As a poverty law firm, Advocates for Basic Legal Equality, Inc. (ABLE) engages in impactful, broad-based advocacy designed to carry out our mission of assisting clients and communities achieve self-reliance, economic opportunity and equal justice under the law. Our advocates utilize a wide range of advocacy tools, including litigation, community lawyering and legislative and administrative advocacy in order to combat complex forces of economic and racial injustice. We engage in advocacy that seeks to uncover deep-seated, institutionalized practices that unfairly burden families struggling in poverty and disproportionately impact communities of color. And we encourage close collaboration with community partners as we strive to support the empowerment and independence of the communities we serve.

Our 2015-2016 Advocacy Impact Report reflects these efforts in our primary practice areas and special projects and demonstrates the dedication and commitment of our advocates. Through the Housing and Community Economic Development Practice Group, ABLE strives to ensure that low-income individuals and families have access to safe, affordable housing, including the freedom and choice to access areas of opportunity and be connected with education, healthcare, employment and other critical needs to improve the quality of life. ABLE also works closely with groups focusing on economic development activities to ensure that low-income individuals have the ability to participate in and benefit from development within their own communities. In the Meaningful and Appropriate Education Practice Group, ABLE focuses on the disparities in the quality of education for children in poverty, particularly African American and Latino children, who are often are served by schools that do not meet their needs and too often treat low-income children and their struggles as criminal matters instead of as educational needs. Recognizing that access to quality healthcare and public benefits is critical for families struggling in poverty, the Healthcare and Public Benefits Practice Group focuses on access to short-term or long-term benefits as a critical role in creating opportunities for families to improve their quality of life and in many cases achieve self-sufficiency. ABLE’s advocacy also seeks to reduce health disparities in low-income and minority communities and advocates for participation in public benefits programs and services in the least restrictive environment. And through the work of the Agricultural Worker and Immigrant Rights Practice Group, ABLE works with vulnerable workers who are often subjected to systemic exploitation and civil rights abuses and also provides representation in immigration cases where the goal is to preserve or obtain lawful status.

We believe that equal justice is achievable and we will continue our efforts—working together with clients and our community partners—to make it a reality.

Aneel L. Chablani
Director of Advocacy
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The FHA Mortgage program is an important tool which increases access to credit to low and moderate income families to assist them in purchasing homes and building wealth through equity. Through the FHA program, HUD seeks to incentivize lenders to make mortgage loans to these borrowers who may not otherwise be served in the mortgage market by insuring the loan and covering any losses, including losses due to foreclosure. However, lenders must comply with the extensive loss-mitigation procedures and make all efforts to prevent defaults, keep the homeowners in the home or at the very least, mitigate the losses to the government.

In April 2013, ABLE, together with co-counsel Relman, Dane & Colfax, filed a complaint under seal pursuant to the False Claims Act. The complaint, in which ABLE serves as the relator, alleges that U.S. Bank engaged in fraud through submission of insurance claims as part of the FHA Mortgage program. As alleged in the complaint, U.S. Bank had failed to comply with loss-mitigation measures yet submitted claims for loss reimbursement to HUD and certified that it was in full compliance with FHA regulations and rules. The failure to comply with loss-mitigation measures means that homeowners were not afforded the full range of options that could have allowed them to save their home or, at the very least, that the extent of the losses to the government could have been reduced through measures other than foreclosure. The complaint remained under seal while the Department of Justice evaluated its option to intervene, which it eventually declined to do.

In September 2014 the complaint was unsealed and following extensive briefing on a motion to dismiss by U.S. Bank, the district court delivered a mixed ruling. The court found in ABLE’s favor on the issue of liability under the False Claims Act holding that the servicing regulations “expressly link a mortgagee’s right to receive and retain FHA insurance benefits to its compliance with HUD’s loss mitigation rules.” The Court went on: “A failure to engage in loss mitigation directly bears on whether HUD will have to pay an insurance claim on a foreclosed loan and ... goes to the heart of the government’s bargain with a mortgagee to pay claims only where the loan was legitimately originated and serviced.” However, after finding that the complaint alleged a valid claim for fraud under the FCA, the Court dismissed the complaint on a technical “public disclosure bar.” The public disclosure bar prevents whistleblowers from pursuing FCA claims where the information providing the basis of the allegations was already publically disclosed.

In 2015 ABLE appealed the district court’s decision to the U.S. Court of Appeals for the Sixth Circuit. Following briefing and oral argument, the Sixth Circuit issued a ruling affirming the district court’s ruling on the public disclosure bar. Although options continued to be weighed moving forward, the case has been significant in raising the awareness of the rampant failure of FHA-approved lenders to comply with their obligations to engage in appropriate loss-mitigation efforts with homeowners. ABLE’s case received national attention and was the subject of an article appearing in the New York Times: “U.S-Backed Mortgages Put to Test in an Innovative Lawsuit” (November 27, 2014): http://dealbook.nytimes.com/2014/11/27/u-s-backed-mortgages-put-to-test-in-a-lawsuit/.
Additionally, although the Department of Justice declined to formally intervene in the case, at both the District Court and in the Sixth Circuit, the Department filed Statement of Interest briefs in support of ABLE’s position that compliance with FHA loss mitigation regulations is not just a condition of participation, but a condition of payment and the knowing submission of claims without complying with loss-mitigation constitutes fraud. ABLE’s innovative legal challenge on behalf of FHA-mortgage homeowners has brought much needed attention to the program and the need for HUD to increase scrutiny to ensure program compliance and hold lenders accountable for their obligations to homeowners.

**Jones v. Wittenberg**  
*U.S. District Court, Northern District of Ohio, Western Division*

ABLE continues to play a major role in the reform of criminal justice policies which have led to the overpopulation of the Lucas County jail. ABLE’s efforts at addressing the overcrowding at the jail began in 1970 with a class action federal lawsuit challenging the unconstitutional and inhumane conditions, including extreme over-crowding, poor structural upkeep, food with little nutritional value, and an inadequate number of guards to protect the inmate population. As a result of the litigation, the County proceeded with plans to address these conditions through the construction of the current County Jail facility built in 1977. The jurisdiction of the federal court continued with the new jail facility and resulted, in 1980, in the adoption of extensive rules and regulation which continue to govern the administration of the Jail. The Rules are “intended to insure the safe custody, decent living conditions and fair treatment for all inmates,” and address population levels at the Jail.

Despite three decades of Court intervention and appointment of a special master, extreme overcrowding at the Lucas County jail continued. In November 2013, ABLE was re-appointed as counsel for the plaintiffs’ class. Since that time, our efforts have included extensive negotiations with the county and other parties involved as well as a Motion for Order to Show Cause in the fall of 2014 in an effort to reduce population levels and enforce the capacity limits at the jail. ABLE’s motion resulted in the federal district court judge placing an initial cap on population levels in November 2014—which the county has complied with—and since that time, the parties have engaged in extensive discussion and planning on further population reduction measures, including efforts in conjunction with a major grant initiative through the John D. and Catherine T. MacArthur Foundation.

In 2015, Lucas County was one of 20 jurisdictions throughout the country to be awarded a Safety + Justice Challenge planning grant through the MacArthur Foundation. The grant provided the county with technical assistance and support in gathering data about the criminal justice system and the jail population and identifying critical points of intervention. This included examining circumstances where the jail was being used as a default institution for mental health, behavioral issues and other socio-economic issues not properly addressed and otherwise supported in the community. The grant also focused on addressing race disparities in the criminal justice system and identifying critical
points in the process with the most significant overrepresentation of minorities. Through data collection and analysis, the community learned that despite making up 19 percent of the county’s population, African Americans comprise 58 percent of arrests in Lucas County and 53 percent of the county jail population, on average. Through the grant, Lucas County developed a proposal for implementation of reforms that would both reduce overall jail population and address the overrepresentation of African Americans in the criminal justice system and jail population. ABLE actively participated on committees and worked with criminal justice officials throughout the process of planning for these reform efforts.

In April 2016, the MacArthur Foundation announced that Lucas County was one of just eleven communities around the country to be selected for an additional grant award to implement these critical reform efforts. The County will be awarded $1.75 million to implement reforms to address the main drivers of the jail population with the goal of reducing the average daily jail population by 16 percent over two years. The County will focus on five data-driven strategies in order to safely decrease jail usage and reduce racial and ethnic disparities from arrest to case disposition. This will include reforming the over-reliance on jails to confine individuals charged with non-violent offenses who do not pose a flight risk or threat to public safety and will involve the creation of a diversion program targeting offenses which have the greatest racial disparities and the largest volume of jail bookings: drug possession, disorderly conduct and obstructing official business. The strategies also include implicit bias and procedural justice training for all law enforcement and courtroom actors in the county. ABLE will continue to work in collaboration with the community and criminal justice stakeholders on the implementation of these strategies over the next several years.

**Farm Labor Organizing Committee, et al. v. U.S. Border Patrol**

*U.S. Court of Appeals for the Sixth Circuit*

*U.S. District Court, Northern District of Ohio, Western Division*

In June 2015 a bench trial was held in a long-running case challenging the policies and practices of the U.S. Border Patrol in profiling Hispanics in Northwest Ohio. The case began in late 2009, when ABLE, along with the law firm of Murray & Murray in Sandusky, filed a class action lawsuit alleging that Border Patrol agents along with local law enforcement agencies were engaging in profiling against Hispanics in violation of the Fourth Amendment and the Due Process and Equal Protection clauses of the Fifth and Fourteenth Amendments. The lawsuit was filed after outreach workers and advocates in ABLE’s migrant farmworker project began receiving complaints from Hispanic farmworkers who had been detained without cause and questioned about their immigration status by U.S. Border Patrol agents and local law enforcement in Northwest Ohio.

ABLE investigated the claims and learned of an increase in profiling of Hispanics that correlated with the opening of a U.S. Border Patrol office in Sandusky, Ohio. The Complaint alleges that the Border Patrol held seminars, meetings, and communicated with local law enforcement agencies in Northwest Ohio urging them to restrain and interrogate persons of Hispanic appearance regarding their immigration status. Local law enforcement authorities in Northwest
Ohio have no jurisdiction regarding the enforcement of the civil provisions of federal immigration law. The seizures and interrogations resulting from the profiling have taken place in gas stations, retail establishments, at soccer games, and in other public settings and have caused fear and concern in Hispanic communities.

Through extensive discovery conducted in 2011 and 2012, Plaintiffs obtained a Sandusky Bay Station Apprehension Log which reflects the disparate impact directed against Hispanics by Sandusky Bay Station Border Patrol Agents. Of the 1,880 persons listed on the Apprehension Log, nearly 88% were Hispanics. Of those, only about 10% were apprehensions within the “border zone,” and none of the apprehensions were actually of persons attempting to enter the United States without inspection by coming across Lake Erie and arriving in Ohio.

Following the completion of discovery, a series of settlement negotiations with the local law enforcement agencies took place in early 2012. As a result, settlement agreements were reached with local law enforcement which included the adoption of anti-discriminatory policing policies and monetary awards to individual plaintiffs.

In October 2012, the federal district court judge issued an opinion dismissing the case based on sovereign immunity grounds. On appeal, the Sixth Circuit reversed the district court and held that the Plaintiffs constitutional claims seeking injunctive relief are not barred by sovereign immunity and may proceed.

Following the presentation of witnesses and expert testimony at trial, post-trial briefs and motions challenging the failure to disclose certain border patrol documents during discovery, the trial judge issued a written order on February 24, 2016 finding in favor of the Border Patrol. The district court rejected the expert testimony that Mexicans are 5.7 to 8.1 times more likely to be apprehended by Sandusky Bay Border Patrol agents and that in recent years the percent of Border Patrol apprehensions in Northwest Ohio involving a person of Hispanic origin exceeds 90 percent. The district court also dismissed the evidence of the use of ethnic slurs by Sandusky Border Patrol agents as isolated instances of poor judgment.

The Farm Labor Organizing Committee and the Immigrant Worker Project are committed to the challenge of what they believe - and what the statistical, testimonial and anecdotal evidence shows - to be the illegal targeting of Hispanic individuals for stops and questioning about their immigration status based on their ethnicity. ABLE and Murray and Murray have filed an appeal of the district court’s decision to the U.S. Court of Appeals for the Sixth Circuit.
In April 2015, ABLE filed a federal lawsuit on behalf of an eighteen-year-old young man with developmental and mental disabilities who had been struggling for years to obtain appropriate services to enable him to live independently in the community. The complaint alleges that the Defendant agencies Lucas County Board of Developmental Disabilities, the Ohio Department of Developmental Disabilities, and the Ohio Department of Medicaid have failed to provide individualized services and supports in the most integrated, least restrictive setting and to provide those benefits in a reasonably prompt manner. As a result of his developmental disabilities and inadequate supports and services, this young man has experienced frequent behavioral outbursts and, instead of matching those behavioral needs with services, this has resulted in frequent contact with the criminal justice system. Without appropriate community based services, this young man will remain at serious risk of placement in an institutionalized setting, including the possibility of incarceration. The complaint alleges that the failure of these agencies to fulfill their legally mandated responsibilities to provide appropriate community-based services to this young man with developmental and mental disabilities is a violation of his rights under the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and the U.S. Supreme Court’s decision in L.C. v. Olmstead, 527 U.S. 581 (1999).

ABLE, along with the other Ohio legal aid programs, has been involved in advocacy efforts with the Ohio Housing Finance Agency regarding the allocation of Low Income Housing Tax Credits (LIHTC). Through the LIHTC program, the Ohio Housing Finance Agency awards tax credit to developers to subsidize the costs of construction or rehabilitation of housing developments which include affordable housing units. Based on research and review of previous awards, ABLE and the other Ohio legal aid programs identified significant race and economic disparities as the vast majority of new family affordable housing developments to receive tax credit awards were being located in racially segregated and low-opportunity areas. Recent studies have confirmed that there are complex and interconnected opportunity structures that have a significant role in shaping an individual’s quality of life and self-advancement. For low-income struggling families, being connected to opportunity areas is critical to ending the cycle of poverty. Our advocacy work with the Ohio Housing Finance Agency has included numerous direct meetings, participation in stakeholder meetings concerning revisions to the qualified allocation plan, and testimony and written comments advocating to increase the number of family units in high-opportunity areas and to ensure affordability of developments for low-income families.
Title VI Complaint against Toledo Public Schools Challenging Disproportionate Discipline against Children of Color and Children with Disabilities
United States Department of Justice

ABLE continued work in 2015 on a taskforce created in response to a U.S. Department of Justice investigation of Toledo Public Schools (TPS) and the disproportionate discipline of African American students and students with disabilities. The taskforce includes the Juvenile Court, the teachers’ and administrators’ unions and other community advocacy groups. Through the taskforce, TPS has agreed to implement Positive Behavioral Interventions and Supports (PBIS) throughout the district. PBIS serves as an alternative to zero tolerance punitive discipline policies that result in police and juvenile court referrals.

The process was begun in April of 2011, when ABLE and LAWO filed a complaint with the U.S. Department of Justice alleging that the discipline policies and practices employed by TPS violated Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act, based, in part, on data which shows obvious and troubling disparities in discipline rates of African American children and children with emotional and behavioral disabilities. As a result of the complaint, the Department of Justice initiated an investigation into the disciplinary policies and practices at TPS. This included extensive data gathering and attorneys from the Department of Justice conducting an on-site investigation and interviews with TPS students and parents. ABLE and LAWO coordinated numerous interviews with parents of students who had been subjected to harsh discipline under these policies and many students with disabilities whose rights under the IDEIA were not being protected.

Recently, TPS has begun an effort to rewrite the Student Code of Conduct to reflect the PBIS philosophy. ABLE is participating on the committee and continues to advocate for creating a positive and inclusive learning environment, recognizing obligations for children with disabilities, eliminating juvenile court referrals except in extreme circumstances and limiting the use of out of class discipline. ABLE continues to assist the Department of Justice with communicating with the community and families regarding their continuing experience with TPS regarding the issues raised in the complaint.

Toledo Lead Safe Housing Advocacy

ABLE has continued efforts in 2015 to address the continued public health crisis of exposure to lead through deteriorating conditions in low-income housing. While lead exposure has many adverse health effects, the most common risk of harm to children is subtle impairment of neurodevelopment, with small but measurable effects on cognitive and behavioral outcomes. The cognitive and behavioral effects of lead poisoning permanently limit children from fully benefiting from educational and economic opportunities. In Toledo, African Americans and low-income residents are at a much greater risk for lead poisoning than other groups. African Americans and low income populations of city of Toledo are concentrated in high risk zip codes for lead poisoning.
In 2013, ABLE began working with community groups to build community-wide support for a local City ordinance to significantly reduce lead poisoning in the city of Toledo. The proposed lead-safe housing ordinance would require that every owner of residential rental property constructed prior to 1978 have the property inspected for lead hazards and maintain such property free from the same. If an inspection of the residential rental property shows the existence of lead hazards, the owner would be required to have the lead hazard corrected before the property could be rented. The ordinance would further require that the owner obtain a Certificate of Registration of Lead Safe Residential Rental Property from the Toledo Lucas County Health Department before leasing or otherwise permitting the occupancy of such residential rental property.

As the ordinance continues to be reviewed and remains under consideration by the City of Toledo, ABLE has assisted in creating the Toledo Lead Poisoning Prevention Coalition and continues gathering strong community support for enactment of the ordinance. ABLE has also worked closely with the Kirwan Institute for the Study of Race and Ethnicity in gathering data on lead prevalence and exposure. Together the organizations prepared a report entitled, The Effects of Lead Poisoning on African-American and Low-Income Families in Toledo, Ohio (http://ablelaw.org/TLPPC-LeadReport-052516.pdf), which was released to the community by the Toledo Lead Poisoning Prevention Coalition.

**Responding to the President’s Executive Action on Immigration**

On November 20, 2014, President Obama announced a series of Executive Actions on Immigration. One of these actions involved expanding the Deferred Action for Childhood Arrivals program (DACA), originally announced in 2012. Another action involved the announcement of an entirely new program, Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA). The expansion of DACA and the creation of DAPA make it possible for millions of people to finally step out of the shadows and shed, for a few short years, the fear of deportation and separation from their families. Recipients are eligible for Employment Authorization, a Social Security number and, in many states, a driver’s license. While neither program leads to U.S. citizenship or Lawful Permanent Residency, both offer a potentially life-changing opportunity that our clients have not seen in decades.

ABLE recognized the potential impact of the President’s actions and the opportunities they pose for our clients. Immediately following the announcement, ABLE strategized regarding how to respond and how to most effectively engage the community about the opportunities. ABLE advocates studied the official White House communications regarding DACA and DAPA and began educating our clients and the general public about what precisely the programs offer. ABLE advocates conducted numerous community presentations (in multiple languages) regarding the programs and their corresponding eligibility requirements. ABLE worked with community partners to disseminate accurate information, dispel rumors or misinformation and answer questions from individuals. ABLE also educated those same community partners about their roles in helping clients access these programs.
ABLE staff also created written educational materials to inform clients of steps they may take to prepare for the programs. These educational materials also warned people about the scams and fraud that often accompany the announcement of such new programs. ABLE is presently planning to conduct clinics in which we will help clients identify their eligibility, the types of documentation they will need in order to establish that eligibility, and how to obtain such documentation. Follow-up clinics will be held to complete the actual DACA and DAPA applications once the programs are implemented.

The President’s Executive Action on Immigration also involves the enforcement of new deportation or removal priorities. For this reason, our work also involves closely monitoring whether these new priorities are actually being followed and enforced.

Because the most controversial parts of the Executive Actions are presently on hold, pending the outcome of related litigation, we keep the public informed about the status of the programs and any related developments. Keeping people informed and encouraging them to step forward serves to maximize participation in the programs. We have used the opportunity to advocate for Congressional comprehensive immigration reform.

**Title VI Complaint against Toledo Area Regional Transit Authority (TARTA)**

*Federal Transit Administration Office of Civil Rights*
*United States Department of Transportation*

In December 2014, ABLE filed a complaint with the Federal Transit Administration Office of Civil Rights alleging that Toledo’s bus system, the Toledo Area Regional Transit Authority (TARTA), denies appropriate language access to limited English proficient (LEP) disabled individuals in the provision of its para-transit services, Toledo Area Regional Para Transit Services (TARPS), in violation of Title VI of the Civil Rights Act and Executive Order 13166. ABLE represented a Spanish-speaking mother with a young son with Down Syndrome who relied on public transportation to get her son to his doctor’s appointments and access to essential healthcare. Without providing interpretation or translation assistance to the family, and without providing written communication to the family in Spanish, TARPS terminated the son’s eligibility for para-transit service. ABLE was contacted by the mother and after identifying other individuals who also faced the same language barriers with using paratransit services in Toledo, and discovering that TARTA lacks a formal written LEP policy governing language access, ABLE collected affidavits and demographic data and filed a complaint with the Office of Civil Rights of the Department of Transportation alleging a violation of Title VI of the Civil Rights Act which prohibits entities receiving federal assistance from discriminating in programs and services based on national origin. The Complaint alleges that TARPS deprives actual and potential disabled LEP program eligible beneficiaries access to the full benefit of para-transit services in Lucas County, Ohio by not providing language access in all modes of application and requests for services, such as telephone access, access via the website in appropriate languages, bus routes in appropriate languages, and appeal rights for denial of services in appropriate languages.
The FTA Office of Civil Rights began investigating in early 2015 and in their November 2015 Letter of Findings, the FTA stated: “In order to have meaningful access to ADA complementary paratransit, LEP individuals must be able to apply for eligibility, understand the eligibility requirements and appeal process, participate in an appeal hearing, and ultimately access the service and schedule trips.” Although TARTA began making several changes to its LEP policies and services as a result of the complaint being filed, the FTA nevertheless was clear that additional measures were needed and must be evidenced through an updated Language Assistance Plan and use of the Four-Factor analysis in serving LEP populations. This includes letters translated into Spanish, implementation of telephonic interpretation service and availability of language interpreter services at no cost to the applicant. The FTA also made it clear that TARTA—or any other public transportation authority—has a duty to apply the Four-Factor analysis to determine language access needs for other LEP populations as well.

This advocacy and the resulting changes in policies with the use of TARPS will have a significant impact on LEP population in Lucas County and will result in increased access to healthcare and other needs for individuals with disabilities.

On behalf of two disability rights organization and four individual plaintiffs, ABLE and Disability Rights Ohio (DRO) filed a federal lawsuit against the Dayton Mall and several of its anchor stores seeking a policy change that would enable people with disabilities who ride public transportation to have effective and equal access to the Dayton Mall. The complaint alleges that the present policy of the mall, which requires that the RTA keep the bus stop more than 600 feet from the Mall entrance and which significantly limits the buses that can use the stop, severely impacts people with disabilities and discriminates against them, in violation of Title III of the Americans with Disabilities Act (ADA).

In April 2015, ABLE began advocating on behalf of the individual and organizational clients for a reasonable modification of the Dayton Mall’s policy of locating the bus stop over 600 feet away from the mall entrance. They requested that the mall allow the RTA to move the stop close to one of the mall entrances and that the seven bus routes that serve the mall area be allowed to stop there. These changes would eliminate the unnecessary access barriers that the mall’s arbitrary policies have created, but the Mall refused. As a result, people with disabilities continue have to make a long, difficult, and dangerous trip through the parking lot just to get in the mall entrance—and they have to endure unnecessary transfers just to get to that stop. The Regional Transit Authority (RTA) has worked for years to get a bus stop located closer to the entrance and to increase the number of routes that stop at the Dayton Mall without success.

The lawsuit was filed in December 2015 and is pending.
In 2015, ABLE reached a settlement in a federal court case brought on behalf of a student with disabilities who was denied educational opportunities and subjected to severe discipline and arrest by an alternative learning center. The student, E.B., has been diagnosed with a range of conditions including ADHD, Oppositional Defiant Disorder, Obsessive Compulsive Disorder, Pervasive Developmental Disorder, Asperger’s and mild mental retardation. During his first year at the alternative school, E.B. was emotionally traumatized and physically injured as a result of a behavior-management policy instituted by the school to have him repeatedly arrested, handcuffed, physically removed from the school, transported in a locked law enforcement vehicle, and booked on criminal juvenile charges. When arresting E.B. failed to be effective as a method of control, the school then turned to punishing behaviors directly related to his disabilities through the use of restraints and isolation during the following school year. The experience at the school was emotionally traumatizing for E.B. and he now suffers from Post-Traumatic Stress Disorder manifesting itself in hyper-arousal, re-experiencing the traumatic events and a fear of police and authority figures. ABLE’s complaint on behalf of E.B. included claims for relief under the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and Constitutional claims under the 4th, 8th and 14th Amendments.

The settlement agreement reached by the parties provides for significant policy changes instituted by the alternative school with respect to the use of restraints and isolation and provides that the school will, through the assistance of a consulting expert, institute a building-wide system of positive behavior intervention and supports. The school will also ensure compliance with the requirements of the Individuals with Disabilities Education Improvement Act (IDEA) to ensure students with disabilities are afforded their rights under the law to equal educational opportunities and are not subjected to punishment and criminal consequences for behaviors that are a manifestation of their disabilities. The settlement also includes the payment of a monetary sum by the school to E.B. which can be used to assist with services and supports for E.B. in the future.

ABLE is cocounseling a Freedom of Information Act (FOIA) case with The Ohio State University Moritz College of Law Civil Clinic. The case was filed in the Southern District of Ohio in November 2014, but subsequently transferred to the Northern District in April 2015. The case seeks to obtain records about the Border Patrol’s practices and procedures relating to apprehension, arrest, detention, racial profiling, and collaborations with state and local law enforcement. A press conference was held in Columbus quickly after the case filing. The complaint was circulated over numerous statewide and national listserves and The Columbus Dispatch and The Blade have covered the case.
Community Reinvestment and Neighborhood Revitalization Advocacy

ABLE continues to work with partners in the Dayton and Toledo areas advocating for community reinvestment and revitalization for blighted and neglected urban communities. ABLE’s work in Toledo includes collaboration with and support for the expanding work of the Community Reinvestment Act (CRA) coalition in Toledo as well as working closely with the Blight Authority to strategize on demolition of blighted properties and stabilization of neighborhoods in distress. In Dayton, ABLE’s work has included drafting a Vacant Property Registration ordinance (adopted by the Dayton City Commission in 2013) and work with the Miami Valley Organizing Collaborative to successfully advocate for the passage of the Responsible Banking Ordinance. The ordinance will positively impact low and moderate income neighborhoods by requiring that banks that deposit city funds invest in low-income neighborhoods and comply with requirements under the Community Reinvestment Act. ABLE’s work in these areas and collaboration with groups such as the National Community Reinvestment Coalition and the Community Reinvestment Institute to address bank branch closings, seeks to remedy the historic effects of redlining policies which caused decades of disinvestment in minority communities.

Special Immigrant Juvenile Status and Unaccompanied Children

Immigrant children, especially those who arrive in the U.S. unaccompanied, are a particularly vulnerable population. When they are caught up in immigration enforcement actions, they face the same deportation process as adults and are not entitled to free representation in immigration court. While a few had no immigration relief available, and others were eligible for remedies such as a U Visa or Temporary Protected Status, many of these children applied for Special Immigrant Juvenile Status (SIJS). SIJS applicants must have been the subject of proceedings in state juvenile court in which the court found that: (1) the juvenile is dependent upon the state or should be placed into someone’s custody; (2) reunification with one or both of the parents is not viable due to neglect, abuse, abandonment, or other similar basis; and (3) that it is not in the juvenile’s best interest to return to their country of origin. Armed with a juvenile court order that makes those special findings, these juveniles can apply for SIJS and lawful permanent residency, and have their immigration removal proceedings terminated.

With support from the Ohio Legal Assistance Foundation and Equal Justice Works AmeriCorps to hire two legal fellows, ABLE took the lead on efforts to represent unaccompanied immigrant children throughout Ohio. The children represented by ABLE have survived horrible experiences of abuse, abandonment, neglect, and even being sold into slavery. Without ABLE’s representation, they would have most likely been returned to the dire situations from which they escaped, instead of now having the opportunity to live, go to school, and work in the United States and for many, experience safety and nurturing care for the first time. ABLE continues to be a leader and resource for other attorneys in these types of cases throughout Ohio and the country.
Racial Justice Training Institute
Sargent Shriver National Center on Poverty Law

In 2014, ABLE began participation with the Racial Justice Training Institute (RJTI) at the Sargent Shriver National Center on Poverty Law. RJTI’s goal is to expand racial justice advocacy work by training legal aid advocates with the skills, tools, and substantive expertise to engage in this work. RJTI brings experienced faculty together with a diverse group of participants for intensive online and in-person training each year. ABLE’s Advocacy Director has been a part of RJTI’s Advisory Board and faculty, contributing to the training of participants and sharing examples of ABLE’s race equity work. In 2015, ABLE, along with the other Ohio legal aid programs, organized a team of Ohio advocates to be trained through RJTI. Together the Ohio legal aid program advocacy directors are working with the Ohio RJTI team on undertaking specific racial justice projects and building statewide capacity to more effectively address race equity issues affecting our communities. Recent violent events over the past few years, from Ferguson to Baltimore, have shown us that racial divisions and inequities are still deep in our communities and have reinforced the urgency of addressing and resolving these issues through community-based advocacy efforts. RJTI is at the forefront of training advocates to take on this challenge.

Voucher Mobility Planning with the Lucas Metropolitan Housing Authority

ABLE, along with the Toledo Fair Housing Center, continued advocacy efforts in 2015 to work with the Lucas Metropolitan Housing Authority (LMHA) on an enhanced mobility program for Housing Choice Voucher participants. The Housing Choice Voucher program allows low-income families to use a rental voucher to financially assist them in accessing rental units in the private market. Although the goal of the Housing Choice Voucher program is to increase opportunities for better housing conditions and to access housing in higher opportunity areas, in practice it has resulted in voucher participants ending up in units in highly segregated, low-income, low-opportunity neighborhoods. The collaboration with LMHA and the Fair Housing Center seeks to reverse this trend by identifying the barriers to accessing high-opportunity neighborhoods and developing solutions to overcome these impediments. Working together, the groups seek to develop a progressive mobility program that will connect families to the resources they need for self-sufficiency and economic mobility and end the cycle of poverty.
Housing Conditions Advocacy for Farmworkers

In 2013, ABLE began participation in the Ohio Department of Health’s Agricultural Labor Camp Rule Review Committee. The Committee’s task was to review the regulations governing health and safety for housing for migrant farmworkers in Ohio. ABLE worked with a team of law students from The Ohio State University to compare and contrast Ohio migrant regulations with other states. Working nearly a year, the Committee developed recommendations for proposed changes to the housing regulations. ABLE anticipates progress in more than twenty areas, including water access, overcrowding, first aid, and toilet facilities. We hope for the Joint Committee on Agency Rule Review (JCARR) process to commence soon in order for the rules to take effect in early 2016. The adoption of these proposed changes will affect close to 10,000 migrant farmworkers and their families in the form of safer and healthier living conditions.

Title VI and Title III Civil Rights Complaint against Ohio School Districts and the Ohio Department of Education

The Office of Civil Rights at the Department of Justice continues to investigate a January 2015 Complaint filed by ABLE and Disability Rights Ohio on behalf of parents and children who have a limited understanding of English and who have been denied equal education opportunities. The Complaint was filed against seven individual local school districts in Ohio and the Ohio Department of Education (“ODE”) and its Office for Exceptional Children. The complaint alleges that ODE and the school districts have discriminated against the claimants and other Limited English Proficient children and parents on the basis of national origin and have engaged in discriminatory practices, violating their obligations under Title VI of the Civil Rights Act, the Equal Educational Opportunities Act, and Title III of the No Child Left Behind Act. The complaint provides detailed examples of how the Ohio school districts, which include Toledo Public Schools, and the ODE have failed to provide translation of important educational documents and have failed to provide appropriate interpreter services for parents and students, effectively denying them access to and participation in basic educational programming within the schools.

Grayson (Jaimes) v. Lucas Metropolitan Housing Authority

ABLE continues as Plaintiffs’ class counsel in the case of Grayson (Jaimes) v. Lucas Metropolitan Housing Authority and the U.S. Department of Housing and Urban Development. The case was originally filed in 1974 challenging the historic racial segregation in Toledo public housing. The entry of permanent injunctions by the Court in the
1980’s included desegregation mandates governing housing assignments for new applicants to public housing and a prohibition on expending funds to construct low-income housing in racially impacted areas. Despite over 25 years under this plan, there has been a lack of meaningful progress in desegregating LMHA public housing development sites or locating public housing outside of racially impacted areas.

In 2012, the federal district court entered an order denying a Motion to Modify the Affirmative Action Plan filed by ABLE. In the Motion to Modify, ABLE argued that the current plan failed to achieve meaningful progress and is fundamentally flawed for its failure to account for the increased use of Housing Choice Vouchers as units of public housing are demolished and no longer replaced on a one for one basis. In support of its Motion, ABLE retained Professor John Powell, former Director of the Kirwan Institute for the Study of Race and Ethnicity at the Ohio State University, to prepare an expert report. The report includes the opinion that without incorporating Section 8 Housing Choice Vouchers into the remedial plan and utilizing an opportunity framework to connect families to areas where real opportunities exist, the harm created by decades of segregation will never be redressed.

Although denying the motion, the district court did acknowledge that the Affirmative Action Plan is, “not well suited to contemporary realities.” The court also recognized that given these realities, including the shift to housing choice vouchers, it is possible that the goals of the plan could never be reached as progress may have plateaued under the terms of the current plan. ABLE continues to explore advocacy options with respect to this historic litigation that will eventually transition the Affirmative Action Plan into a meaningful tool to bring about genuine opportunities for families living in public housing.

**U Visa Advocacy Work**

ABLE continues to assist victims of serious criminal offenses eligible for immigration relief through a U Visa. To be granted U non-immigrant status the applicant must show that: (1) she has suffered substantial physical or mental abuse as a result of having been a victim of qualifying criminal activity; (2) that she has been or is likely to be helpful in the investigation or prosecution of that crime; and (3) the crime must have occurred in the United States. Those who qualify for U visas can have their spouse and/or children under 21 apply to be derivative beneficiaries of the visa.

ABLE’s U visa work has helped spouses and children escape from the physical abuses of their spouse or parent and allow individuals to continue to stay in the United States lawfully and free from danger. ABLE also assists parents whose young children have been victims of sexual or other abuse, and whose young age prohibits the children from helping law enforcement on their own. This security allows them to establish a better future for themselves and their families and allows them to contribute more to the societies in which they live. In addition, it furthers the public interest by preventing similar abuses from happening to others. Working with law enforcement officials to obtain the required documents necessary to file an application for a U Visa has also helped establish working relationships with
these agencies, and thus opened additional avenues for advocating for our clients. For example, the Dayton Police Department (DPD) recognized the importance of U Visas to their community policing practices, and as a direct result of ABLE advocacy, adopted a standard operating procedure that states that they will not question a victim or witness about his or her immigration status. This, in turn, will make the victims and witnesses less fearful of reporting criminal activity to the police and assist the police in reducing crime. In addition, ABLE does community outreach to inform the public of DPD’s immigrant-friendly policing policies and the availability of legal representation if an immigrant is the victim of a serious crime. DPD has contracted with ABLE to provide representation to these victims in U visa cases if the victim has been cooperative during the investigation or prosecution of the case.

Building Communities with Immigrant-Friendly Initiatives

ABLE has also been actively involved with local city and county governments, community-based organizations, unions, and community leaders in working to build and sustain immigrant-friendly initiatives in both Dayton and Toledo through Welcome Dayton and Welcome TLC (Toledo-Lucas County), respectively. These initiatives work to create vibrant and welcoming communities that celebrate the regions’ migration and immigrant heritages and focus efforts on talent attraction, retention, immigrant integration, and community and economic development and revitalization. Both Welcome Dayton and Welcome TLC are members of the WE Global Network, a 10-state network of local immigrant economic development initiatives. The City of Dayton hosted the Welcoming Economic Conference in July 2015. ABLE staff members have played key leadership roles in both initiatives since inception.

Advocacy for Recipients of Ohio Works First

ABLE continues its work on behalf of Ohio Works First recipients with disabilities who are at risk of losing their benefits because of their inability to perform full-time work requirements. Ohio Works First (OWF) is the financial assistance portion of Ohio’s Temporary Assistance to Needy Families (TANF) program, providing time-limited cash benefits to eligible families. As a result of federal pressure to raise Ohio’s work participation rates, the State and county Departments of Job and Family Services began a campaign to require recipients to do full-time countable work or to be sanctioned and removed from the OWF program. Clients with disabilities have faced difficulties verifying their disabilities and obtaining appropriate work assignments. They have also been sanctioned for not being able to complete their work assignments and denied hardship extensions from the time limits when they are unable to become self-sufficient. As result of this campaign, work participation rates have increased but the number of people receiving assistance has declined drastically despite high unemployment. Many of those losing benefits were people with disabilities. ABLE continues to represent a number of recipients with disabilities seeking to obtain or keep OWF benefits.
ABLE has also joined with other Ohio legal services programs in advocating with the Ohio Department of Human Services that the Americans with Disabilities Act requires counties to make reasonable accommodations for people with disabilities even if this reduces their work participation rates. This resulted in a series of negotiations with the State, which has now adopted new regulations clarifying the county’s duties to accommodate recipients with disabilities and implement ADA policies intended to fix a number of the problems clients are facing. ABLE is working with the other Ohio legal services programs to monitor and evaluate the implementation of the ADA policies by each of the county offices.

**Lucas County Covering Kids and Families Workgroup**

ABLE participates in a local coalition of health providers, advocates, and county Department of Jobs and Family Services’ staff. The coalition was originally convened by the Neighborhood Health Association with funding from the Robert Wood Johnson Foundation to increase Medicaid enrollment among children in the Latino Community. The Lucas County Workgroup, co-chaired by the Lucas County Children Services and the East Toledo Family Center, is one of several workgroups around the state organized by Voices for Ohio’s Children from Cleveland. In the past, the groups won significant victories in the effort to simplify the Medicaid enrollment and re-certification processes so that children and families can obtain Medicaid coverage that will continue without unnecessary interruptions. The group continues to meet monthly and work toward the following goals:

- Enroll (expanding enrollment) and retain more of the uninsured eligible children and families in Lucas County
- Simplify the enrollment and renewal processes
- Inform, educate and equip eligible families with the necessary tools provided by local government, community organizations and health care professionals to meet the many other social needs related to children and families.
The Medical-Legal Partnership for Children (MLPC), an innovative, multidisciplinary project that partners legal aid attorneys with pediatric medical and mental health providers to improve the health and wellbeing of children in poverty through holistic legal services. Pediatricians recognize that the health status of their child patients is often negatively affected by social and environmental conditions that medical care alone cannot remedy, but are often unaware of the resources available to patients and their families. Proactive legal assistance in a medical setting bridges the gap between health and social services, and helps alter the vicious cycle that keeps families in poverty. ABLE collaborates with a variety of service providers to ensure that families and individuals receive the comprehensive services needed to achieve or maintain stability. The Medical-Legal Partnership for Children provided training to 297 medical providers in 2015 on a range of topics including housing law, children's Medicaid law and special education law. The MLPC coordinated 4 Pediatric Grand Rounds which included multidisciplinary presentations to large groups of physicians on Advocacy Strategies for Serving Immigrant Pediatric Patients; Healthy Homes = Healthy Kids, Housing Advocacy Strategies; Hotspotting: A New Tool to Define a Population; and Educational Interventions for Children Affected by Lead.

**Hotspotting Project**

In 2015, the MLPC collaborated with our medical partners to engage in systemic advocacy and advance health equity. In collaboration with the Mercy Children’s Pulmonary Center, the MLPC continued its hot-spotting project to map the incidence of chronic pediatric asthma in Lucas County. Data mapping allows physicians and advocates to work upstream, eliminating the causes of poor health in children rather than merely treating the symptoms presented by sick children. This is accomplished, in part, by identifying Toledo-area “hot spots” for childhood asthma. The MLPC completed mapping of all data and the team worked with a statistician to evaluate the data and examine the asthma triggers. Mercy’s pulmonary clinic is now using the interactive map to target home nursing visits and referrals to the MLPC. The MLPC and Mercy are considering ways to expand the project, as we are already seeing improved health outcomes from our interventions.

In addition to the trainings and systemically focused advocacy projects, the impact of the MLPC can be witnessed through the tremendous effect this collaborative advocacy can have on the life of an individual client. The stories below are just of few examples of this impactful work.

**Daisy**

Sixteen-year-old Daisy suffers medical and behavioral complications as a result of her multiple disabilities, which include Autism, Crohn’s Disease, and Epilepsy. She was referred to the MLPC by her pediatrician due to concerns about the special education services being provided to her. Daisy’s school reduced the length of her school day to only 3 hours per
day and placed her in an extremely restrictive setting. She was secluded from her peers and received her instruction in a padded safe room. She was also secluded on the school van during her ride to and from school each day by a plexiglass enclosure around her seat. Her ability to verbally express herself drastically declined, and she was using sign language and communication cards almost exclusively while at school. An MLPC attorney ensured that an appropriate IEP was put in place to support Daisy and stopped the use of the restrictive measures in her plan. We also assisted the family in enrolling Daisy in another school which could more appropriately meet her needs. Daisy currently attends school for a full school day without any significant behavioral incidents. She participates in the educational program with her peers and is a leader in her class. She is described by her current teachers as “the life of the party.” She no longer uses sign language or communication cards, and is able to use verbal communication to express herself.

Michael

At first, Michael’s grand mal seizures, constant dehydration and two bleeding, acute ulcers were manageable for his mother, Grace, but as his needs increased it was not easy to constantly care for him on her own. Grace applied for a Medicaid waiver to fund a full-time nurse for Michael, and to her surprise, it was not approved. After 54 trips to the hospital in three years, a nurse connected Grace with the MLPC. The MLPC worked with Michael’s mother and his medical team to gather all necessary medical records to support the child’s eligibility for a waiver. An advocate attended the final eligibility appointment and worked with the waiver administrator and the child’s medical team to ensure that the appropriate language was used with supporting medical data. As a result of our combined advocacy efforts, Michael was approved for an Ohio Home Care Waiver which enabled the family to obtain a handicapped accessible van and a full-time nurse. With the care of the nurse, Grace is able to do simple things such as mow the lawn and take a shower without worrying about Michael. Michael’s waiver case manager is working with his mother to get a wheelchair ramp added to their home as well as a ceiling track so that he can be safely moved from his bed to other areas of his home. Michael now receives the assistance he needs to live a safe, healthy, and full life.

Veterans Legal Advocacy Project

The Veterans Legal Advocacy Project provides legal services for veterans, active duty military service members as well as household members of veterans and active duty service members throughout ABLE’s 32-county service area. The project provides legal representation to veterans on numerous legal issues, including housing, public benefits, VA benefits, healthcare access, homeownership preservation, domestic relations, expungements, consumer rights and bankruptcy. The project, created in 2015, allows ABLE to centralize expertise and experience on veterans’ advocacy in order to expand and provide service at the highest level possible. Attorneys in the Veterans Legal Advocacy Project engage in extensive community outreach, legal education and collaboration with other veterans’ advocacy services. This includes conducting legal information clinics and partnering with groups such as the Veterans Service Commission, VA Health Centers and Veteran Treatment Courts in Toledo and Dayton.
The Veterans Legal Advocacy Project is funded and staffed through grants specifically designated for support of legal advocacy on behalf of veterans, including dedicated advocacy funding from the Ohio Legal Assistance Foundation and through an Equal Justice Works Veterans Legal Corps Fellowship.

The project has achieved important outcomes for client, including for individuals like Mr. Jones. Mr. Jones came to ABLE seeking assistance with a consumer debt matter. He was being sued for private student loan debt he had taken out years ago with the two separate loans totaling close to $26,000. Mr. Jones was supporting his family of four on a V.A. disability compensation and minimum wage job. He and his wife also have a young son who suffers from Down Syndrome and Mr. Jones’ disabled father-in-law also lives in the household. Mr. Jones was preparing to go back to school so that he could increase his employability, which had been limited due to his disability and current skill set, but the collection action and existing debt presented a significant potential barrier. ABLE veteran’s advocacy attorney accepted Mr. Jones’ case for representation. After filing an answer, the ABLE attorney began negotiations with the attorneys in each of the loan collection actions. As a result of these efforts, the ABLE attorney was able to reach a settlement reducing the overall balance on the loans and agreeing on a reasonable monthly re-payment amount for Mr. Jones. The advocacy of the ABLE veteran’s attorney saved Mr. Jones almost $17,000 in reduced loan balance. Mr. Jones is now in a position to pursue furthering his education to increase his income and support his family needs.

**Voter Protection Advocacy and Enforcement of Voting Rights**

ABLE continues its advocacy efforts to protect voting rights and has worked in coalition with others to ward off continued efforts to disenfranchise low-income and minority communities. In 2016, ABLE Senior Attorney Ellis Jacobs testified to the Ohio House Government Accountability and Oversight Committee against SB 296, a bill which limits the ability of Ohio courts to keep a polling places open late on election day if there have been problems at a polling place which kept voters from voting. The bill was passed and is awaiting the Governor’s signature.

Ellis also chairs the Miami Valley Voter Protection Coalition which includes the NAACP, League of Women Voters, and local community groups. The Coalition works with national advocacy groups and boards of elections in Montgomery, Greene, and Clark counties to ensure that the voting rights of all citizen are protected.

**Telecommunications and Utility Rights for Low-Income Consumers**

ABLE continues advocacy focused on access to affordable utilities for low-income Ohioans. In late 2015 and early 2016 ABLE intervened in two Dayton Power and Light PUCO cases on behalf of a community group in Dayton, The Edgemont Neighborhood Coalition. The intervention aims to limit rate increases and to secure shut off prevention funds for use in the DP&L territory.
On the telecommunications front, ABLE Senior Attorney Ellis Jacobs continues his service as a member of the Universal Service Administrative Company ("USAC") Board of Directors. USAC administers all telecommunications universal service programs for the nation including those aimed at schools and libraries, high cost areas, rural health clinics, and low-income customers. Ellis also coordinates the Low Income Telecommunications Advocates list-serve and helped draft comments on several FCC proposals to change the Lifeline program. The most significant change adopted by the FCC in early 2016 allows the Lifeline subsidy to be used for broadband service. Ellis is working to ensure that the newly modified program is implemented in ways that maximize benefits to the low income community. Finally, he is working with a municipality that is exploring the possibility of establishing a municipal fiber optic broadband network to make sure that that system incorporates benefits for low income customers.

Long-Term Care Ombudsman Program

Improving the quality of life and quality of care for consumers of long-term care is the mission of ABLE’s Long-Term Care Ombudsman Program. This program is part of a statewide network of programs that act to protect the health, safety, welfare, and rights of long-term care residents and consumers by investigating and resolving complaints, promoting the enforcement of laws and regulations, advising and recommending policy, and educating the public, consumers, providers and policy makers.

In 2015, the staff of the Long-Term Care Ombudsman Program (LTCOP) worked on 434 cases involving 811 various complaints. Staff closed 577 complaints with a 76.6% resolution rate. The most frequent complaint was involuntary discharge and evictions from long-term care facilities. Ombudsman staff were able to resolve 94% of the involuntary discharge complaints without having to request a formal hearing. Other frequent complaints received included resident requests for less restrictive environment (assistance to transfer from a nursing home into a less restrictive setting), failure of provider staff to treat residents with dignity and respect, failure of provider staff to provide appropriate personal hygiene care, and the loss and theft of personal property. The ombudsman staff presented 10 provider in-services to almost 500 staff members of long-term care providers, and participated in 32 community education presentations and events.

One example of the positive impact of ombudsman advocacy is that of a resident who had been admitted to a nursing home for a short-term stay to receive rehabilitation services. The resident requested to return to her home upon the completion of her rehab, but the nursing home refused to assist the resident with discharge planning and informed the resident that she required 24 hour care so therefore, she could not return home. The nursing home then demanded payment for the resident’s continued stay at the facility. The resident was unable to pay the nursing home bill and pay to maintain her home in the community at the same time. The ombudsman became involved and advocated on behalf of the resident and her right to make an informed decision to return home, and her right to reside in a less restrictive environment with available community supports and services. Although the nursing home continued to refuse to allow the resident to return home, the ombudsman empowered the resident who was able to work with her primary
care physician in the community to arrange for needed home health services. The resident left the nursing home against the advice of the facility, and returned to her home where she continues to reside and is doing well.

Another example of the effective advocacy of the LTCOP involved a nursing home resident who since her admission to the nursing home over the course of eighteen months, had developed severe contractures of her knee and hands. The resident was unable to get out of bed because she could not sit comfortably in the wheelchair the nursing home had provided, and she was not being provided therapy to address the severe contractures because the nursing home staff said the resident was refusing to participate. The ombudsman learned the resident was unable to participate in therapy due to the amount of pain she was experiencing. The ombudsman advocated the nursing home work to address the resident's pain and to provide her with additional therapy. The ombudsman further advocated for the resident to be assessed for a wheelchair that would allow her to get out of bed and sit comfortably. As a result of the ombudsman’s involvement, this resident received the therapy she required which greatly improved her knee and hand contractures. The nursing home is in the process of working with the resident’s insurance to obtain a customized wheelchair that will allow the resident greater mobility and independence.

**HOME Choice Program**

ABLE’s Long-Term Care Ombudsman Program continues to provide coordinated transition services through the HOME Choice Program. Administered through the Ohio Department of Medicaid, the HOME Choice Program assists older adults and persons with disabilities to move from nursing homes into home and community-based settings. Transition services include locating housing, setting up a household and coordinating community-based services. In 2015, the LTCOP worked towards transition with 35 clients, 17 of which were transitioned successfully back into the community.

One successful HOME Choice transition completed by the Long-Term Care Ombudsman Transition Coordinator involved the transition of a 65-year-old woman who had been living in the nursing home for more than 5 years due to multiple medical issues. The ombudsman met this resident while at the nursing home on a regular presence visit. The resident expressed her desire to live in the community and the ombudsman educated her about the HOME Choice program and assisted her with the application process. The transition took close to a year to coordinate, due to the many obstacles this resident faced. The resident became motivated and learned how to administer her own medications and worked with therapy on independent transfers and ambulation. The ombudsman transition coordinator located a senior apartment community for the resident and applied for a housing voucher, coordinated multiple meetings with different health care professionals to ensure a safe transition, assisted the resident to get a copy of her birth certificate, state ID and Social Security card, purchased furniture and household items the resident needed, and assisted to set up the resident’s household. In total, the ombudsman transition coordinator dedicated 103 hours to the successful transition of this resident who is now at home in her own apartment and doing well.
Volunteer Program

Volunteer associate ombudsmen play a significant role in providing education and advocacy for consumers of long-term care. There are currently 40 volunteers who work with the Long-Term Care Ombudsman team throughout the 10-county service area. These volunteer associates conduct regular presence visits to many long-term care facilities; educating residents about their rights and empowering them to take action. If a resident’s concern is complicated, the volunteer associate completes an intake and refers the complaint to the ombudsman staff who will work to resolve the complaint, often involving the volunteer associate in the investigation process. Volunteer associates are also involved with resident councils in the homes to which they are assigned. In this capacity the volunteer associates can affect change through broad scope advocacy, empowering councils to take action in regards to concerns that may affect large numbers of residents within the home. In 2015, volunteer associates conducted 957 visits to facilities totaling 1,696 hours, contributed 282 hours of complaint investigation time, and completed a total of 28% of all case intakes received by the program.

MyCare Ohio

MyCare Ohio is a 3-year demonstration project rolled out in 2014 within seven regions of the state, including four counties in northwest Ohio. Approved MyCare Ohio plans provide integrated benefits to Medicare and Medicaid enrollees. Plans must provide all necessary Medicare and Medicaid-covered services, including Medicaid waiver services. The Long-Term Care Ombudsman Program was awarded a grant through the Centers for Medicare and Medicaid Services (CMS) to expand the Ombudsman program’s core services to MyCare Ohio beneficiaries including outreach, consumer empowerment through education, complaint investigation, and person-centered complaint resolution. The Long-Term Care Ombudsman collects and reports casework data to CMS on a quarterly basis, and participates in consumer advisory boards and statewide stakeholder and oversight activities. The MyCare Ohio Ombudsman helps MyCare Ohio beneficiaries by connecting with care managers and assisting to get consumers needed services, protecting consumer rights, explaining the program, and offering assistance and referrals with appeals and grievances.
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