

How to Use This Guide

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Purpose and Intent of Rights & Reality II

In 1986, the Wisconsin Coalition for Advocacy (WCA) published the original edition of *Rights & Reality*, a white 3-ring notebook many people still have somewhere on a shelf in their office or family room. Much has changed since then. The Americans with Disabilities Act has passed; W-2, Family Care and BadgerCare have been created, and the issue of abuse and neglect of people with disabilities has drawn increased attention. What has remained the same, however, is the critical need for consumers, family members of a person with a disability, service professionals, and attorneys to understand and effectively use the laws that protect Wisconsin residents with disabilities. This expanded and revised guide will provide readers with this understanding plus a great deal more.

Not a program resource manual

The primary focus of this guide is to explain the basic legal rights and protections afforded people living in Wisconsin who have a disability. It is not a resource manual that provides complete descriptions of the various services and supports available to people with disabilities. Descriptions of programs, funding sources, and agencies are intentionally limited. The degree of detail provided is governed by the amount needed to put the legal issues into context. However, most chapters direct the reader to a resource that can provide more in-depth information about a support, service, program, or agency. The Additional Resources Appendix is also intentionally brief and includes primarily statewide or regional legal services, advocacy groups, and disability (not direct service) organizations.

Rights are not enough

In addition, it should be acknowledged that just knowing the laws and rights is not enough to effectively advocate for what is needed and desired. Clearly understood values, trusting relationships, and skills to promote effective change are needed as well. This is the “Reality” part of the guide’s title. Two chapters that are critical to the successful use of the information included in *Rights & Reality II* address this portion of the equation. They are: *Rights and Values in the 21st Century*, see pg. 1 and *Becoming an Effective Advocate*, see pg. 5. Also, within each chapter are practical strategies called “advocacy points” that people can use to promote their rights and the rights of others. This concept is further described below under Layout of a Chapter.

Organization and Search Aids

Table of Contents

The layout of *Rights & Reality II* has incorporated a number of format elements intended to help the reader navigate the guide. The first one

is the Table of Contents. In place of an index, it was created as the place where the reader can begin to locate the chapter that might best address his/her specific concern. It is printed on a different color of paper from the main text to make it easier to find and reference.

The Table of Contents lists the 46 chapters. It also lists the main topic headings within each chapter. If the reader is looking for a topic of interest, such as Medicaid, s/he can go directly to the page within that chapter dealing with the matter in question, perhaps eligibility, by reading through the headings listed under the chapter in the Table of Contents.

Callouts

Another “search” tool will be found within the actual chapter. These are the short, bolded phrases listed in the left-hand column of a page. They are referred to as “callouts.” These phrases serve as a general outline for the chapter. They provide the reader with a quick method for scanning the chapter to find the issue or subject of particular interest. Each phrase lines up with the text that deals with that subject. For example, if a reader is trying to find out what “divestment” means within the Medicaid program, that portion of the chapter can be found quickly by scanning down the left-hand column to the page where the term “divestment” appears.

Layout of a Chapter

Most chapters begin with a short introduction that provides background and/or the scope of the chapter material. Virtually all of the chapters are structured in the same way, but individual authors have been given license to create their own format modifications as needed. Besides the callouts explained above, the information located in the left-hand column is consistent within each chapter. Here the reader will find, in most chapters, three other references: legal citations, web site addresses, and the wave denoting advocacy points.

Legal citations

This guide was formatted so that people with little interest in reading the law can learn about rights and their implementation without being distracted by references to the laws and codes on which the text is based. They can simply read the narrative uninterrupted. To accomplish this, legal references (**called citations**) appear in the left-hand column adjacent to the material explaining the law rather than in the body of the text.

Citation explanations

The guide contains legal citations to both federal and state (Wisconsin) laws. These laws can be codes, statutes, or administrative rules. On occasion, cases decided in federal and state courts are also referred to in a chapter. Individual legal references translate as follows:

Federal law
29 USC § 794

This type of citation refers to a law enacted by the U.S. Congress. The example given refers to Volume 29 of the United States Code, Section 794. This law may be read by going to Volume 29 of the Code and turning to Section 794 within that volume.

New federal laws
PL 106-170, Sec. 111

This kind of citation refers to federal laws as they are passed by Congress. The example in the margin refers to Section 111 of the 170th act passed by the 106th Congress.

Federal rules
34 CFR § 300.349

This type of citation refers to a regulation written by a federal agency. The example refers to Volume 34 of the Code of Federal Regulations, Section 300.349, which may be read by going to Volume 34 of the CFR and finding Section 300.349.

Proposed or new federal rules
56 FR 35592

Citations that include “FR” refer to the Federal Register. This is a reference source published each weekday by the federal government. It contains agency regulations as they are proposed and finalized. Each year regulations that have appeared in the Federal Register are reprinted in the Code of Federal Regulations. The example in the left-hand column refers to Volume 56, page 35592.

Wisconsin law
Sec. 51.42, Wis. Stats.

This kind of citation refers to laws passed by the Wisconsin legislature and printed in the Wisconsin Statutes. The number before the decimal point refers to the chapter number, and the number after the decimal point refers to the section number. The example in the margin can be found by going to Chapter 51 of the statutes and then looking for Section 51.42.

State agency rules
PI 11.24

This kind of citation refers to rules written by a state agency and printed in the Wisconsin Administrative Code. Rules in the Wisconsin Administrative Code are grouped first by the issuing agency, in alphabetical order, and then by chapter and section number. The example in the margin can be found by looking for the Public Instruction (PI) section of the code, finding Chapter 11, and then finding Section 11.24.

Libraries

Many public libraries have copies of state and federal laws and rules. Many counties have law libraries in or near the courthouse that are open to the public. Call ahead to the clerk of court to find out if your county has a library open to the public, and if it has the materials you are interested in.

www.wisbar.org/legalres/

The state and federal governments make state and federal statutes and rules available on-line through free web sites. The best way to reach those web sites is through the links provided by the Wisconsin State Bar web site. Many state and federal agencies have web sites that provide information on programs and policies. Another useful web site is www.nolo.com which contains a legal encyclopedia and self-help law publications.

web sites As shown above, *Rights & Reality II* also lists relevant web sites in the left-hand column. Usually, the home page is referenced and the reader will need to navigate the site to find the specific information s/he is interested in finding. People who do not own computers or those who do not have access to the Internet might contact their local public library. Most libraries now have at least one computer with Internet access. Due to high demand, patrons may need to sign up to use a computer, plus their time on the computer might be limited.

Advocacy points Advocacy points are denoted in the left-hand column by a blue wave, the WCA logo. An advocacy point serves as an aid to help readers think about ways in which they might implement what they have read, places where action might be taken, or times when particular attention/caution should be paid regarding what is happening. Below is an example of an advocacy point related to involuntary commitment of people with mental illness.



Commitment should be a last resort. Make sure the person has been offered treatment options and a chance to participate voluntarily.

Cross referencing chapters Another organizational component of each chapter is the cross referencing of material from one chapter to another. This is done to avoid duplication and to direct the reader to an expanded explanation of a briefly described topic or to a relevant topic discussed in another chapter. These cross references are in *italics* and provide the title of the referenced chapter plus the page number on which the referenced subject matter appears within the chapter. For example, (*See Vocational Rehabilitation chapter, pg. 223.*)

Abbreviations & acronyms Finally, the human services and legal systems are full of abbreviations and acronyms, using the first letters in a title, phrase, or term to replace/refer to a concept or program. For example, DOT for the Department of Transportation or COP for the Community Options Program. In each chapter, when an author first uses this type of shorthand the abbreviation or acronym will follow the actual, full length term in parentheses and in **bold** type - Community Options Program (**COP**). This will allow the reader to refer back in the chapter for clarification should they later come across a term that is not immediately clear.

Accuracy, Updates and Disclaimers

The information provided in this guide is as accurate as possible given that the world is a constantly changing place. All telephone numbers, addresses, web sites, legal citations, etc. were individually checked just prior to printing *Rights & Reality II*. In addition, some information that might have proven useful but changes annually, such as calculations for federal poverty level or Medicaid income levels, was purposely not included. E-mail address contacts that were

primarily person specific were also excluded. However, references as to where the reader might obtain this information on an up-to-date basis are provided whenever possible.

Updates on WCA web site

www.w-c-a.org

The Wisconsin Coalition for Advocacy also realizes this guide could not include all information important to the rights of people with disabilities. Nor would this guide, either written or on CD-ROM, be an easy publication to update. Nonetheless, WCA will attempt to keep *Rights & Reality II* updated on-line through its web site. The entire guide will not be on-line, but new information obtained after the guide is published or corrections will be posted on the web site.

Disclaimers

Finally, this guide was written for non-attorneys and attorneys alike. The authors, however, do use legal citations and language. The descriptions of legal rights and actions are reliable in terms of a very general understanding of the law and its implementation. They should not, however, be viewed as a source of infallible answers for particular individuals encountering specific problems. They are intended to be informative, not definitive, in their explanation of legal rights.

The laws on which this guide is based are much more complicated than the summary descriptions provided. By summarizing and paraphrasing the law in an effort to make it more understandable and useful to non-attorneys, the text may lead some users to reach conclusions about their legal rights which ultimately prove to be wrong. In the final analysis, only a court can settle a dispute centering on legal rights. Even attorneys who advise clients about their legal rights after direct consultation can only make predictions about what the law means to a particular individual in a particular situation. **Consequently, the information in this guide should not be relied upon to provide definitive answers to specific legal questions for particular individuals.**