

History of the National Disability Rights Network (NDRN) and the National P&A/CAP System

The concept for a **Protection and Advocacy (P&A) System** was triggered by a series of television news broadcasts that Geraldo Rivera did for the ABC News affiliate in New York City. Rivera's investigative reporting exposed abuse, neglect, and lack of programming at Willowbrook, a state institution for individuals with developmental disabilities on Staten Island.

These broadcasts galvanized the state's senior senator, Jacob Javits, to action, resulting in a mandate for a P&A system in each state being incorporated in the renewal of federal developmental disabilities legislation enacted in 1975.¹ While their mandate was drawn more broadly in the statute, P&A systems were originally intended to protect persons housed in facilities for individuals with developmental disabilities from abuse and neglect.

The **National Disability Rights Network**, the nonprofit membership organization for P&A systems, was first established in 1980,² after the leadership of state P&As saw the need for representation in Washington on behalf of their programs. Today P&As also receive training and technical assistance services through the Training and Advocacy Support Center (TASC), a component of the NDRN.

In 1984 NDRN worked successfully to expand the national P&A System with the addition of the Client Assistance Program (CAP) mandated in all states.³ CAP provides advocacy services to clients of state Vocational Rehabilitation (VR) agencies. That same year Congress again renewed the developmental disabilities statute, strengthening P&A authority to intercede in matters of inappropriate institutional care. In 1986 Congress designated the P&A systems to provide a full range of advocacy services to individuals with mental illness.⁴

In the course of only ten years, federal support for advocacy on behalf of people with disabilities expanded from a narrow initial focus on the institutional care provided to persons in facilities serving individuals with developmental disabilities to include advocacy services for people with mental illnesses and clients of vocational rehabilitation agencies. In a number of states, this federally funded program attracted additional state, local, and private support to extend its services to all people with disabilities regardless of the nature or severity of those disabilities. Over the decade, the P&A/CAP System has become a force for positive change for persons with disabilities.

¹ Protection and Advocacy for Individuals with Developmental Disabilities (PADD), 42 U.S.C. §15041, was established in 1975 by the Developmental Disabilities Assistance and Bill of Rights Act of 1975 (as amended in 2000, it is codified at 42 U.S.C. 15001 *et seq.*).

² Previously the National Association of Protection and Advocacy Systems (NAPAS).

³ The CAP program was established as a mandatory formula grant program by the 1984 Amendments to the Rehabilitation Act of 1973 (29 U.S.C. §732).

⁴ The Protection and Advocacy for Individuals with Mental Illness (PAIMI) Act of 1986, 42 U.S.C. 10801 *et seq.*

Continuing to use the subsequent reauthorizations of its programs, NDRN found new opportunities to expand the eligibility and resources of the P&A/CAP System. In the 1993 reauthorization of the Rehabilitation Act, the Protection and Advocacy for Individual Rights (PAIR) program was authorized.⁵

Also, in 1994, Congress authorized the Protection & Advocacy for Assistive Technology (PAAT) program.⁶ The PAAT program provides legally-based advocacy services to individuals with disabilities on assistive technology issues.

In 1999 an effort was launched by the disability community to pass the Ticket to Work and Work Incentive Implementation Act (TWWIIA), which assists beneficiaries of Social Security. This legislation authorized the Protection and Advocacy for Beneficiaries of Social Security (PABSS) program, which assists individuals who received SSDI or SSI benefits and wish to work.⁷

In 2000, the Children's Health Act of 2000 expanded the PAIMI program to cover individuals with mental illness living in the community. Congress also authorized a new P&A program for persons with traumatic brain injury (TBI).⁸

Most recently, the Protection & Advocacy for Voting Access (PAVA) program was created in 2002 when Congress enacted the Help America Vote Act (HAVA).⁹ PAVA enables P&As to secure election access for a wide range of individuals with disabilities – including, but not limited to, individuals with mental, sensory, and physical disabilities.

Today there is a **P&A/CAP network** consisting of 57 P&A systems across the country, including one in every state, the District of Columbia, Puerto Rico, and four U.S. territories. In each jurisdiction the governor designates the entity to serve as its P&A system. In addition, there is a federally-mandated Native American P&A serving the 4 corners of Colorado, New Mexico, Arizona, and Utah. Within this network, 48 P&As are nonprofit organizations, and the remaining 9 are independent government agencies. In most jurisdictions, the CAP is part of the P&A system, but 25 CAPs are entities separate from the designated state P&A system.

Collectively, the P&A/CAP network is the largest provider of legally-based advocacy services for individuals with disabilities in the United States.

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⁵ The Protection and Advocacy for Individual Rights (PAIR) program was established by an amendment to the Rehabilitation Act in 1993, 29 U.S.C. §794e.

⁶ Protection & Advocacy for Assistive Technology (PAAT), 29 U.S.C. §3004, was created by the 1994 amendments to the Technology-Related Assistance for Individuals with Disabilities Act (Tech Act), 29 U.S.C. § 2201 *et seq.*

⁷ Protection & Advocacy for Beneficiaries of Social Security (PABASS) was established in 1999 when the Ticket to Work and Work Incentive Improvement Act (TWWIIA), 42 U.S.C. §1320b-21, was enacted.

⁸ Protection & Advocacy for Individuals with Traumatic Brain Injury (TBI), 42 U.S.C. §201, was created by Title XIII of the Traumatic Brain Injury Act, as part of the Children's Health Act of 2000, 42 U.S.C. §3000d-53.

⁹ Protection & Advocacy for Voting Accessibility (PAVA) was established in 2003 as part of the Help American Vote Act of 2002 (HAVA), 42 U.S.C. § 15461 *et seq.*