

Illinois Guardianship and Advocacy Commission



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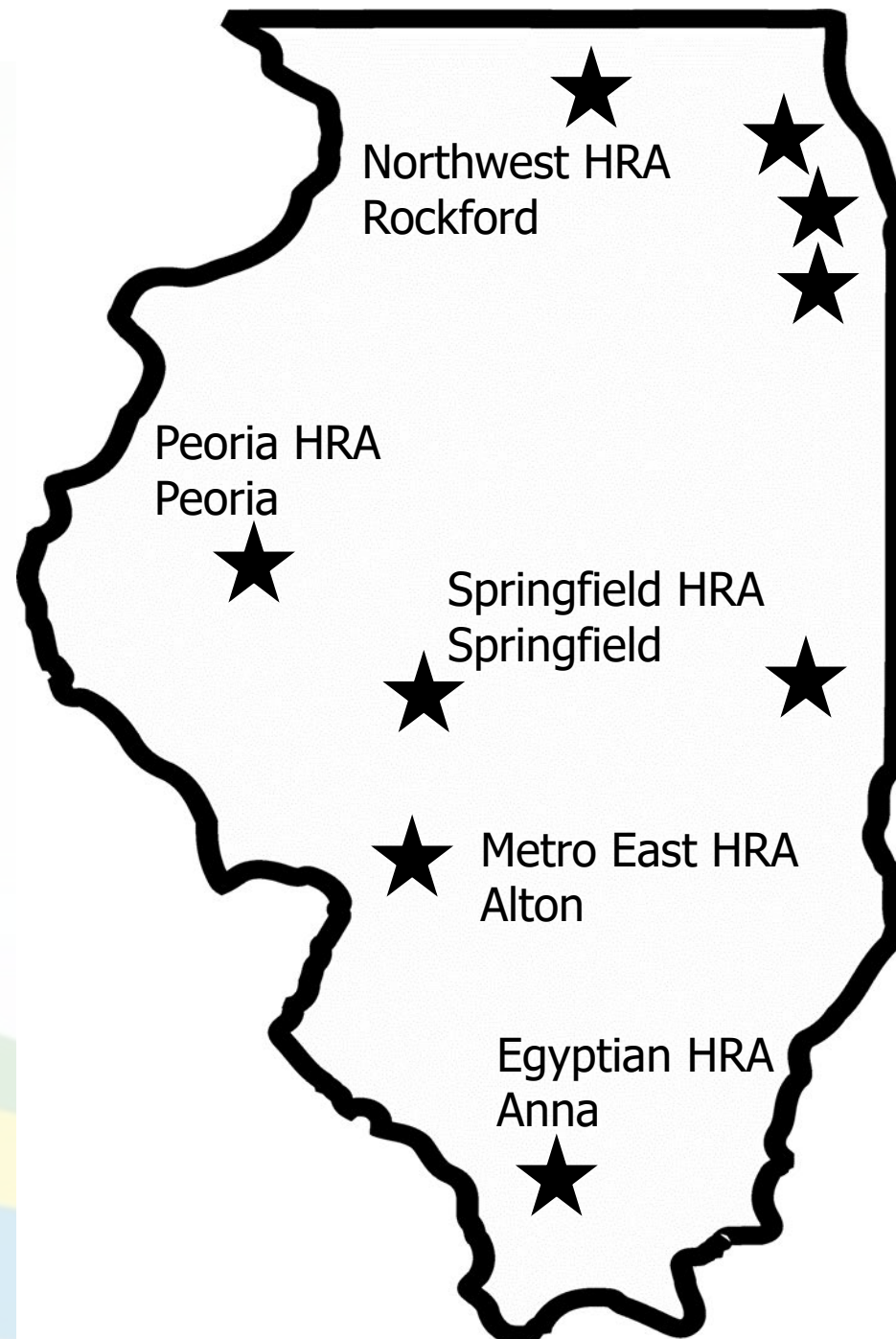
The Illinois Guardianship and Advocacy Commission (GAC) was created in 1979 with the passing of the Guardianship and Advocacy Act

“To Protect the Rights of Persons with Disabilities”



Guardianship and Advocacy Commission

- The GAC consists of 3 Branches:
 - The Office of State Guardian (OSG)
 - The Legal Advocacy Service (LAS)
 - The Human Rights Authority (HRA)
 - *Special Education Initiative
- There are 9 Regional Offices located across the State of Illinois.



Northwest HRA
Rockford

North Suburban HRA

Chicago HRA

South Suburban HRA
Chicago

Peoria HRA
Peoria

Springfield HRA
Springfield

East Central HRA
Champaign

Metro East HRA
Alton

Egyptian HRA
Anna

Human Rights Authority

Mission and Overview

“To safeguard the rights of persons with disabilities under the Guardianship and Advocacy Act”

- The investigative branch of the agency.
- Promotes systemic improvements to disability rights protections.
- Ensure compliance with rights regulations.
- Unique in the use of regional panels.

HRA Regional Panels

- Consist of a board of up to 9 volunteers who are the decision makers for the complaints, including acceptance, findings, and resolution.
- By statute 3 of the board volunteers are professionals in the fields of rehabilitation services, mental health and developmental disabilities.
- The other 6 volunteers can be citizens with interests in helping and advocating for people with disabilities.

Making a complaint

- A complaint of an alleged violation can come to the Authority from any source:
 - Persons with disabilities
 - Family Members
 - Service providers
 - Facility staff
 - Guardians
 - Concerned citizens
 - HRA initiated
 - Anonymously
- A complaint can be made via letter, telephone, on-line via the GAC website or a personal presentation before the Regional Authority at one of its public meetings
- The complainant's identity remains confidential
- The service recipient's identity is not disclosed in any public records and is only shared with the service provider if there is a release

Criteria for a complaint

To investigate, complaints must involve:

- a disability right
- a person with a disability
- a disability service provider

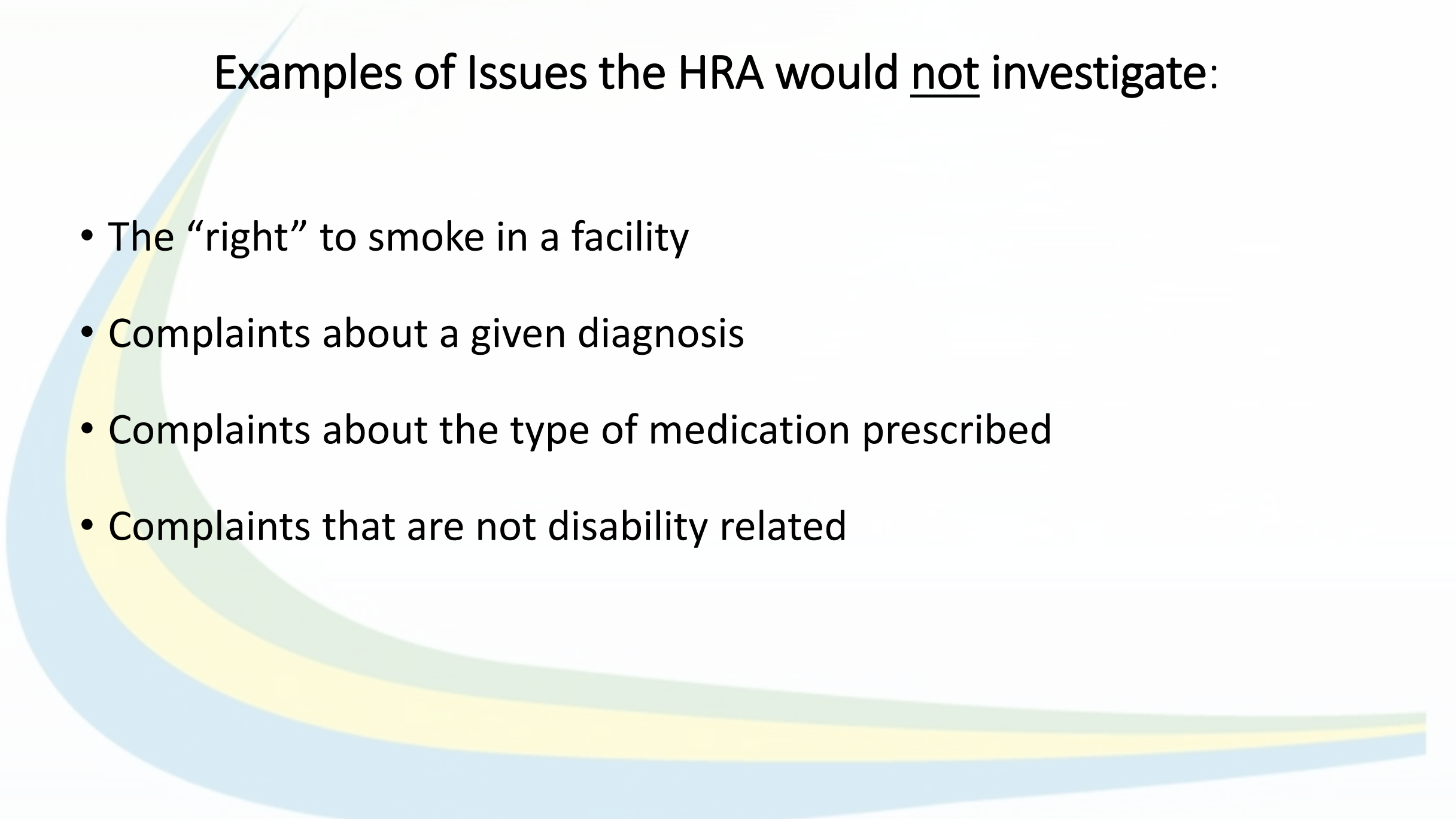
Examples of service providers

- Hospitals
- Psychiatric Units
- Special Education Programs
- Nursing Homes
- Community Integrated Living Arrangement (CILA)
- Vocational Programs
- An entity, in whole or part, that provides services to eligible persons.

Examples of Complaints

- Inadequate treatment
- Inadequate guardian notification/inclusion
- Inadequate treatment planning
- Not following a student's IEP
- Inappropriate restraint
- Inappropriate restriction of rights.

Examples of Issues the HRA would not investigate:

- The “right” to smoke in a facility
 - Complaints about a given diagnosis
 - Complaints about the type of medication prescribed
 - Complaints that are not disability related
- 

Investigative Methods

- All complaints are presented to the HRA board of volunteers.
 - They can accept a case for opening or not accept the case.
 - Case may not be accepted if the HRA did not receive a release of information.
 - Can attempt to handle the case informally.
 - Example: was an inmate at a jail who was transferred for a MH facility. He was moved but his private books and letters were left at the jail. The HRA attempted to work informally with the jail to get the inmates property returned to him.

Investigative Methods

- A site visit is conducted
 - This is an opportunity for the HRA to see the facility and to ask further questions as well as gather more evidence. The HRA can interview anyone who might have relevant case information.
- Research is Conducted
 - Review of records, review of statutes that are alleged to have been violated.
- Analysis of all evidence gathered

HRA Reports of Findings

- Reports can have **UNSUBSTANTIATED** or **SUBSTANTIATED** findings.
 - The HRA can make recommendations and suggestions to the provider to make changes.
- A report will be sent to the service provider.
- The service provider will have 30 days to respond back to the Authority.

Substantiated Findings

- The provider is required by regulations to inform the Authority what action it intends to take regarding any recommendations that have been made.
- Regulations also allow the provider to make objections to the findings and to include them in its response to the report.

What happens when a response is received from the service provider?

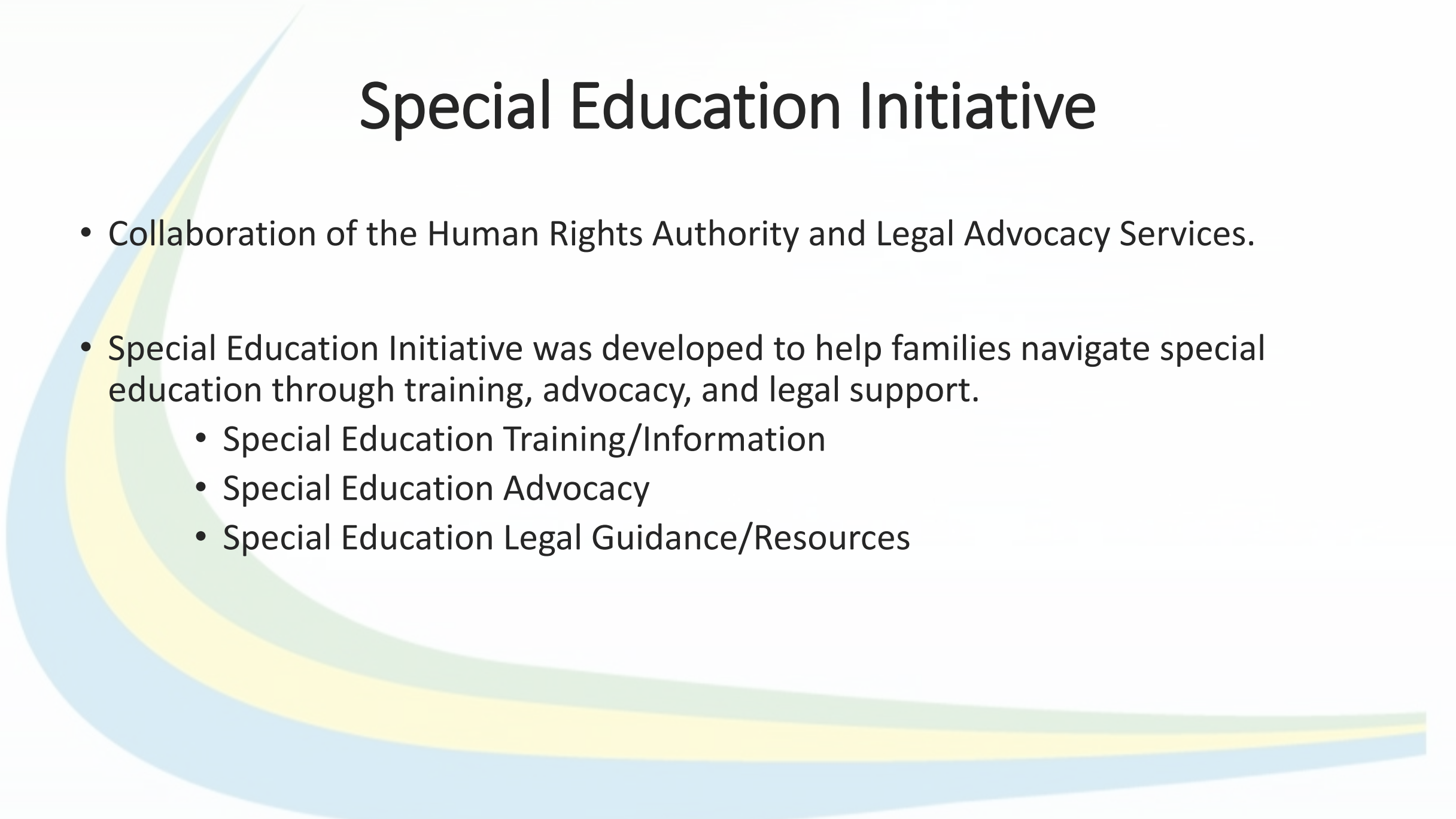
- The Authority may determine that the rights violation has been resolved
 - The Authority votes to close the case
 - Notice of the final report and case closure will be sent to the complainant and provider and the report will become public
- The Authority may decide that the response does not indicate that the alleged violation has ceased and can go into a negotiation phase with the provider
- Not an enforcement agency

Case Example

- 1) County Jail for improper restraint. (Inmates had a mental illness)
 - a. The complaint alleged an inmate was kept in restraints for an extended amount of time without breaks or circulation checks resulting in the inmate needed medical care.
 - b. Complaint was substantiated. The HRA found the jail did not do circulation checks/joint rotation hourly as policy stated. Records indicated gaps of 2-4 hours when the inmate was not given joint rotation or checked on.
 - c. Recommended the jail follow policy and County Jail Standards. Additionally, recommended staff be trained on the County Jail standards and jail policy.

Case Example

- 1) Hospital for Inadequate Treatment and Inadequate Guardian Notification
 - a. The complaint alleged a patient was admitted into the hospital and the patient is to have nothing by mouth, only have liquids via a g-tube. However, the patient was given a burger and fries which caused the individual to choke. The guardian was not notified of the incident.
 - b. Records indicated dietary delivered another patients food tray to the individual and failed to follow protocol/policy. The patient's name was not on the tray and staff should verify the name with the patient's id bracelet as well as the name written on the wall. Dietary restrictions are also listed on the wall. None of this was verified by dietary before serving the food.
 - c. The hospital admitted that the guardian was never contacted and advised of the situation.



Special Education Initiative

- Collaboration of the Human Rights Authority and Legal Advocacy Services.
- Special Education Initiative was developed to help families navigate special education through training, advocacy, and legal support.
 - Special Education Training/Information
 - Special Education Advocacy
 - Special Education Legal Guidance/Resources



Special Education Laws

Individuals with Disabilities Education Act (IDEA)

- IDEA made the Education for all Handicapped Children Act (EHA) Law
- It ensures that students with disabilities are provided Free and Appropriate Public Education that is tailored to their individual needs.
- Primary law for Special Education
- <https://sites.ed.gov/idea/>

Rehabilitation Act (504)

- Is a Civil Rights Statute
- Eligibility: Covers persons of all ages with “disabilities that substantially limit one or more major life activities”
- Provides reasonable accommodations

Illinois Administrative Code (Il. Admin. Code)

- Title 23 Education
- Section 226 Special Education

How we use the law for advocacy

- Teaching parents about the law and how to use it
 - Identifying children with disabilities
 - Requesting evaluations
 - Identifying students with disabilities
 - Individualized Education Programs
 - Legal document
 - Mediation
 - Due Process

HRA CASE ACTIVITY BY REGION FISCAL YEAR 2024

	North Suburban 0	Egyptian 1	Chicago 3	South Suburban 4	Springfield 5	East Central 6	Metro East 7	Rockford 8	Peoria 9	Total
Caseload Balance 7/1/23	36	21	37	10	4	13	20	20	23	184
Cases Opened	30	27	42	18	12	34	11	26	26	226
Cases Handled Informally	23	18	18	5	9	17	4	12	14	120
Total Cases Handled	66	48	79	28	16	47	31	46	49	410
Cases Closed	19	35	45	2	8	26	10	22	19	186
Cases Not Accepted, No Release, Referred to another Agency	1	6	17	0	3	10	5	5	0	47
Closed No Violation	1	12	10	1	2	4	0	5	1	36
Resolution Approved By HRA	0	8	4	0	2	12	0	3	0	29
Resolved Informal Means	0	4	12	0	1	1	1	1	0	20
Closed	26	5	2	1	0	3	4	2	10	53
Enforcement Referral	0	1	0	0	0	0	0	0	0	1
Volunteer Hours in Closed Cases	82	452	74	19	34	228	44	206	244	1383
Persons with Disabilities	1769	6298	132000	0	100	2425	125	70	8765	151,552

Statistics

Types of Rights Issues Presented in New Complaints/Referrals:

• Inadequate treatment/programs	28%
• Restrictions of rights	12%
• Discharge Rights	9%
• Notification of Rights	9%
• Admission Rights	9%
• Medication issues	9%
• Issues related to Abuse/Neglect	6%
• Transfer Rights	3%
• Discrimination	2%
• Restraint Issues	2%
• Guardian Notification	2%
• Communication Rights	2%
• Other	7%

Statistics Continued

Type of Service Provider Represented in New Complaints and Referrals:

• Hospital Psychiatric Unit	18%
• State-Operated Mental Health Facility	15%
• Private Psychiatric Hospital	14%
• Hospital Emergency Room	10%
• Community Integrated Living Arrangement (CILA)	8%
• Jails	5%
• State-Operated Developmental Center	5%
• Nursing Home	4%
• Outside Community Agency	4%
• Community Mental Health Center	3%
• Special Education Program	3%
• Community Hospital	2%
• HUD Housing	1%
• ICFDD	1%
• Assisted Living	1%
• Community DD Program	1%
• ICFDD 16 Bed	1%
• Vocational Program	1%
• Other	3%

Statistics Continued

Disability Type Represented in Number of Persons Benefiting:

• Mental Illness	55%
• Dual Diagnosis (ID/DD and MI)	34%
• Developmental Disability	9%
• Other	2%

Categories of Complainants in New Complaints:

• Eligible Person	56%
• Family Member	10%
• Private Guardian	6%
• Legal Advocacy Service	6%
• Office of State Guardian	6%
• Concerned Citizen	5%
• HRA Initiated	4%
• Anonymous	4%
• Social Service Agency Staff	2%
• Facility Staff	1%

Volunteering for the HRA

- Regional Authorities are always seeking to fill vacancies as they occur as well as maintain a pool of potential volunteer members for times when the need arises.
 - Applications available online or by contacting your local HRA.
- There are 9 volunteer board members per HRA panel.
 - By statute 6 of the volunteers are citizens.
 - The other 3 volunteers are professionals in rehabilitation, mental health, and developmental disabilities fields.

Volunteering for the HRA

- Volunteers serve a 3-year term
 - Can serve up to 2 terms (6 total years) then need to take 1 year off.
 - After 1 year off can re-apply if you choose
- Volunteers attend meetings every other month
- Volunteers assist with investigations by attending site visits

Benefits of Volunteering with the HRA

- Make a positive impact in the lives of persons with disabilities.
- Gain a better understanding of disability rights and the challenges people with disabilities face.
- Have an active role in promoting positive change to policies, procedures, and legislation.
- Learn how professional skills and life experiences can impact disability rights protections.

The rewards are endless

Resources

- Toll-Free Intake: 866-274-8023
- Toll-Free TTY: 866-333-3362
- Website: <http://gac.state.il.us>
- Regional Office Numbers:
 - Chicago and South Suburban HRAs.... 708-338-7500
 - North Suburban HRA..... 847-294-4264
 - Northwest HRA (Rockford)..... 815-987-7227
 - Peoria HRA..... 309-671-3030
 - Springfield HRA..... 217-785-1540
 - East Central HRA (Champaign)..... 217-278-5577
 - Metro East HRA (Alton)..... 618-474-5503
 - Egyptian HRA (Anna)..... 618-833-4897
 - Special Education Initiative..... 866-274-8023

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Contact Information

East Central Regional Office

HRA- Disability Rights Manager

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Questions