

ADVOCACY & LEGAL ASSISTANCE

CHAPTER 15

There are different forms of advocacy that may be used to secure and protect legal rights. The first is called “self-advocacy,” which involves helping oneself. A second form is often referred to as “lay advocacy,” which involves obtaining assistance from a person with training or experience in a particular field, but who is not a lawyer. The third is “legal assistance,” which consists of contacting another person or group qualified and licensed to assist in legal matters.

This handbook attempts to present information enabling persons with disabilities to be their own self-advocates in exercising their legal rights. The information should also be helpful to parents, guardians and representatives in the role of advocating for persons with disabilities. However, legal assistance is often needed.

At the onset of an effort to exercise legal rights, it is often difficult to determine whether legal assistance will be needed. There are certain steps recommended during the initial stage. Be open and candid about all facts and circumstances surrounding the situation in dispute. With a full and complete disclosure of all the facts, time and energy will be saved, and a speedier solution may be obtained. An individual should keep written records and notes of all actions taken prior to seeking legal assistance, including:

1. Copies of all applications or contacts with any party, agency, or organization;
2. Copies of all letters sent or received regarding the dispute;
3. Written notification of all dealings regarding the dispute, including the names of the persons contacted;
4. All conversations held with an adverse party, agency, or organization regarding the dispute;
5. Dates of all communications; and
6. A summary of any complaint against any party, agency, or organization involved.

SELF-ADVOCACY

Advocacy is defined as the act of speaking or writing in support of something. While organizations like MO P&A offer helpful resources and services, advocacy really begins with the individual. You can take the steps needed to achieve your goal, whether it is to get information, obtain a service, or change a policy. You may not necessarily be acting alone, but you have an active role in initiating and moving along the process. Listed below are some tips in advocating for yourself.

Know Your Rights

To be able to speak up for yourself, you must first be aware of the law and your rights. You can find out what your rights are by talking to others, such as a representative of a disability organization, attending classes or by reading materials. How you decide to learn about your rights is up to you, as there are many sources available. Be sure that the source you use is credible – that is, it is giving you trustworthy information.

Be Assertive Without Being Aggressive

To be most effective, you will need to be assertive when dealing with others and speaking up for yourself. Being assertive means standing up for what you believe without being aggressive (being too forceful or demanding). If you are too aggressive, you will have trouble getting the information and assistance that you need.

Focus on What You Can Do

You know yourself and your abilities best. It is important for you to focus on your strengths, abilities and your rights. Think positively! Negative thinking will prevent you from achieving your goals.

Know Your Goals

If you know your rights, you should be able to know what you want to achieve. Whether you are seeking to obtain a benefit, educate others, or get a workplace adaptation, you should know your goal before you begin. If you are advocating without a goal in mind, you won't know where to go or what to do. As well, you won't know when you've reached your goal and you may end up wasting valuable time and resources.

Work with Others

Don't think that you need to advocate on your own. Others not only support you – they will want to help you. Family, friends, other advocates and other people with disabilities will be able to provide you with resources and support that can be invaluable. Depending on your goal and the extent of your disability, you may not need the help of anyone, or you may require extensive assistance.

Be Organized

Being organized involves a practical approach. Make sure you have photocopies of everything you submit. You should also document important interactions such as requesting services, requesting meetings, expressing a complaint, or appealing a decision. Keeping track of time lines and deadlines is also suggested. If you talk to someone from a program, write down the name of the person and the date that you spoke to him/her. Keep all your information in one place and get and put everything in writing. Being organized in this sense is critical to being able to advocate for yourself effectively. (www.mssociety.ca/atlantic/effectiveadvocacy.htm)

Other suggestions include:

- Build accountability
- Listen and hear
- Do an objective assessment of your issue

- Be willing to negotiate
- Start at the bottom and go up if necessary
- Ask the right person to do the right thing
- Offer positive solutions
- Be aware of how you present yourself
- Open or re-open lines of communication
- Form beneficial alliances
- Do not be afraid

OBTAINING LEGAL ASSISTANCE

Once an individual determines that self-advocacy cannot provide satisfaction, consideration should be given to obtaining additional assistance. Following is a list of groups and organizations that may prove helpful in this regard.

Missouri Protection & Advocacy Services

Missouri Protection & Advocacy Services is an independent, non profit, federally funded, public interest law firm. Founded in 1977, MO P&A is the only legal rights organization in Missouri exclusively for people with disabilities. In addition, MO P&A is the implementing agency for the federal Protection and Advocacy for Individuals with Developmental Disabilities, the Protection and Advocacy for Individuals with Mental Illness, Protection and Advocacy for Individual Rights , Protection & Advocacy for Beneficiaries of Social Security, Protection and Advocacy for Assistive Technology , Protection and Advocacy for Voter Accessibility, Protection & Advocacy for Individuals with Traumatic Brain Injury, and the Client Assistance Program. It is a non-profit corporation designed to:

1. Assure respect for and compliance with the human and legal rights of persons with developmental disabilities.
2. Protect and advocate for the rights of persons diagnosed with significant mental illnesses or emotional impairments who are inpatients or residents of facilities rendering care or treatment or whose concerns relate to incidents which occurred within 90 days of being discharged from such facilities, or who are at risk of institutionalization.
3. Assist individuals who are eligible or who may be eligible for services under the Vocational Rehabilitation Act in accessing those services.

Missouri Protection & Advocacy Services strives to:

- Provide assistance, information and consultation on human and legal rights, services and remedies available to persons with disabilities;
- Educate the public as to the particular needs of persons with disabilities;

- Defend the rights and interests of persons with disabilities;
- Encourage systemic and agency reform to better meet the needs of persons with disabilities.

For further information, contact:

Missouri Protection & Advocacy Services
925 South Country Club Drive
Jefferson City, MO 65109
(573) 893-3333 or (800) 392-8667

Free or Low Cost Legal Assistance

Throughout the state of Missouri, various legal service corporations provide free or low cost legal assistance in civil matters such as divorce, landlord-tenant conflicts, consumer protection, etc. Eligibility for help from these corporations is based on financial need guidelines. Since eligibility criteria may vary from office to office as to the type of cases accepted and financial guidelines followed, the individual should contact the nearest legal services corporation office to see if he is eligible to utilize these services.

Following is a listing of the legal service corporation offices in Missouri:

Legal Services of Eastern Missouri – Hannibal

The Federal Building
801 Broadway
Hannibal, MO 63401
(800) 767-2018
(573) 248-1111

Counties served: Adair, Clark, Knox, Lewis, Lincoln, Macon, Marion, Monroe, Montgomery, Pike, Ralls, Schuyler, Scotland and Shelby

Legal Services of Eastern Missouri – Main Office

4232 Forest Park Blvd.
St. Louis, MO 63108
(800) 444-0514
(314) 534-4200

Counties served: Franklin, Jefferson, St. Charles, St. Louis City, St. Louis County, Warren and Washington

Legal Services of Southern Missouri-Rolla

1412 Highway 72 East
Post Office Box 135
Rolla, MO 65402
(800) 999-0249
(573) 341-3655

Counties served: Crawford, Dent, Gasconade, Iron, Madison, Maries, Phelps, Pulaski, Reynolds, St. Francois, Ste. Genevieve and Wayne

Legal Services of Southern Missouri – Charleston

116 N. Main Street

Charleston, MO 63834

(800) 748-7456

(573) 683-3786

Counties served: Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Mississippi, New Madrid, Pemiscott, Perry, Ripley, Scott and Stoddard

Legal Services of Southern Missouri - Springfield

2872 South Meadowbrook

Springfield, MO 65807

(800) 444-4863

(417) 881-1397

Counties served: Barry, Cedar, Christian, Dade, Dallas, Douglas, Greene, Howell, Laclede, Lawrence, Oregon, Ozark, Polk, Shannon, Stone, Taney, Texas, Webster and Wright

Mid-Missouri Legal Services

205 East Forest Avenue

Columbia, MO 65201

(800) 568-4931 (9-11 a.m.)

(573) 442-0116

Counties served: Audrain, Boone, Callaway, Chariton, Cole, Cooper, Howard, Miller, Moniteau, Osage and Randolph

Legal Aid of Western Missouri - Kansas City (Central Office)

1125 Grand Blvd., #1900

Kansas City, MO 64106

(816) 474-6750

Counties served: Clay, Jackson and Platte

Legal Aid of Western Missouri (Western Office)

920 SW Boulevard

Kansas City, MO 64108

(816) 474-9868

Counties Served: Jackson

Legal Aid of Western Missouri - Warrensburg

120 Hout

Warrensburg, MO 64093

(800) 892-2943

(660) 747-7101

Counties served: Benton, Camden, Carroll, Cass, Henry, Hickory, Johnson, Lafayette, Morgan, Pettis, Ray, St. Clair and Saline

Legal Aid of Western Missouri - Joplin

302 South Joplin

Joplin, MO 64801

(800) 492-7095

(417) 782-1650

Counties served: Barton, Bates, Jasper, McDonald, Newton, and Vernon

Legal Aid of Western Missouri - St. Joseph

German-American Building

106 South 7th Street, 4th Floor

St. Joseph, MO 64502

(800) 892-2101

(816) 364-2325

Counties served: Andrew, Atchison, Buchanan, Caldwell, Clinton, Davies, DeKalb, Gentry, Grundy, Harrison, Holt, Linn, Livingston, Mercer, Nodaway, Putnam, Sullivan, and Worth

ADDITIONAL RESOURCES**Federal Agencies**

United States Department of Health and Human Services

601 E. 12th Street Room South 1801

Kansas City, MO 64106

(816) 426-2821

Social Security Administration

(Contact your local office)

State Agencies

Department of Elementary and Secondary Education

205 Jefferson Street

Post Office Box 480

Jefferson City, MO 65102

(573) 751-4212

Division of Special Education

205 Jefferson Street

Post Office Box 480

Jefferson City, MO 65102

(573) 751-5739

Division of Vocational Rehabilitation

3024 DuPont Circle

Jefferson City, MO 65109

(573) 751-3251

(877) 222-8963

Labor and Industrial Relations Commission
3315 W. Truman Boulevard Room 214
PO Box 599
Jefferson City, MO 65102
(573) 751-2461

Division of Worker's Compensation
3315 W. Truman Blvd. Room 131
PO Box 58
Jefferson City, MO 65102
(573) 751-4231
(800) 775-2667

Division of Labor Standards
3315 W. Truman Blvd. Room 205
PO Box 449
Jefferson City, MO 65102
(573) 751-3403

Division of Employment Security
421 East Dunklin Street
PO Box 59
Jefferson City, MO 65102
(573) 751-3215

Department of Mental Health
1706 E. Elm
PO Box 687
Jefferson City, MO 65102
(573) 751-3070
(800) 364-9687 (consumer line)

Division of Mental Retardation and Developmental Disabilities
1706 E. Elm
PO Box 687
Jefferson City, MO 65102
(573) 751-4054
(800) 207-9329 (consumer line)

Department of Social Services
221 West High Street
PO Box 1527
Jefferson City, MO 65102
(573) 751-4815

Division of Family Services
615 Howerton Court
Jefferson City, MO 65109
(573) 751-3221 (See district offices for local numbers)

Rehabilitation Services for the Blind
3418 Knipp Drive
PO Box 88
Jefferson City, MO 65103-0088
(573) 751-4249
(800) 592-6004 (consumer line)

Department of Health
PO Box 570
Jefferson City, MO 65102
(573) 751-6400

Missouri Department of Insurance
301 West High Street, Room 530
Jefferson City, MO 65101
PO Box 690
Jefferson City, MO 65102
(573) 751-4126
(800) 726-7390

Missouri Department of Insurance
Saint Louis Office
111 N. 7th Street
Wainwright Office Building Room 229
Saint Louis, MO 63101-2176
(314) 340-6830

Missouri Department of Insurance
Kansas City Office
615 E. 13th Street Room 510
Kansas City, MO 64106-2829
(816) 889-2380

Governor's Council on Disability
3315 West Truman Blvd., Suite 132
PO Box 1668
Jefferson City, MO 65102
(800) 877-8249
(573) 751-2600

Missouri Department of Health
Bureau of Special Health Care Needs
930 Wildwood
PO Box 570
Jefferson City, MO 65102
(573) 751-6246
(800) 451-0669

Consumer & Advocacy Organizations

American Civil Liberties Union
3601 Main Street
Kansas City, MO 64111
(816) 756-3113
American Civil Liberties Union
4557 Laclede Avenue
St. Louis, MO 63108
(314) 361-2111

Disabled Citizens Alliance for Independence
PO Box 675
Viburnum, MO 65566
(573) 244-3315
(800) 844-3316

Epilepsy Foundation of Kansas and Western Missouri
6550 Troost, Suite B
Kansas City, MO 64131
(800) 972-5163
(816) 444-2800

Developmental Center of the Ozarks
1545 East Pythian
Springfield, MO 65802
(417) 831-1545/(417) 865-7603 (fax)
TDD (417) 831-1545

Developmental Center of Branson
1627 E. State Highway 76
Branson, MO 65616
(417) 334-1797/(417) 335-2320 (fax)

Missouri Association for Children with Learning Disabilities
1942 E. Meadowmere
PO Box 3303
Springfield, MO 65808
(417) 864-5110
(800) 473-4965

National Alliance for the Mentally Ill (NAMI) of Missouri
1001 Southwest Boulevard Suite E
Jefferson City, MO 65109
(800) 374-2138
(573) 634-7727

National Alliance for the Mentally Ill (NAMI) Southwest Missouri
1701 South Campbell
Springfield, MO 65807
(417) 864-7119
(877) 535-4357

Missouri Parents Act (MPACT)
1 West Armour Boulevard Suite 32
Kansas City, MO 64111
(816) 531-7070/(816) 531-4777 (fax)
(800) 743-7634

Missouri Planning Council for Developmental Disabilities
1706 E. Elm
PO Box 687
Jefferson City, MO 65102
(800) 500-7878
(573) 751-8611

Autism Society (Western Missouri Chapter)
8103 Spring Valley
Raytown, MO 64138
(816) 353-7560
(800) 3AU-TISM (National)

Services for Independent Living
1401 Hathman Place
Columbia, MO 65201
(573) 874-1646

Paraquad
311 North Lindbergh
St. Louis, MO 63141
314-567-1558
Fax:314-567-1559
TDD:314-567-5552

The Whole Person
301 E. Armour Boulevard Suite 430
Kansas City, MO 64111
(816) 561-0304
(800) 878-3037

Judevine Center for Autism
1101 Olivette Executive Parkway
St. Louis, MO 63132
(314) 849-4440