



**LEGAL SERVICES CORPORATION**

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*Alexander Fraser*

John P. O'Hara  
President

Writer's Direct Telephone  
(202)

November 18, 1993

Mr. Stanley S. Herr  
Kennedy Public Policy Fellow  
Office of Domestic Policy  
224 Old Executive Office Building  
Washington, DC 20500

Dear Stanley:

Following up on our telephone conversation of earlier today, I've enclosed the materials we discussed.

While the setting of priorities for local programs remains a function of the local boards, LSC has been involved in a variety of training and technical assistance efforts to help grantees comply with ADA requirements. Additionally, the fledgling Meritorious and Innovative Grants Program set up last year by the LSC Board funded a prototype computerized information and referral system to assist the disabled in Tennessee.

While no books on the legal services program have been published lately, Clearinghouse Review remains a good source of articles on poverty law in general with a fair amount of coverage to issues involving the disabled.

Just as your professional involvement in legal scholarship on this subject dates back to the late '70's, my first involvement dates to the same period. For several years I produced a weekly radio program in Philadelphia entitled "Disability Forum" for Disabled in Action, a local activist group.

While much has changed since then, the lack of resources remains a major impediment. As the LSC Act will probably be reauthorized in the coming year for the first time since 1977, this is an ideal time to suggest any specific changes in policy.

I enjoyed our conversation. Please don't hesitate to give me

**BOARD OF DIRECTORS—Douglas S. Eakeley, Chairman, Morristown, NJ**

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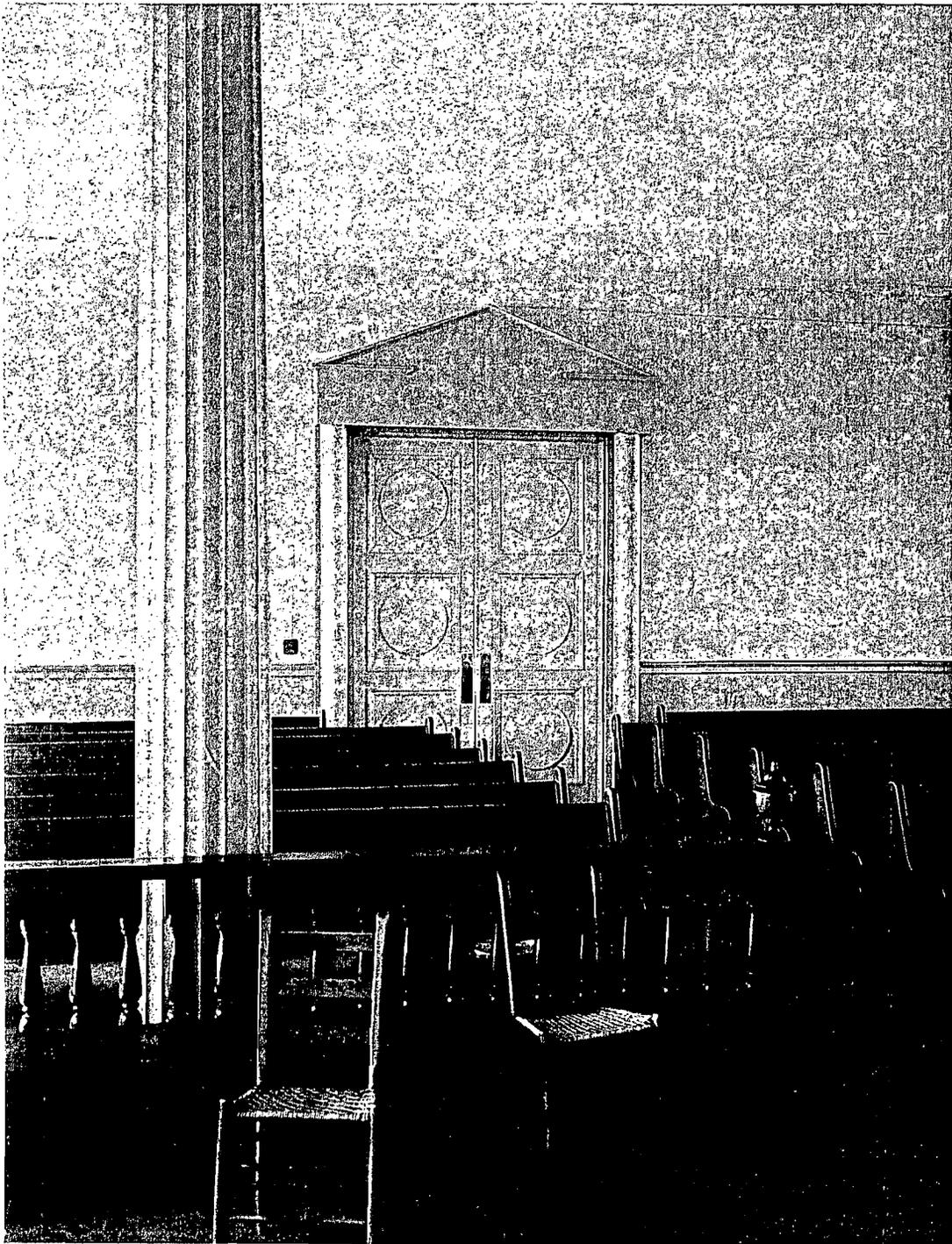
a call if there is any additional information we can provide.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Boehm', written in a cursive style.

Ken Boehm  
Assistant to the President &  
Counsel to the Board

Enclosures



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1992

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**MERITORIOUS AND INNOVATIVE GRANTS PROGRAM (MIGP)  
Funded Projects Benefiting the Disabled**

**DRAFT**

In 1992, the Legal Services Corporation (LSC) announced the creation of the Meritorious and Innovative Grants Program (MIGP) designed to further the Corporation's mission of fostering high quality legal assistance to those who would otherwise be unable to afford adequate legal counsel. The goals of the MIGP are to:

- 1) enhance the capability of all legal service providers to deliver high quality legal assistance;
- 2) strengthen, augment, and improve the delivery of legal services; and
- 3) foster innovative and experimental approaches to address operational and substantive legal services issues.

**1992**

In September 1992, LSC awarded its first MIGP grants, totalling \$500,000, to ten (10) legal services programs. Of those 10 grants, four (10) involved legal aid to disabled clients. Those 4 projects were as follows.

**Georgia Legal Services Program** **\$63,101**

Expansion of the "Advocacy for Invisible Children" project, created to represent children confined to state mental hospitals who are not mentally ill or can no longer benefit from hospitalization. (Final report unavailable)

**Legal Aid Society of Albuquerque** **\$75,000**

Enhancement of advocacy, technology, and resource development to increase SSI benefits for disabled children. (Final report unavailable)

**DNA - Peoples' Legal Services (AZ)** **\$75,000**

Initiation of the Native American Protection and Advocacy Project (NAPAP), a protection and advocacy service for disabled Native American children. (Final report attached)

**Tennessee Association of Legal Services** **\$15,081**

Creation of a computerized information and referral service to determine the eligibility for health and benefits assistance programs of Tennessee's poverty population, including the disabled. (Final report attached)



TENNESSEE ASSOCIATION FOR LEGAL SERVICES INTERIM FINAL REPORT  
1992-93 MERITORIOUS/INNOVATIVE GRANT  
RECIPIENT NO. 643030  
November 5, 1993

I. SUMMARY OF PROJECT AS AWARDED

The Tennessee Association of Legal Services (TALS) was awarded a one-time grant of \$15,081 on September 24, 1992 to develop a Tennessee-specific computer program to enable legal services staffers to quickly determine legal services clients' possible eligibility for certain health and benefits assistance programs. The project goals and objectives were fourfold:

(1) to provide innovative information and referral services to clients of legal services programs about certain health and public benefits programs for which they might be eligible;

(2) to save pro bono attorney and legal services staff time which could better be spent on legal matters rather than on information and referral;

(3) to provide legal education to legal services staffers about health and benefits programs which they might not have knowledge of without this software program, particularly if they are not specialists in the field;

(4) to provide legal services programs with the opportunity to be more customer-oriented so that we treat our clients as customers who are the reason for our existence.

Our plan of action and timetable for achieving our proposed results is as follows:

(1) During the first quarter after receiving the grant money

we planned to work with an advisory group of advocates and appropriate agency personnel to decide which health and public benefits programs would be most appropriate for this project. We also planned to formulate the appropriate questions necessary to determine a client's likely eligibility for such programs.

(2) During the second quarter we planned to contract with an expert in computer programming to actually devise and produce the software. If we were able to produce the materials during this quarter, we intended to test the software with volunteers for easy comprehension.

(3) During the third quarter we planned to distribute the software and manual screening material and begin receiving results. We also planned to conduct a training by TALS staff for those who will be using the computer program.

(4) We planned to continue to use and test the computer program during the fourth quarter and to conduct a training for pro bono attorneys.

## II. PROJECT'S PROGRESS AND RESULTS TO DATE

During the six months between April 27, 1993, the date of our six month progress report, and November 5, 1993, the date of this report, we attained the following goals and objectives:

(1) consulted with a ten member statewide advisory group of Legal Services advocates plus non-Legal Services agencies in identifying seventeen health and public benefits programs for which clients should be screened for possible eligibility;

(2) determined the eligibility criteria for each of the seventeen benefits programs and identified specific questions to

ask clients to determine their possible eligibility for each of the identified benefits programs;

(3) worked with the computer expert with whom we had contracted to fashion a user-friendly simplified question and answer format designed to require a minimal amount of time and a minimum number of questions in screening clients for possible eligibility for the seventeen identified benefits programs;

(4) developed information to be included in the "resource report" that would be generated by the computer, based on each individual client's answers to the screening questions. The report is designed to not only inform the client about which benefits they might be eligible for, but also to tell them where to apply for such benefits and provide them with a brief description of each benefit for which they might be eligible;

(5) tested the software program with volunteers for comprehension. After making revisions based on that test, provided the software, along with instructions on how to install and use it, to selected legal services programs in Tennessee to be tested with some of their clients;

(6) provided a hands-on training consisting of two one and one-half hour sessions for legal services advocates from all over the state of Tennessee;

(7) gave a special presentation about the computer screening program to the project directors for all nine legal services programs in Tennessee;

(8) will demonstrate the computer screening program to legal services advocates from all over the United States at the NLADA

convention November 8 - 13, 1993.

### III. CHANGES OR MODIFICATIONS TO ORIGINAL PLAN

We were not able to develop and distribute the software for testing until the fourth quarter of the grant period.

After testing the software and consulting with legal services workers around the state, we determined that it would not be feasible to use a manual version of the screening program to screen clients for benefits because it would be too time consuming and, hence, unlikely to be used by intake workers and advocates. What we did instead was to make a special presentation to all of the project directors of the nine Legal Services programs in Tennessee to encourage all the programs to use the computer screening. We feel that we were successful in persuading them to do so.

### IV. WHAT WE WOULD DO DIFFERENTLY

We would begin testing the software program earlier so we could get it into use by the various legal services programs sooner.

### V. ATTACHMENTS

The computer program screens for possible eligibility based on the client's answers to two tiers of questions. A first tier of questions triggers a second tier of more specific questions based on the client's answers to the first tier. We have attached a copy of the First Tier of Questions which are asked of every client and a sample of some Second Tier Questions that a client might be asked, depending on their answers to the First Tier questions.

Attachment to TALS Interim Final Report  
1992-93 Meritorious/Innovative Grant  
Recipient No. 643040  
November 5, 1993

FIRST TIER QUESTIONS

(For information purposes only, I have listed in parentheses following the question all the benefits for which a person might be eligible if they fall within that category.)

1. Do you have children between 18 and 21 years old? (CUFCAT, Special Ed., Medicaid, AFDC-I and AFDC-U if child is 19, still in high school and expected to graduate on time.)
2. Do you have children under 18 years old? (CUFCAT, Special Ed., Medicaid, AFDC-I, AFDC-U, child care, SSI disability, Social Security Survivors benefits)
3. Do you have children under 5 years old? (WIC, CUFCAT, Special Ed., Medicaid, AFDC-I, AFDC-U, child care, Social Security Survivors benefits, SSI disability)
4. Are you currently receiving AFDC? (child care paid for by the state)
5. Are you currently receiving Medicaid? (Medicaid)
6. Are your children who are living with you receiving Medicaid? (CUFCAT)
7. Are you pregnant? (Medicaid, WIC)
8. Are you currently receiving Medicare? (QMB, SLMB)
9. Are you disabled? (Medicaid, possible VA health benefits, SSI benefits)
10. Are you age 65 or over? (Medicaid, QMB, SLMB, SSI benefits)
11. Are you blind? (Medicaid, SSI benefits)
12. Are you or your spouse a veteran or are you a widow or dependent of a veteran? (VA health benefits)
13. Have you worked since 1987? (Earned Income Credit)

SAMPLE SECOND TIER QUESTIONS

A. AFDC-Incapacitated parent

1. Are both parents living in the same household with the child(ren)?
2. Have you or your child's other parent been limited in your ability to take care of the child or support the child because they or you have a physical or mental problem that has lasted, or is expected to last, at least 30 days?
3. Is your family income less than \$404 per month if only one person in the family; or less than \$605 for a two person family; or less than \$788 for a three person family; or less than \$960 for a four person family; or less than \$1,123 for a five person family?

AFDC-Unemployed parent

4. Has the parent who usually earns the most money been unemployed for at least 30 days or working fewer than 100 hours per month?
5. Is your family income less than \$404 per month if only one person in the family; or less than \$605 for a two person family; or less than \$788 for a three person family; or less than \$960 for a four person family; or less than \$1,123 for a five person family?

B. CHILD CARE PAID FOR BY THE STATE

1. Are you getting AFDC now?
2. If you are getting AFDC now, are you working OR in the JOBSWORK program OR in an education or training program?
3. If you are NOT getting AFDC now, have you received AFDC within the past year and lost it because you went back to work?

C. CUFCAT (also called EPSDT) (Checkups for Children and Teens or Early Periodic Screening Diagnosis & Treatment)

1. Have your children had all the following checkups: for their eyes, teeth, ears, and lead in their blood?

D. EARNED INCOME TAX CREDIT

1. Did you have a child living with you during at least one-half of any year you worked since 1987?
2. Did you earn less than \$21,000 in any year you worked since 1987 or less than \$22,370 during 1992?

1992-1993

REPORT ON ACTUAL EXPENSES AND REVENUES  
MERITORIOUS AND INNOVATIVE GRANTS

RECIPIENT NAME: Tennessee Association of Legal Services

RECIPIENT NUMBER: 643040

GRANT TYPE Meritorious/Innovative

ANY LINE ITEM OF \$1,000 OR MORE WITH A VARIANCE OF 50% MUST BE EXPLAINED BY THE RECIPIENT. A SEPARATE SHEET(S) MAY BE USED FOR SUCH CLARIFICATION.		A		B		C	
		Budget Original <u>X</u>	or Revised	Actual Expenses Grant Year To Date	Variance: Column B divided by Column A		
<b>1. EXPENSES</b>							
<b>PERSONNEL</b>							
Lawyers	1	\$	4061.00	\$	4028.70	99.2	%
Paralegals	2	\$		\$			%
Other Staff	3	\$	1308.00	\$	1213.36	92.8	%
Employee Benefits	4	\$	1361.00	\$	1255.43	92.2	%
Personnel Total	5	\$	6730.00	\$	6497.49	96.6	%
<b>NON-PERSONNEL</b>							
Space -Rent/Lease	6	\$	657.00	\$	719.24	109.5	%
-Mortgage Payments	7	\$		\$			%
-Other Expenses	8	\$		\$			%
Equipment Rental	9	\$	139.00	\$	164.25	118.2	%
Office Supplies & Expenses	10	\$	834.00	\$	361.99	43.4	%
Telephone	11	\$	331.00	\$	321.96	97.3	%
Travel -Board Members	12	\$		\$			%
-Staff & Other	13	\$	500.00	\$			%
Training -Board Members	14	\$		\$			%
-Staff & Other	15	\$	500.00	\$	171.10	34.2	%
Library	16	\$	200.00	\$			%
Insurance	17	\$	200.00	\$	137.95	69	%
Dues and Fees	18	\$	140.00	\$	84.76	60.5	%
Audit	19	\$	100.00	\$	100.00	100	%
Litigation	20	\$		\$			%
Property Acquisition	21	\$		\$			%
Purchase Payments	22	\$		\$			%
Contract Services to Client	23	\$	4750.00	\$	4900.00	103.2	%
Contract Services to Applicant	24	\$		\$			%
Other	25	\$		\$			%
Non-personnel Total	26	\$	8351.00	\$	6961.19	83.4	%
EXPENSE TOTAL: Add Lines 5 and 26	27	\$	15,081.00	\$	13,458.68	89.2	%

2. REVENUE SOURCES (grant year to date)			
1992-93 MIGP Grant	1	\$	15,081.00
Other (please specify):	2	\$	
	3	\$	
	4	\$	
	5	\$	
	6	\$	
	7	\$	
	8	\$	
	9	\$	
	10	\$	
REVENUE TOTAL: Add Lines 1 thru 10	11	\$	15,081.00
REVENUE TOTAL (LINE 11) MINUS EXPENSE TOTAL (LINE 27)	12	\$	1,622.32

# NATIVE AMERICAN PROTECTION & ADVOCACY PROJECT

DNA-PEOPLE'S LEGAL SERVICES, INC.

POST OFFICE BOX 306  
WINDOW ROCK, NAVAJO NATION, ARIZONA 86515-0306

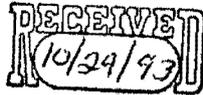
TELEPHONE (602) 871-4151

FAX: 602 - 871-5036

NAPAP: (602) 871-5379

RANDOLPH H. BARNHOUSE  
EXECUTIVE DIRECTOR

JUNE E. EUSTIS  
PROJECT DIRECTOR



October 28, 1993

Jay Brown, Grants Specialist  
Office of Field Services  
Grants and Budget Division  
Legal Services Corporation  
750 First Street NE, 11th Floor  
Washington, D.C. 20002-4250

RE: 1992-1993 Meritorious/Innovative Grant  
Recipient No. 703068

Dear Mr. Brown:

Enclosed please find the Final Report for the Naive American Protection & Advocacy Project. It was pleasure working with Legal Services Corporation on this Project, and we look forward to new projects in the future.

If you should have any questions or concerns please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "June E. Eustis".

June E. Eustis  
Project Director

JEE/grt

Enclosure

# ***NATIVE AMERICAN PROTECTION & ADVOCACY PROJECT***

**DNA-PEOPLE'S LEGAL SERVICES, INC.**

POST OFFICE BOX 306

WINDOW ROCK, NAVAJO NATION, ARIZONA 86515-0306

TELEPHONE (602) 871-4151

FAX: 602 - 871-5036

**NAPAP: (602) 871-5379**

**RANDOLPH H. BARNHOUSE**  
EXECUTIVE DIRECTOR

**JUNE E. EUSTIS**  
PROJECT DIRECTOR

1992-1993 MERITORIOUS AND INNOVATIVE GRANT

RECIPIENT NO. 703068

## **FINAL REPORT**

1. DNA-People's Legal Services, Inc. was awarded a \$75,000.00 grant from the Legal Services Corporation's 1992-93 Meritorious and Innovative Grant Program. This grant was used to create the Native American Protection & Advocacy Project ("NAPAP" or "Project"). NAPAP was established to provide free legal assistance to people with mental and physical disabilities within the Project's service population, which includes the Navajo, Hopi and San Juan Southern Paiute tribes in a three state area.

The Project's primary goal and objective was to establish a protection and advocacy system to serve these three Native American tribes. Subsumed within that goal was the development of a permanent funding source for the Project. The Project was also to serve as a model for the development of similar protection and advocacy systems to serve Native Americans with disabilities in other regions throughout the United States.

2. The plan of action and proposed completion date for each result predicted in the original grant application included: staffing the Project with an attorney and a community organizer/secretary by October, 1992; developing the Project's priorities and procedures by December 1, 1992; performing initial community outreach activities by January 31, 1993; and beginning client intake by January 1, 1993. The Project hired an attorney who was employed with DNA and she transferred into the position on October 1, 1992. The community

organizer/secretary position was filled by the end of October, 1992.

Other significant accomplishments during the course of the year included:

A. The Establishment of NAPAP

During the first few months of the Project, public hearings were held throughout the Navajo and Hopi reservations, and surveys were mailed to tribal, state and local agencies, school administrators, and consumers in and around DNA's service area. The responses we received at these public hearings and from the surveys were used to develop an efficient and effective service delivery mechanism for DNA clients who have disabilities. The Project used the response to develop its Mission, Purpose and Priority Statements, which were approved by DNA's Board of Directors. These statements provided the organizational foundation for the Project. To help implement service delivery, the Project obtained a toll free number, a Telephonic Device for the Deaf, two computers, and brochures. The Project began individual client intake immediately, and has been involved in direct client advocacy. The Project's current case load includes cases dealing with housing, guardianship, employment discrimination, and special education for approximately forty clients. NAPAP has also served clients from the Hualapai Tribe and the Colorado River Indian Tribes.

B. National and Community Outreach

NAPAP has engaged in extensive community outreach since its creation. Introductory presentations were made to the Navajo Nation Council, members of the Navajo Nation at the community level, and at DNA Client Representative meetings. Additionally, the Project Director gave presentations at seminars sponsored by other agencies interested in the project.

The Project has published three newsletters describing the Project's activities. Copies of all newsletters are included as an Appendix to this Report. The newsletter, called *NAPAP News*, has a circulation that has grown to approximately 1,200 individuals and agencies. In the third issue of *NAPAP News*, we featured an inspiring story from a local parent whose child had intractable seizures. The next scheduled release of *NAPAP News* is November, 1993 and our feature story will be written by a parent of a deaf child who is enrolled at a local headstart center on the Hopi reservation.

With regard to community education, the project director participated in three trainings on special education which took place on the Navajo, Hopi, and Hualapai Reservations. Approximately forty to fifty individuals attended these trainings. Additional special education trainings have been scheduled for other Indian reservations in Arizona. A training in guardianship issues is planned for next Spring.

C. Securing a Permanent Funding Source

Developing permanent funding sources was a fundamental goal of the Project. Other agencies, including the National Association of Protection and Advocacy Systems, the Protection and Advocacy System of New Mexico and the Administration for Developmental Disabilities ("ADD"), have contributed extensive time and resources assisting us in developing permanent funding. The reauthorization bill for the ADD, The Developmental Disabilities Act, includes amendments that authorize the creation of a Native American Protection and Advocacy system. The Senate has passed the Reauthorization Bill. The Bill is being held up in the House of Representatives by a jurisdictional dispute between two House sub-committees. Unfortunately, the Appropriations Bill for the Department of Health and Human Services did not

appropriate sufficient funds for a Native American Protection and Advocacy system, but we remain optimistic that permanent funding will be in place by Fiscal Year 1995.

To keep the Project funded through 1994, we have sought support from other sources. For example, Southern Arizona Legal Aid has committed \$24,000 from its basic field funding for Apache and Navajo Counties to support the project in fiscal year 1994. The Administration for Developmental Disabilities and the Administration for Native Americans are in the process of entering into an Inter-Agency Agreement that hopefully will allow the agencies to provide approximately \$70,000 for FY 94.

3. While the Project has not been modified in substance, timelines have been modified to some degree. These modifications have resulted from unexpected demands on the Project, but substantive project goals have not been affected. In our last Report, we indicated that a major obstacle had been the lack of recognition of disability issues by tribal governments and tribal members. The Project Director made a presentation in sign language to the Navajo Nation Council which was well received. Additional presentations are planned for the Hopi Tribal Council and the San Juan Southern Paiute Tribal Council. Hopefully these presentations will improve recognition of disabilities issues.

4. The Project continues to remain flexible in meeting unexpected needs. At this point there is nothing we would do differently.

1992-1993  
**REPORT ON ACTUAL EXPENSES AND REVENUES  
 MERITORIOUS AND INNOVATIVE GRANTS**

RECIPIENT NAME: DNA-People's Legal Services, Inc.

RECIPIENT NUMBER: 703068

GRANT TYPE MIG

ANY LINE ITEM OF \$1,000 OR MORE WITH A VARIANCE OF 50% MUST BE EXPLAINED BY THE RECIPIENT. A SEPARATE SHEET(S) MAY BE USED FOR SUCH CLARIFICATION.		A		B		C	
		Budget Original _____ or Revised <u>X</u>	Actual Expenses Grant Year To Date	Variance: Column B divided by Column A			
<b>1. EXPENSES</b>							
<b>PERSONNEL</b>							
Lawyers	1	\$ 25,605	\$ 25,379	100	%		
Paralegals	2	\$	\$		%		
Other Staff	3	\$ 16,500	\$ 16,599	101	%		
Employee Benefits	4	\$ 9,202	\$ 8,300	91	%		
Personnel Total	5	\$ 51,307	\$ 50,278	98	%		
<b>NON-PERSONNEL</b>							
Space -Rent/Lease	6	\$ 952	\$ 1,137	120	%		
-Mortgage Payments	7	\$	\$		%		
-Other Expenses	8	\$	\$		%		
Equipment Rental	9	\$ 421	\$ 300	72	%		
Office Supplies & Expenses	10	\$ 2,410	\$ 2,900	121	%		
Telephone	11	\$ 2,600	\$ 3,195	123	%		
Travel -Board Members	12	\$	\$		%		
-Staff & Other	13	\$ 5,710	\$ 4,499	79	%		
Training -Board Members	14	\$	\$		%		
-Staff & Other	15	\$ 4,900	\$ 5,371	110	%		
Library	16	\$ 914	\$ 1,072	118	%		
Insurance	17	\$ 1,208	\$ 1,078	90	%		
Dues and Fees	18	\$ 175	\$ 195	112	%		
Audit	19	\$ 500	\$ 500	100	%		
Litigation	20	\$ 500	\$ 1,345	269	%		
Property Acquisition	21	\$ 2,765	\$ 3,130	114	%		
Purchase Payments	22	\$	\$		%		
Contract Services to Client	23	\$	\$		%		
Contract Services to Applicant	24	\$	\$		%		
Other	25	\$ 638	\$ 638	100	%		
Non-personnel Total	26	\$ 23,693	\$ 25,360	108	%		
<b>EXPENSE TOTAL: Add Lines 5 and 26</b>	27	<b>\$ 75,000</b>	<b>\$ 75,638</b>	<b>101</b>	<b>%</b>		

<b>2. REVENUE SOURCES (grant year to date)</b>	
1992-93 MIGP Grant	1 \$ 75,000.00
Other (please specify):	2 \$
Interest Income	3 \$ 512.67
Miscellaneous Income	4 \$ 125.00
	5 \$
	6 \$
	7 \$
	8 \$
	9 \$
	10 \$
<b>REVENUE TOTAL: Add Lines 1 thru 10</b>	11 <b>\$ 75,637.67</b>
<b>REVENUE TOTAL (LINE 11) MINUS EXPENSE TOTAL (LINE 27)</b>	12 <b>\$ -.33</b>

## NAPAP NEWS

December 1992

Native American Protection & Advocacy Project (NAPAP)  
c/o DNA-People's Legal Services, Inc.  
Post Office Box 306  
Window Rock, AZ 86515  
(602)871-5379  
1-800-8NAPAP1 (862-7271) AZ, NM, UT Only

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*Ya' at' eeh! Hello, and here is our first newsletter as the Native American Protection & Advocacy Project!! For those of you who are unfamiliar with our Project, DNA applied for and received a one year grant in order to provide free legal assistance to individuals with physical and mental disabilities. We began operation on October 1, 1992, and although the grant funding is scheduled to end on September 30, 1993, we are working hard to make sure the federal law is changed so that NAPAP is permanently funded. We hope you enjoy the newsletter, hopefully it will be bi-monthly, and if you have any questions or suggestions or just want to find out more about us, please feel free to contact myself or Theo Shorty!!*

*June E. Eustis  
Project Director*

### INTRODUCTION TO NAPAP

The Native American Protection & Advocacy Project is located at the DNA central office in Window Rock, Arizona. June Eustis is the Project's director and attorney, and Theo Shorty is the Community Organizer. June is a member of the Tuscarora Nation of New York State, part of the Iroquois Confederacy. She is a member of the bear clan and is the only child of deaf parents. June came to DNA in September 1991, and has been interested in pursuing the rights of individuals with disabilities for several years.

Theo is a member of the Navajo Nation, and is of the Ta'neezahnii (Tangle) clan, born for the Ma'ii deeshgiizhnii (Coyote Pass-Jemez) clan. Theo previously worked for DNA and returned in October to work on the Project.

The project will help people with mental or physical disabilities who reside within DNA's service area and who are of low income. All DNA offices will be available for client intake. Anyone interested in getting assistance from NAPAP should go to the nearest DNA office. The contact person for each DNA office are as follows: Ft. Defiance - Diana Shurley; Chinle - Helen Ann Yunis; Tuba City - Dee Ann Keller; Hopi Legal Services - Cathy Van Maerssen and Darlene Nuvamsa; Mexican Hat - Gloria Gray; Shiprock - Victoria Y. Begaye; Crownpoint - Morgan Queal; and San Juan County Legal Services - Esther Keeswood-Begay

Please contact the office in your service area for their intake schedule before going to the office. By the end of January the Project should have its priorities outlined. There will be a schedule of public hearings to take place throughout the Navajo reservation regarding the Project's priorities.

### OCTOBER EVENTS

The month of October proved to be a hectic one, with changes in June's daily schedule. The first priority of the month was to hire Theo Shorty. We had many qualified applicants for the position, and after careful consideration we decided to hire Theo. We want to welcome Theo back to DNA, and we look forward to a productive year.

At the last minute June was asked to testify at the San Francisco public hearing held by the National Council on Disability. Ela Yazzie-King was originally invited, due to a scheduling conflict could not attend. June was asked to give testimony to the National Council on Disability regarding the Americans with Disabilities Act (ADA), which went into effect on January 26, 1992, and its effect on Native Americans with disabilities. There are many legal issues regarding the applicability of the ADA within sovereign nations such as the Navajo, Hopi and Southern San Juan Paiute Nations, which June addressed in her testimony. Additionally, June spoke of the staggering statistics that have been compiled by various research facilities regarding Native Americans with disabilities. A report by the National Council regarding the information gathered in their nationwide public hearings will be issued at a later date.

After June's return from San Francisco she visited the New Mexico Protection & Advocacy Systems office in Albuquerque. She met with Jim Jackson, Executive Director, and Peter Cubras, Managing Attorney. Each had wonderful amounts of information and suggestions to help June in starting up the Project. The office has given its total support and offered to assist the Project as requested.

### NOVEMBER EVENTS

Last June a group of individuals who were interested in forming a coalition for the rights of Native Americans with disabilities met in Flagstaff, Arizona to do some brainstorming. The Administration on Developmental Disabilities, a federal agency, sponsored the event and approximately 40 individuals attended. These individuals represented Arizona, New Mexico and Utah state agencies, Navajo, Hopi and Southern San Juan Paiute tribal governments, parents of individuals with disabilities, federal agency offices, and individual advocates for people with disabilities. One of the results of this event is NAPAP. Additional goals were established, and a steering committee was formed to oversee the progress of this coalition. June and Theo attended the first steering committee meeting in November. Several items were discussed, including the changes needed in federal law in order to carry out some of the established goals.

Throughout the month of November we delivered a presentation at several DNA client representative meetings on the reservation. The presentation was an introduction on NAPAP.

We made a trip to talk to people at the Arizona Center for Law in the Public Interest and visited with Dr.

Carol Locust, Ph.D., at the University of Arizona. Dr. Locust is a Research Associate with the Native American Research and Training Center (NARTC) at the University of Arizona. Carol allowed us to look through NARTC's library to find literature on disabilities. We were able to find a lot of information on disabilities relating to Native Americans.

We visited with Steve Palevitz, Staff Attorney, at the Arizona Center for Law in the Public Interest at the Tucson office. This office is the Arizona Protection & Advocacy office. He shared ideas and information with us. June also visited with Renaldo Fowler, Staff Advocate, at the Phoenix office. Renaldo is extremely knowledgeable in the area of Special Education.

We also attended the the Arizona State/Tribal Court Forum Meeting in Phoenix.

### AMICI CURIAE

NAPAP submitted an Amicus brief in December to the United States Supreme Court in support of the respondents in the Rhoades v. Vigil case. An Amicus brief is usually submitted by an organization interested in the lawsuit but not an actual party. NAPAP filed this brief, in conjunction with the Navajo Nation, as an organization that serves Navajo children with disabilities.

This case involves the termination of the Indian Children's Program (ICP). The ICP is a joint program by the Indian Health Service and the Bureau of Indian Affairs to provide a wide range of support services to Indian children with disabilities in the Southwest.

A lawsuit was filed by the Northern New Mexico Legal Services, Inc. on behalf of these children. Their argument was that the ICP was terminated without notice to the children, their families, and the tribes by the government agencies.

### NARPA '92 CONFERENCE

"Alternatives as Answers" was the theme of NARPA's 11th annual conference held in Kansas City, Missouri in November 1992. Theo attended this conference.

The conference emphasized on protecting the rights and enhancing the dignity of developmental disabilities and mental health clients and survivors: ex-patients, professionals, and family members.

The Workshops in the legal track included: "Enforcing Judgments in Large Complex Litigation"; "Clients' Legal Rights in Community Settings"; "Alternatives to Litigation"; "Attorney's Fees"; "Developments in Children's Rights"; "The Fair Housing Act"; "The Right to Refuse Treatment and Make Treatment Decisions Based Upon Informed Consent"; "Overview of Developments in Mental Disability Law"; and "The Americans with Disabilities Act".

For information on the '92 conference contact Theo. Or info on NARPA '93 conference contact: Mary Olympia, Conference Coordinator, 587 Marshall Avenue, St. Paul, Minn. 55102; (612) 224-2320.

### ORGANIZATIONS

*The Family Support Project* is a new project of the ARC, a national organization on mental retardation. Parents, siblings, self-advocates and other individuals can call the project toll-free for information on family support interests such as respite care, cash subsidies, local programs, and gaining access to services. ARC maintains an updated library of family support materials and current listings of national, state and local resources, toll-free number: 800-433-5255. The address of the project is Family Support Project of the ARC, National Headquarters, 500 E. Border St., Suite 300, Arlington, TX 76010. (Taken from ACCH Network Newsletter, Fall 1992)

### PEN-PAL PROGRAM

Do you know a child who has been diagnosed with a life-threatening illness? The Children's Hopes & Dreams Foundation, now in its 10th year, helps children unite with other children through a unique Pen-Pal program. Children participating are able to share their common ups and downs and regular "kid stuff." The goal of the program is to minimize the isolation, fear, and confusion of children who battle a life-threatening illness, and at the same time give them lots of fun! Applications are being distributed by social workers and other health care professionals all over the world. All services are free to eligible children.

For further information and applications, call the Children's Hopes & Dreams Foundation at (201) 361-7348. (Taken from ACCH Network Newsletter, Fall 1992)

### TRAININGS

Association for the Care of Children's Health will be sponsoring their 28th Annual Conference "Children's Health Care in Transition: Opportunities for Making a Difference" May 30 - June 2, 1993 at the Chicago Marriott Downtown, Chicago, Illinois. For more information, contact the ACCH Conference Department at (301) 654-1205.

### NAPAP PUBLIC HEARINGS

NAPAP has scheduled three public hearings throughout the reservation. These hearings are intended to provide interested individuals with an opportunity to voice their opinions and concerns regarding the legal rights of Native Americans with disabilities. NAPAP will use the information gathered from these hearings to set priorities for the Project. All interested individuals are encouraged to attend the public hearings, and if you are unable to attend please feel free to contact us and voice your concerns. The hearings are scheduled as follows:  
Tuesday, 1-19-93, 10:00 a.m.-2:00 p.m., Kayenta Chapter House; Kayenta, Arizona  
Thursday, 1-21-93, 1:00 - 5:00 p.m., Fort Defiance Chapter House; Fort Defiance, Arizona  
Monday, 1-25-93 10:00 a.m.-3:00 p.m., Shiprock Chapter House; Shiprock, New Mexico

# NAPAP NEWS

March 1993

## NATIVE AMERICAN PROTECTION & ADVOCACY PROJECT (NAPAP)

c/o DNA-People's Legal Services, Inc.  
Post Office Box 306  
Window Rock, Navajo Nation (Arizona) 86515

Telephone number:  
(602) 871-5379

1-800-8NAPAP1 (862-7271) AZ, NM and UT only

Greetings again from Window Rock. Here it is, the second newsletter. This month we've decided to include some information on various programs located on the reservation to help familiarize you with available resources. If you or your organization would like to be included in our next newsletter please feel free to contact us.

Spring is on the way folks. And we're trying to attend as many meetings as possible, now that the snow has melted. If you know of any upcoming events or meetings we might be interested in attending CALL US!! Otherwise, we won't be there!

We've had some interesting things going on, as you'll see. Have a great Spring, and we'll see you again in a couple of months.

June E. Eustis  
Project Director

### JANUARY EVENTS

KTNN (660 AM) radio station aired a short story on the Project. The story was also broadcasted on National Public Radio's Native News, a weekly news program which concentrates on events about Native Americans throughout the country. Dolph Barnhouse, DNA's Executive Director received several telephone calls from people throughout the country inquiring about NAPAP.

June E. Eustis, NAPAP Director, was later interviewed on KTNN's *Focus* program by Mike West, Assistant News Director of KTNN. The interview involved the Project and problems facing people with disabilities who are members of the Navajo, Hopi, or San Juan Southern Paiute tribes. She also got a chance to publicize NAPAP's public hearings.

The Project held public hearings in Kayenta, Fort Defiance, and Shiprock. Unfortunately, we did not get a large turn-out but they did help us determine what the Project's priorities should be and the types of cases and activities NAPAP will be working on. There is more information on the priorities in this newsletter.

### FEBRUARY EVENTS

June attended the "Leadership Through Collaboration" steering committee meeting in Phoenix. The

committee discussed a possible half-time parent advocate position in Tuba City. The position will be funded by the Arizona Governor's Council on Developmental Disabilities.

They also discussed possible internships to be sponsored by the Administration on Developmental Disabilities. One person from each tribe will be selected to spend some time in Washington, D.C. and possibly with the state developmental disability planning councils.

The committee talked about Projects of National Significance and applying for the grant to possibly start a regional planning council similar to State planning councils. June and Glen Casto will work on the application.

Theo Shorty, NAPAP Community Organizer, attended a Navajo Parent Network (NPN) meeting in Kayenta. There will be more information on NPN in this newsletter.

### NAPAP PRIORITIES IN ALLOCATION OF RESOURCES

NAPAP attended several DNA client representative meetings, reservation parent support group meetings, held public hearings, and sent questionnaires to organizations throughout the reservation. These activities helped us learn about the population and problems that exist in our service area. NAPAP used this information to help establish the Project's priorities.

The DNA Board of Directors approved NAPAP's Priorities in Allocation of Resources at their February 20, 1993 meeting. The Priorities will be amended to include additional areas that Board members felt were important. Those amendments should be approved at the next Board meeting.

The priorities are intended to direct NAPAP's resources to the most significant problems of client-eligible people, and to ensure that NAPAP uses its resources in an effective and efficient manner. They are one of several factors to be considered in case acceptance decisions.

NAPAP handles the following types of cases and activities: advice and brief service; community legal education; improving access to services; abuse, neglect and exploitation of people with disabilities; employment discrimination; government benefits; housing; civil rights; education; and community outreach.

Each case or activity that is referred or taken by our office is listed as high, medium, or low priority, or case exclusion. High priority cases or legal assistance activities reflect what are currently found to be the most important, if not always the most common, problems of client-eligible people in our service area. Unless otherwise apparent from context, it is the intent of NAPAP to give highest priority to cases which establish legal principles or benefit numerous client-eligible individuals, thus providing long-term relief for problems at a lower cost per individual assisted.

Case exclusion cases are cases of priority too low to justify NAPAP involvement beyond the initial interview or referral. These cases are likely to be important to individuals, but of considerably less importance than many other cases, or they may involve high costs of service in comparison to the benefit obtained. Criminal defense in tribal Court and Torts fit in this category. Any activity in which NAPAP involvement is prohibited by law or grant condition, such as non-tribal criminal defense, political activities, and fee generating cases are also case exclusion matters.

### LITIGATION NEWS

NAPAP has been involved in a few cases to date, including efforts to limit abuse of people with disabilities, due process rights of individuals with mental illness, special education and termination of the Indian Children's Program. One of our cases involves a twelve year old deaf child living on the Colorado River Indian Reservation. The school wants to send him to the Arizona School for the Deaf and the Blind, which is 279 miles away from his home and native community. The child and his parents want him to remain in the home school district. The Individuals with Disabilities Education Act requires that an individual with a disability receive a free appropriate public education, and that the local educational agency provide a full continuum of education to a child with disabilities. Sending a young deaf child to a school nearly 300 miles away from home is not providing a full continuum of education, and we have filed suit in the federal district court. We will keep you updated.

### WASHINGTON D.C. ACTIVITIES

In the last newsletter, I briefly mentioned changing the federal law so that NAPAP would be permanently funded. I would like to describe these activities in a bit more detail.

In 1975 Congress enacted the Developmental Disabled Assistance and Bill of Rights Act, and stated that its overall purpose was "to assist states to assure that persons with developmental disabilities receive the care, treatment, and other services necessary to enable them to achieve their maximum potential through a system which coordinates, monitors, plans, and evaluates those services and which ensures the protection of the legal and human rights of persons with developmental disabilities." 42

U.S.C § 6000 (b)(1). In order to carry out this purpose, the act established a three part system for every state. The three components include a protection and advocacy system, a state planning council, and a university-affiliated program. Arizona, Utah and New Mexico each have these three components.

The protection and advocacy system is designed to protect and advocate for the legal and human rights of people with developmental disabilities. It is this system that NAPAP is modeled after. The state planning council is an agency within the state executive branch which is charged with coordinating, monitoring, planning and evaluating services available to individuals with developmental disabilities within the state. The university affiliated program is a program responsible for administering and operating demonstration projects for the provision of services to people with developmental disabilities and for training programs for personnel needed to provide specialized services.

The coalition, which I described in the last newsletter, is working toward amending this Act so that a regional protection and advocacy system can be established to serve the Navajo, Hopi and San Juan Southern Paiute Tribes. The Act is up for reauthorization this year, which makes it a convenient time to propose this amendment. The Amendment will provide only for the creation of a regional Native American protection and advocacy system, and adds language requiring state planning councils and university affiliated programs to pay more attention to Native American populations.

Congress has recently reconvened, and work has begun on getting the Act reauthorized. The National Association of Protection and Advocacy Systems is working closely with coalition members to ensure that the amendments are accepted in the reauthorization process. Once the Act and the amendments are passed by Congress and signed into law, NAPAP will work with the three tribal governments to have them designate NAPAP as the agency to provide protection and advocacy services.

For further information or questions contact the NAPAP office at (602) 871-5379 or 1-800-862-7271.

### NAVAJO NATION RECEIVES HOUSING GRANT

The Navajo Nation received \$2 million to implement a housing program through the HEARTH program, run by the Department of Housing and Urban Development. The purpose of the grant is to provide housing assistance to the Navajo elderly and handicapped living in remote areas of the Navajo Nation.

The \$2 million will provide funding for 35 new homes and 23 rehab projects. These project are to be evenly distributed among the five agencies.

Navajo Housing Services Department (NHSD) will work with the Chapters to identify clients as part of the

## INDIAN CHILDREN'S PROGRAM

selection process. The selection will be based upon the established guidelines, procedures and requirements of NHSD. All clients must have a homesite lease. The final approval for these clients will be made by NHSD. The criteria is as follows:

**Elderly** - Must be 60 years or older; not exceed the income limits as specified by NHSD; and must demonstrate a need for housing assistance. Priority will be given in the following order: a) age, b) single (widowed, etc.), c) income, and d) present conditions of existing habitat,

**Handicapped** - Must meet the definition as stated in NHSD guidelines; not exceed the income limits; and must demonstrate a need for housing assistance. Priority will be given in the following order: a) severity of disability (wheelchair applicants will receive priority), b) income, and c) present condition of existing living habitat

For further information contact NHSD in your agency. Their phone numbers are as follows: Chinle Agency (602) 674-5773, Fort Defiance Agency (602) 729-5445, Western Agency (602) 283-4522, Shiprock Agency (505) 368-5718, and Eastern Agency (505) 786-5528.

### SECOND ANNUAL DNA LEGAL ESSAY CONTEST

The Navajo Nation Inn and DNA-People's Legal Services, Inc. are sponsoring DNA's Second Annual Legal Essay contest. The contest is open to all high school students in the four corners area who are members of an Indian Nation. The theme for the contest is "The Native American Family". Students are encouraged to write about a legal issue facing Native American families in general. The essay should include a discussion on how the author would address the legal problem identified in the essay.

Essays should be approximately 1,000 words long and should be sent to DNA's central office in Window Rock by no later than Friday, April 30, 1993. Only those entries postmarked or hand delivered to DNA by April 30, 1993 will be considered.

Essays will be judged on the originality of the topic chosen and the solution proposed, the persuasiveness of the essay and the proper use of language and grammar. First prize will be a \$500.00 U.S. Savings Bond, second prize is a \$250.00 U.S. Savings Bond and third prize is a \$100.00 U.S. Savings Bond. Winners will be announced the week of July 12, 1993 with awards being given during DNA's Indian Law Conference in September, 1993 in Window Rock. The Conference will focus on women and the law.

Contest entries should be sent to: DNA Legal Essay Contest; DNA-People's Legal Services, Inc.; Post Office Box 306; Window Rock, Arizona 86515. For further information contact: Randolph H. Barnhouse, Executive Director at (602) 871-4151.

The Indian Children's Program (ICP) is operated under contract with the Indian Health Service (IHS) and the Bureau of Indian Affairs (BIA) by a consortium of three universities: Utah State University, Northern Arizona University, and the University of New Mexico. The program serves Native American children with special needs in New Mexico, southern Colorado, on the Navajo Nation and the Hopi reservation.

ICP services are provided at no cost to families or referring agencies. Specific services offered include: evaluation, follow-up to recommendations, treatment, and training and technical assistance.

Because ICP does not know how many children will be referred at a given time, delays in scheduling children for services may occur. However, ICP makes every effort to insure that all children are scheduled in a timely manner.

ICP is prohibited from providing services that supplant those readily available from other community sources. Further, ICP is responsible for determining if it is supplanting such services. Because of these obligations, ICP must sometimes delay responding to a referral while it determines if the requested services is available from another source. In those cases where a supplanting check identifies a more appropriate service provider, ICP assists the referring organization in making contact with that provider.

Effective evaluation and treatment planning is best accomplished when ICP obtains certain information regarding a child in the initial referral information. ICP has developed a referral form which collects the necessary information. Copies are available at many BIA schools, IHS facilities, and other organizations assisting children with disabilities, or they may be obtained by contacting any of the three universities. Organizations other than BIA schools wishing to refer children should (1) carefully fill out the referral form, (2) obtain the necessary signatures, and (3) forward the application to the university in the ICP consortium in their state. BIA schools should forward completed referral forms to their agency special education coordinators.

For further information contact ICP, Utah State University, (801) 750-7008; ICP, Northern Arizona University, (602) 523-4791; or ICP, the University of New Mexico, (505) 272-3000. Or Ella Yazzie-King, ICP Coordinator, at (602) 729-5887.

### AGENT ORANGE FAMILY ASSISTANCE PROGRAM

The Agent Orange Family Assistance Program (AOFAP) was established to utilize a portion of the fund created by the settlement of the class action lawsuit by Vietnam veterans and their families against chemical companies which supplied herbicides used in the U.S. war

effort in Vietnam. The mandate of the AOFAP is to make grants to support programs and organizations that address the needs and concerns of Vietnam veterans and their families. The Agent Orange Plaintiff Class includes spouses, children, and other family members-as well as 2.7 million Vietnam veterans.

AOFAP for Vietnam Veterans and their families has opened an office in Fort Defiance, Arizona. The program is designed to assist the Navajo and Hopi Nation veterans and other Vietnam Veterans.

The purpose of the AOFAP is to bring services to Vietnam Veteran and their family members who are developmentally disabled. The program staff will work in partnership with local community service agencies to coordinate and obtain necessary information to bring services for these families.

The program provides assistance for Vietnam veterans' children with birth defects and other special needs and for the families of those children; counseling and support for families of Vietnam veterans; assistance for Vietnam veterans in obtaining government and other benefits; and services for disadvantaged or homeless Vietnam veterans including psychological counseling for post-traumatic-stress substance abuse, employment placement and transitional housing.

For further information on Agent Orange Family Assistance Program call: (602) 729-5700 or 729-5699. For Payment Packages call (800) 225-4712.

### NAVAJO PARENT NETWORK

The Navajo Parent Network (NPN) is a resource and information center for parents who have a child with special needs. "Special needs" are disabilities, handicapping conditions or health problems. Parents of children with special needs often wonder where to go to get services for their children. They wonder who can help them. The NPN helps parents find the answers to their questions.

Geraldine Jim, NPN Parent Coordinator, says, "NPN has provided information to parents about conferences and workshops. It has helped parents to find services, support, training and information." Navajo Parent Network also helps parents get in touch with other parents who have children with special needs. "As parents, we feel alone and afraid and confused. NPN provides 'one to one' support for parents. NPN works with Parent Training and Information Centers with-in the three state's: Arizona Pilot Parent Partnership, New Mexico Parents Reaching Out (PRO), Education of Parent of Indian Children with Special Needs (EPICS), and Utah Parent Center." she said, "These parent centers bring information to parents and sends parents to trainings, workshops, or conferences."

The NPN is developing an advisory board to make decisions concerning the future of the NPN. This board

will provide guidance and will meet approximately six times a year. A majority of the board members will be parents of children with special needs.

The Network provides a bi-monthly newsletter. The NPN is currently staffed by Geraldine Jim, Sharon T. Becenti, Secretary, and a parent volunteer. The NPN is located at the Good Shepherd Mission compound, Building 18-C, Fort Defiance, Arizona. They can be reached at the following telephone numbers: 1-602-729-5888 or 1-800-237-3007.

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### CALENDAR OF COMING EVENTS

April 14-16: 1st National Conference: "The Journey of the Native American People with Serious Mental Illness" Albuquerque, NM. (505) 454-2585.

April 24-25: A National Summit Conference on Fetal Alcohol Syndrome Prevention, Baltimore, MD.

May 7-8: The Arc of New Mexico 38th Annual Convention, Taos. Contact the Arc at 1-800-358-6493 or at 883-4630 in Albuquerque, New Mexico.

August 11-14: International Down Syndrome Conference, Walt Disney World Swan Hotel, Orlando, Florida. Contact 1-800-221-4602.

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### INFORMATION CENTER/BABYNET 800 NUMBER

The information Center for New Mexicans with Disabilities/Babynet links individuals and their families, friends, advocates, therapists and case managers with service providers, support groups and other local, state and national resources.

Call 1-800-552-8195 (Voice/TDD)-there is no charge.

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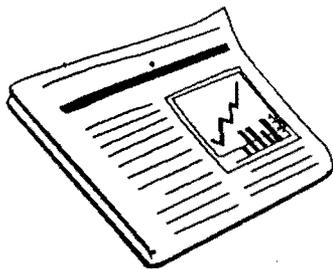
### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

One of the agencies responsible for enforcing the Americans with Disabilities Act, with local offices located in:

Arizona: 4520 N. Central Ave., Suite 300  
Phoenix, Arizona 85012-1848  
(602) 640-5000 (voice)  
(602) 640-2692 (TDD)

New Mexico: 505 Marquette, NW, suite 900  
Albuquerque, New Mexico 87102-2189  
(505) 766-2061 (voice)  
(505) 766-1831 (TDD)

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## MESSAGE FROM JUNE

Yah hat tey! Haa.at ti la balnana? Well, we've been pretty busy, which is the reason you haven't seen the newsletter since last March -- YEOW!! We are fast approaching the end of our one-year grant and I can't believe how fast the year went by. As for our future, it looks likely that Congress will pass the necessary amendment to "authorize" us, but may not be able to appropriate enough money to "fund" us. But have no fear, for we have already received one firm financial commitment for approximately one-third to one-fourth of our budget, and two additional agencies are tentatively committed to funding the rest of our budget for the 1994 fiscal year.

So, it seems like an appropriate time to thank all those individuals who were patient, encouraging and supportive of the Project for the past year. And I especially want to thank all DNA employees whose extraordinary amount of patience, encouragement and support were so greatly appreciated by myself!

Well, enough of the mushy stuff, I'll just let you get on with the "NAPAP NEWS."

## RECENT U.S. SUPREME COURT CASES

### INDIAN HEALTH SERVICE

v.  
VIGIL

US Supreme Court of Appeals

Washington, D.C. - On the 24th of May, 1993 the U.S. Supreme Court of Appeals ruled in favor of Indian Health Service (IHS) to discontinue service for the Indian Children's Program (ICP) in Arizona, Colorado and New Mexico.

According to the opinion delivered by Justice Souter, "The service's decision to discontinue the program was 'committed to agency discretion by law' and therefore not subject to judicial review under the Administrative Procedure Act."

Three hundred forty-five of ICP's clients, with almost half from the Navajo Nation, are without service and are ineligible for services elsewhere. ICP was designed to provide assessment services to Native American children with physical and/or mental disabilities. ICP, when necessary, provided training and consultation to better needs of children and their families. The majority of ICP clients were identified as learning disabled, emotionally disturbed, mentally retarded, cerebral palsied, communications disordered or multihandicapped.

We have spoken with ICP employees and they have assured us that the Project will continue operation until at least February, 1994. ◀

### ZOBREST

v.

### CATALINA FOOTHILLS SCHOOL DISTRICT

Appeal to the U.S. Supreme Court from the Ninth Circuit  
19 IDELR 921

A profoundly deaf student asked the school district to provide a sign language interpreter for him at a private Roman Catholic school he attended. The District Court and Ninth Circuit ruled that providing an interpreter in such an educational facility violated the Establishment Clause of the U.S. Constitution. The Supreme Court, in a 5-4 decision, reversed, holding that the Establishment Clause did not prevent the school district from providing an interpreter in order to facilitate the student's education. The majority opinion distinguished this action from other prohibited action on the rationale that the IDEA itself is a neutral program that dispenses aid to individual children with disabilities and not to the school itself, and since the school is not the intended beneficiary from this action it is not barred by the Establishment Clause. ◀

## Native American Protection and Advocacy Program (NAPAP) Addresses and Contact Numbers

<p><b>Chinle DNA Office</b> P.O. Box 767 Chinle, AZ 86503 Telephone: 602/674-5242 FAX: 602/674-5063</p>	<p><b>Crownpoint DNA Office</b> P.O. Box 116 Crownpoint, AZ 87313 Telephone: 505/786-5277 FAX: 505/786-7275</p>	<p><b>Fort Defiance DNA Office</b> P.O. Box 306 Window Rock, AZ 86515 Telephone: 602/871/4151 FAX: 602/871/5036</p>	<p><b>Hopi Legal Services</b> P.O. Box 558 Keams Canyon, AZ 86034 Telephone: 602/738-2251 FAX: 602/738-2251</p>
<p><b>Mexican Hat DNA Office</b> P.O. Box 488 Mexican Hat, UT 84531 Telephone: 801/739-4205 FAX: 801/739-4215</p>	<p><b>San Juan Cnty Legal Service</b> 420 West Broadway Farmington, NM 87401 Telephone: 505/325-8886 FAX: 505/327-9486</p>	<p><b>Shiprock DNA Office</b> P.O. Box 967 Shiprock, NM 87420 Telephone: 505/368-4377 FAX: 505/368-4557</p>	<p><b>Tuba City DNA Office</b> P.O. Box 765 Tuba City, AZ 86045 Telephone: 602/283-5265 FAX: 602/283-5460</p>

**NAPAP-Administrative Office**  
P.O. Box 306  
Window Rock, AZ 86515

**CONTACT PERSONS:**

June E. Eustis, Program Director  
Glenda R. Thompson, Community Organizer

Telephone: 602/871-5379  
Toll-Free (voice or TDD): 800/862-7271  
FAX: 602/871-5036

### New Employees

Hi! My name is Glenda Rose Thompson, I'm the new Community Organizer/Secretary for the NAPAP Project. I am of the Edge Water clan and born for the Towering House clan. I look forward to working for NAPAP and hope to train to be an advocate for the people who need our services.

**Carmelita Yazzie**, a resident of Gallup, NM is also employed by NAPAP as a part-time secretary. "Karm" is involved in Student Government as a Senator at UNM-Gallup campus and plans to finish her education as a tribal advocate/legal assistant. Her primary goal is to advocate on behalf of people with developmental and physical disabilities.

NAPAP was fortunate enough to have a few Law Clerks assist us with a couple of cases. They were **Michelle Hohnke**, a student at the University of Houston Law Center in Houston, Texas; **Chet Nunoo-Quarcoo**, originally from Ghana, Africa, is a student at the College of William and Mary in Williamsburg, Virginia; **Tracy Toula** is a third year law student at the University of New Mexico Law School in Albuquerque; and **Thomas Joss**, who was here briefly, is a third year student at the College of William and Mary in Williamsburg, Virginia.

We wish them all luck and hope they return to this part of the country.

## DAYTON A Mother's Story

Special to  
NAPAP NEWS

*Needing, wanting, having, losing. Having a big family has always been my dream, shortly to find out that my dreams would never be and finally believing in a miracle that could be used as a living testimony for as long as we live...*

My name is Evelena Sombrero Miller and here is a mother's story. I am from Tuba City, Arizona. My husband is Calvin M. Miller, Sr. from Twin Lakes, New Mexico. I have three wonderful and beautiful boys (Calvin, 12 years old; Myles Leslie, 10 years old and Dayton Sombrero Miller, 2 years old, that's how old he was when he returned to his father in heaven). This story is about this special miracle that made a change in our lives.

1980, Calvin Jr. came along, two years later Myles Leslie. Because of the desires in my heart, months and years went by. Nothing. I had my time of wishing, hoping and finally crying, not once but I stood fast on my faith. Several months of trying and testing went by. Come to find out I was just as normal as the women sitting next to me. My doctor said,

"All we can do is wait." I cried uncontrollably, "I don't want to wait!"

Later as I was walking home that day, with an appointment slip in one hand and more pills in the other, I had nearly given up. Instead, I prayed, refused to take more pills and left the rest in the Lord's hands. Then I stood on my faith. I could feel a total peace and comfort cradle me immediately. When I got home, I placed the pills in the medicine cabinet. Guess what? I was pregnant the following month. After eight years, my tears of frustration were finally tears of complete and utter joy.

Tuesday, January 10, 1989 at 10:30 a.m. a baby boy was born a special gift sent from heaven. Dayton Sombrero Miller was born normal until seven weeks later, he started having seizures (intractable seizures). As weeks went by the seizures increased. They would start suddenly without much warning, sometimes only a little twitching in his tiny body and sometimes just in his face. Gradually, his seizures became worse leaving our son, our brother, handicapped. By this time we, as a family, accepted his condition. The love we gave him was an unconditional love.

I still continue to ask, Why? but I do not know, he was from the Father's hand and He thought of me while Dayton was being conceived.

Continued on Page 3

## DAYTON cont.

We spent a lot of ins and outs of hospitals and traveling long distance with each step of the way, we fought and we fought hard for our special little jewel that God had given us. Through tears, prayers and the support of others, we brought him through his struggle to fight for his life.

In December of 1989, Dayton was flown to UCLA Medical Center in Los Angeles, California. A very delicate and endless twelve hours of surgery was performed. From a part of the brain where the focus of the seizures were the temporal lobe, about the size of a quarter, was removed. Doctors stated that Dayton had a 50/50 chance to pull through this procedure. Understanding the consequences his father signed the necessary papers in tears.

The results were great! Recovery was slow but it brought tears of joy and happiness to us all. Our son remained blind with less and less seizures but will always remain handicapped. We wanted his life to be content so we gave him extra love and the special care that any parent would give to their child.

Little did we know of the horrible tragedy that we yet had to face. Dayton was provided daytime respite services by Arizona Department of Economic Security, Department of Developmental Disabilities contract which provides the services through Group Home. Other services were provided by PHS, but I wanted more for him, it was hard getting services on the reservation so most of the services were paid from our own pockets and this was difficult for us since we did not receive much help.

During this time of financial hardship, our only joy was to see that Dayton's seizures were close to none. I will never forget October 8, 1991, this was the last day we saw Dayton alive. Due to negligence on behalf of the care takers while transferring Dayton from the Group Home to our home, our son's life was taken from us.

While in transport, Dayton was sitting in the back seat, unattended while the care takers were sitting in the front talking. Dayton suddenly lost oxygen but the caretakers did not apply CPR when he desperately needed it. The doctors stated that it was a significant 5 to 10 minutes that Dayton had been deprived oxygen. With this incident, an investigation was launched and according to the reports a CPR instructor, certified through the American Heart Association,

reported that these two particular individuals failed the CPR exams three times before passing on October 5 (just three days prior to Dayton's death). One employee had a difficult time finding the landmarks and initiating the CPR while his supervisor stood by and watched. He then later spent most of his time looking for me instead of applying CPR to my son who desperately needed it, until they could get him to the hospital, but both did nothing to revive him. Dayton was pronounced Dead on Arrival.

We want to use Dayton to bring out others like him in every community. We are now raising money to help parents with children like Dayton. I now serve on the following committees that dedicated to helping the handicap: Navajo Nation Advisory Council on the Handi-Capable, EPIC, Tuba City Public School Special Ed and the IDEAL Program (Advocating for parents with handicap children, parents who want to know their rights as parents). When I think back when doctors told me that Dayton will never walk, run or talk I believe he has proven them wrong, because where he is at now he can do all of the things the so called experts said he couldn't. To this day I thank the Lord above for the opportunity to have given me such a special, precious and unique gift. The gift of the love I gave my son and the gift to give to others who are in need as I.

The following is a remark given by my husband, Dayton's father, Calvin Miller, Sr.: Our son was never a burden to us. We always gave thanks to the good Lord for giving us a special child "Dayton." Hardly anyone knows of his death, today when people ask of him I feel a great anguish in my heart and a lump in my throat then smile and reply, "He's doing great with his Father in Heaven, now." It has been hard but we are dedicated to helping other parents, giving them encouragement and support. I would like to let parents know, if they need support and encouragement, please write to my wife and I, we'd like to reach out and touch every one of them because to us, it's a lifelong commitment and believe it's a more than what this world could ever give.

Calvin and Evelena Miller  
Post Office Box 2287  
Tuba City, Arizona 86045



Here is a poem that we have, letting us know how fortunate we are, and that every family needs to know about their "special" child.

## HEAVEN'S CHILD

*A meeting was held quite far from Earth  
"Its time again for another birth,"  
said the Angels to the Lord above,  
"This special child will need much love  
His Progress may seem very slow,  
accomplishments, he may not show  
and he'll require extra care  
From the folks he meets way down there.  
He may not run or laugh or play  
His thoughts may seem quite far away  
In many ways he won't adapt  
And he'll be known as handicapped  
So let's be careful where he's sent  
We want his life to be content  
Please, Lord, find the parents who  
will do a special job for you.  
They may not realize right away  
the leading role they're asked to play  
But with this child sent from above  
Comes stronger faith and richer love  
And soon they'll know the privilege given  
In caring for this gift from Heaven.  
Their precious charge, so meek and  
mild is Heaven's very special child.*

This poem made me think of a lot of things and made me happy with a song in my heart. This is my poem in memory of...

## MY SON

*My son, all you are and all you'll be  
for you mean everything to me.  
Though I don't understand,  
I know you're from the Father's hand.  
How can it be, that you are you?  
The Lord thought you up and so you grew,  
because He gave you to me and you're  
mine.  
It must be true that He was also thinking of  
me, too!*

Evelena Sombrero Miller



## American Indians With Disabilities Public Awareness Campaign

A personal story by Marguerite Haring

I live on the Cattaraugus Indian Reservation located in Irving, New York. Since most people do not know where Irving is located, I always say it is thirty-five miles south of Buffalo, New York. I have lived most of my life on a reservation.

Since, I was very young, I always wanted to be helpful to those who needed some assistance. Being handicapped myself, I know things appear hard but I also believe that with determination and will, somehow they can be worked out. In my elementary school years, for example, the children were extremely cruel to me. I was called names because of my handicap, but my family was supportive and helped me through these stressful times. I have my senior high school Art teacher to thank for helping me and encouraging me to study art in college. She was also my supervising teacher when I did my student teaching. She did a lot more than help me in the field of teaching. She inspired me to have a better self-image. If it were not for that special teacher and my parents, I know that I would not be where I am today. I feel that I in turn, give service to others by being a teacher for special needs individuals and serving on various committees in the community. But this was not always the case.

It was both a sad and significant day when I got on an airplane and headed for Muskogee, Oklahoma to attend a junior college in a place I had never heard of before. All that I knew about the college that it was predominately Native American. I was a little bit afraid because I did not know anybody and I was extremely shy. I lived in a sheltered reservation setting. But this was a whole new situation. Being on my own I knew I must succeed. My parents instilled in me the idea that I must succeed because they never had the opportunity to attend college. I would be a disgrace if I gave

up and came home. I cried for a long time on the airplane on a destination I was unsure I could fulfill. But, I sure was determined to try! Things were always a little harder for me because I was born a congenital left arm amputee. As a child I learned to adjust and could do just about anything the other children could do, sometimes better. If someone told me that I could not do something well that challenged me try harder. I found different ways to achieve end results.

I have since attended several colleges and have earned a Masters Degree in Elementary Education, Special Education and a permanent teaching certificate in Art Education. This was not an easy task, even with scholarships and other funding sources. There was still the distance to the colleges and the travel expenses to contend with. I know my parents gave up a lot of things so that I could finish college. In addition, I was lonely but I know I had to stay at college. I had to make my parents proud. Somehow, I overcame those obstacles and made many new friends. They were in the same or similar situations, coming from reservations from all over the country. I finally did adjust and I have learned to adjust to new and different situations, as they have arisen.

I have three teaching certificates is because I could not find a job teaching Art. I worked in Special Education at a developmental facility for mentally impaired children. I taught there for three years. Then I got married and decided to stay home until all of my own children were all in school full time. One day I noticed an ad in the local paper for a teaching position in Special Education in a public school located near the reservation. I was hired as the Special Education teacher, but it was hard for some to think a native American could become a certified teacher. Even after I had been there for a few years, staff still thought of me as an uncertified

person in a Native American program.

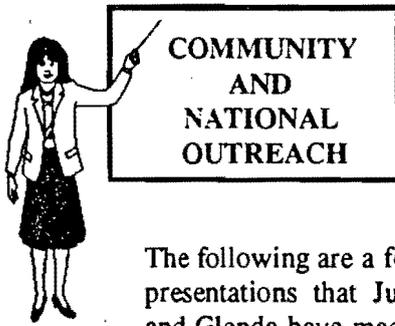
After five years of teaching at that public school I did not get a Masters Degree in Education within the time frame required. I had to resign and get a Masters Degree in Education. I had been taking one or two courses at a time in the evening but it was taking forever. That was a double ordeal because of the drive to college plus working and raising a family I had so many college courses. I finally received my Masters in Education and that was the most exciting day in my life! At last I achieved the dream that I had held on to through the years.

As time passed, I taught students who had special needs, and I am still teaching those people who can be classified as special needs individuals.

I hope that I served as a role model for other Native Americans who can succeed if they are determined and do not give up. Things seem so hard but with a little self determination and pushing against the odds, I believe one can succeed.

I received a phone call from a friend who knew of an organization that needed an American Indian with disabilities that could represent the Native community in New York on a select National Advisory Committee. This organization is called "American Indians with Disabilities Public Awareness Campaign." The purpose of this organization is to provide information about "tools" that will enable American Indian with disabilities and their families to live, learn, work, and play in their communities (AIDPAC) is a special two year project which is being administered by Alaska Public Radio. The project is funded under the U.S. Department of Education's National Institute on Disability and Rehabilitation's Research. For more information on the project or for individual help call 1-800-866-ABLE. ◀

Since the last issue of *NAPAP NEWS* . . .



The following are a few presentations that June and Glenda have made.

June assisted a Navajo doctoral candidate from the Northern Arizona University in sponsoring three trainings for parents of children with special needs on the Navajo Reservation in Tuba City, on the Hopi Reservation at Second Mesa and on the Hualapai Reservation at Peach Springs. This training focused specifically on special education and the Individuals with Disabilities Education Act ("IDEA"). Parents were informed of the individualized education plan process and their rights throughout the process.

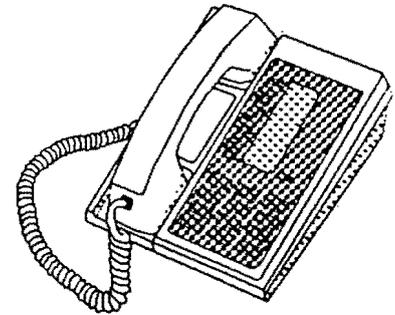
June's presentation before the Navajo Nation Tribal Council in sign language was very well received by the Council Delegates and we plan to make similar presentations before the Hopi and San Juan Southern Paiute Tribal Councils before winter.

June has been busy lobbying and meeting with Congressional staff members in Washington, D.C. trying to get Congress to support the Project by passing the amendment which would fund NAPAP permanently. We are optimistic that the bill will get passed during the next session but looks like the Project will not be permanently funded for another couple of years.

Over the past few months, June has attended several national conferences regarding disabilities. The National Association of Protection and Advocacy Systems Annual Conference was held last spring where she was asked to sit on a panel which discussed "The Deaf Culture and its Relation to other Minority Cultures". During the Second Annual Administration on Developmental Disabilities Cultural Diversity Institute, the Administration asked June to discuss "Celebrating Diversity: Preserving Cultural Pride."

June and Glenda made presentations at the DNA Client Rep meetings that were held in Shiprock and in Chinle. Over the next few months we plan to make more presentations at Chapter meetings, villages, parent support meetings, etc. about the project.

We hope to get the Guardianship trainings underway soon. This training is targeted towards parents and family members who would like guardianship over their family members with disabilities, and is intended to educate individuals as to the actual necessity for a guardianship. ◀



WHERE TO CALL . . .

If you would like more information please call our office (voice or TDD) at (602) 871-5379 or if you're calling from Arizona, New Mexico or Utah you may call us at (800) 862-7271. If you are using a TDD, please tap on the keys a few times.



WHERE TO WRITE . . .

You may request more information by writing to:

Native American Protection and Advocacy Project  
 DNA People's Legal Services, Inc.  
 Post Office Box 306  
 Window Rock, Arizona 86515

**REMEMBER**

*Behind every brace,  
 gesture, confusing sentence,  
 lack of eye contact  
 or missing limb there is  
 someone there who is the  
 same as you if you  
 keep your focus.*

*Find that connection.*

# Mark your Calendar!!

**Navajo Parent Network** sponsors meetings every month. Meetings are held at different locations on the Navajo Reservation, if you need more information on these meetings please call Geraldine Jim at 602/729-5888 or 800/554-9881.

**September 27-29 ▶ Local People Solving Local Problems** sponsored by the Department of Health, Public Health Division/Partnership for Healthier Communities. For more information call Donna Dossey at 1190 St. Francis Drive, Santa Fe, New Mexico 87501.

**September 30-October 1 ▶ Social Security Disability/SSI Conference** will be held at the Camp Luna Vocational/Technical Institute in Las Vegas, New Mexico. Need more info? Call David Washburn at the New Mexico Legal Support Services Support Project 505/243-6282.

**October 14-16 ▶ Common Needs/Diverse Populations: Expanding Transition Partnership 7th Annual Conference** to be held in Albuquerque, New Mexico, if you need additional information, please call Judy Schatzman at 505/842-3741.

**October 20-23 ▶ National Fall Conference** sponsored by NOSSCR will be held in San Francisco, California. More information will be mailed to you by writing to Nancy Shor, Executive Director, 6 Prospect Street, Midland Park, New Jersey 07432

**October 27-29 ▶ Investigations of Abuse & Neglect of the Mentally Disabled Seminar** will be held at the Portofino Hotel and yacht Club in Redondo Beach, California and will be sponsored by Paul Duryea & Associates. Need more info? Just call (818) 891-2145 between 9:00 a.m. and 5:00 p.m. (Pacific Time).

**October 29-31 ▶ Joint Conference on Law and Aging** sponsored by the Legal Counsel for the Elderly will be held in Washington, D.C. at the Capitol Hilton. Call Sharon Block at 703/765 7497 to get more information.

**November 4-5 ▶ Social Security Disability/SSI Conference** sponsored by the New Mexico Legal Services Support Program will be held at the Sally Poit Inn in Roswell, New Mexico. Need more information? Call David Washburn at 505/243-6282.

**November 8-13 ▶ NLADA Annual Conference** to be held at the Hyatt in Albuquerque, New Mexico. For additional information, call Andrea Agloro at 202/452-0620.

**November 11-13 ▶ Second Annual New Visions for Families in Crisis Conference** hosted by the Los Pasos Program of the University of New Mexico. For more information call: 505/272-6843.

**November 18-19 ▶ Select Session on Social Security V** will be held in Phoenix, Arizona, sponsored by the Advocates for the Disabled, Inc. If you need more information, call Sue Schaafsma at 602/256-9673.

**Does your organizations have any meetings/conferences scheduled in future that you would like advertised?**

If so, please call Glenda or June at 602/871-5379 or 800/8NAPAP1 (862-7271) with the information.

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