders (ASD’s) & related intellectual and developmental disabilities (IDD) in Washington State.” WAA services include family navigation, advocacy and legal services, special education legal library, insurance portal with information, training workshops, resource directory, Parent Support Group, and Friendship Matters. Founded in 2007, they serve 2,000 people per year on average. To learn more, visit <https://washingtonautismalliance.org/>.

⁹⁶ To learn more about the Community Protection Program, the DD Ombuds issued this report, “No Way Out: An Introduction to the Community Protection Program,” in June of 2021 (available online at <https://ddombuds.org/wp-content/uploads/2021/06/6.3.21-Community-Protection-Program-Report-PDF.pdf>). Accessed June 20, 2023.

⁹⁷ Team Child’s mission is to uphold the rights of youth involved, or at risk of being involved, in the juvenile justice system to help them secure the education, healthcare, housing and other supports they need to achieve positive outcomes in their lives. Team Child provides legal services, training and consulting, and policy advocacy. When making case acceptance determinations, Team Child considers the individuals, the issues, and the ability to retain other counsel. When determining financial eligibility, Team Child considers the family income if the youth resides with a parent and the parent is a part of the representation including education cases where both the parent and child are clients. If, however, the matter only involves the youth or the youth is over 18 years of age, then Team Child only considers the youth’s income. To learn more, visit <https://teamchild.org/what-we-do/>. Accessed June 20, 2023.

⁹⁸ “I Want to go Home: Reevaluating DDA’s Children’s Services to Prevent Hospitalization and Out-of-State Placement,” Office of the Developmental Disabilities Ombuds, September 2022, at 7, https://ddombuds.org/wp-content/uploads/2022/09/DD_Ombuds_I-Want-to-Go-Home.pdf. Accessed June 20, 2023.

⁹⁹ “Stuck in the Hospital,” Office of the Developmental Disabilities Ombuds, December 2018, available online at <https://ddombuds.org/wp-content/uploads/2019/10/DD-Ombuds-Hospital-Report-12.10.18-Final.pdf>

¹⁰⁰ “I Want to go Home: Reevaluating DDA’s Children’s Services to Prevent Hospitalization and Out-of-State Placement,” Office of the Developmental Disabilities Ombuds, September 2022, at 7, https://ddombuds.org/wp-content/uploads/2022/09/DD_Ombuds_I-Want-to-Go-Home.pdf. Accessed June 20, 2023.

¹⁰¹ RCW 11.130 (available online at <https://app.leg.wa.gov/RCW/default.aspx?cite=11.130>). Accessed June 20, 2023.

¹⁰² “New Washington Adult Guardianship Law Effective January 1, 2022 General Information Sheet,” prepared by the Washington Courts, at 3, <https://www.courts.wa.gov/guardianportal/guardianship2022/content/pdf/General%20Information%20Sheet%20-%20New%20Guardianship%20Law%20RCW%2011.130%20effective%20January%201,%202022.pdf>. Accessed June 20, 2023.

¹⁰³ “Alternatives to Guardianship: Supported Decision Making Agreements (SDM): What is SDM?,” by Northwest Justice Project, Washington Law Help, <https://www.washingtonlawhelp.org/resource/supported-decision-making-agreements>. Accessed on June 20, 2023.

¹⁰⁴ Rules of Professional Conduct (RPC) 1.14(a) states “(a) When a client's capacity to make adequately considered decisions in connection with a representation is diminished, whether because of minority, mental impairment or for some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client.” (available at https://www.courts.wa.gov/court_rules/pdf/RPC/GA_RPC_01_14_00.pdf). Accessed June 20, 2023.

¹⁰⁵ “Women’s Hearth is a drop-in day center in downtown Spokane—a safe space for women who have experienced poverty, trauma and/or homelessness to find a ‘hearth’ of welcome, respect, and community. Women’s Hearth provides activities, classes, social service referrals and housing-search case management in a compassionate and supportive environment 5 days a week. Participants also have access to phones, computers, internet, healthy food, hygiene supplies, and showers.” Its free services include access to basic needs such as showers, food, and hygiene products; groups and classes; community meals, meetings, speakers and other events that foster a sense of community; access to resources and referrals for various social services, especially for housing and mental health concerns; a technology center where women have free access to computers and the internet, and find assistance in learning computer skills; and Transitions, which provides three housing options. To learn more, visit <https://www.help4women.org/womens-hearth/>.

¹⁰⁶ GR 33, comment 1.

¹⁰⁷ See the Scope and Methodology section above for a more complete explanation of considered models.

¹⁰⁸ YoYot SpQ’n’i, salish for ‘Strong Spokane’, is a domestic violence shelter with wrap around services centric to the issue of Missing, Murdered Indigenous Women & People (MMIWP). To learn more, visit <https://yoyotspqni.org/>

¹⁰⁹ YoYot SpQ’n’i, salish for ‘Strong Spokane’, is a domestic violence shelter with wrap around services centric to the issue of Missing, Murdered Indigenous Women & People (MMIWP). To learn more, visit <https://yoyotspqni.org/>. Accessed on June 20, 2023.

¹¹⁰ The Volunteer Lawyers Program (VLP), established in 1985, is a 501(c)(3) nonprofit legal assistance program of the Spokane County Bar Association (SCBA). The VLP operates out of Spokane county but does its best to help Pend Oreille, Ferry, Stevens and Lincoln counties. The VLP’s mission is to connect low-income community members needing legal services to legal education and to pro bono professionals. The VLP strives to help low-income community members (within 200% of the FPL) help themselves with civil legal matters by providing legal education and advice through clinics, events and classes. The VLP’s primary focus is Family Law, but the program also assists with certain housing and limited wills/estates, and bankruptcy issues. To learn more, visit <https://www.spokanevlp.org/about>.

¹¹¹ “Cultural competence and cultural humility require more than an absence of bias or discrimination. Cultural humility involves entering a relationship with another person with the intention of honoring their beliefs, customs, and values. It entails an ongoing process of self-awareness combined with a willingness to learn from others. It is a multi-dimensional concept that includes lifelong learning and critical self-reflection to understand and recognize

our complexities as human beings. Basic concepts of cultural humility are: (1) acknowledgement of the importance of culture in people's lives; (2) respect for cultural differences; (3) minimization of any negative consequences of cultural differences; and (4) specifically focusing on recognizing and challenging the power imbalances that are inherent in our own institutions, for example, in certain relationships such as that between the attorney and client ... Cultural competence is also important with persons with disabilities for whom there are barriers to communication or accessibility that might impact the formation of a relationship of trust necessary for effective representation, and with others who share distinct characteristics, histories, and cultures that call for heightened awareness and sensitivity, such as identifying as LGBTQ+, those with a disability, and those from indigenous communities. ..." ABA standard Standard 4.4 on Race Equity, Disability Diversity, Cross-Cultural Sensitivity, and Cultural Humility (available at

https://www.americanbar.org/groups/legal_aid_indigent_defense/resource_center_for_access_to_justice/standards-and-policy/updated-standards-for-the-provision-of-civil-legal-aid/standard-4-4-on--race-equity--disability-diversity--cross-cultur/). Accessed June 20, 2023.

¹¹² A small number of students, less than 1% statewide, receive both IDEA and section 504 services. Thus, there is a very slight overlap when totaling the total number of students served.

¹¹³ Based on data from the "Report_Card_Enrollment_2022-23_School_Year," found at the Office of Superintendent of Public Instruction's data portal at <https://www.k12.wa.us/data-reporting/data-portal> (pulling data for 2023, selecting "Report Card Enrollment 2022-2023 School Year," sorting for only Spokane county schools, and selecting all students, students with disabilities and section 504 for total numbers). Accessed June 30, 2023. See also Map of Spokane County School Districts, https://www.dshs.wa.gov/data/research/Map_SchoolDistricts_Spokane.pdf.

¹¹⁴ The recommendation would be to house this clinic at Gonzaga Law School, but since we have not discussed the possibility with the administration, we have left open other possibilities.

¹¹⁵ See, e.g., <https://www.wsba.org/for-legal-professionals/mcle/mcle-credit-for-mentorship>

¹¹⁶ Lara Hruska founded Cedar Law PLLC based on a holistic approach to school law informed by her unique background in education, social work, and the law. Cedar Law is an education law firm working to resolve disputes in an effective and timely manner. The provide legal services throughout Washington State, Oregon and California. To learn more, visit <https://cedarlawpllc.com/>.

¹¹⁷ The Gonzaga Elder Law Clinic provides "legal assistance to low and middle-income clients who are 60 years and older and live in Spokane County. We provide free legal assistance on a variety of matters from basic estate planning to public benefits to housing. This includes legal advice, direct representation and litigation." It is funded by a grant from [Aging and Long-Term Care of Eastern Washington](#). To learn more, visit <https://www.gonzaga.edu/school-of-law/clinic-centers/law-clinic/elder-law>. Accessed June 20, 2023.