# Hawaii Disability Rights Center


## Mission & Policy

The Hawaii Disability Rights Center defends and enforces the human, civil and legal rights of people with disabilities.

**Human Rights**

- People are those natural rights that are accorded to all human beings. They are clearly stated in the U.S. Constitution as the right to life, liberty and the pursuit of happiness.

**Civil Rights**

- Are an expansion of basic human rights and are specified in the U.S. Constitution, the Bill of Rights and the Hawaii State Constitution. They include the rights to: freedom of religion, speech, assembly; petition for change; equal protection under the law; privacy; confidentiality; appeal decisions; freedom from oppression, unlawful search and seizure; and cruel and unusual punishment.

**Legal Rights**

- Are an expansion of our human and civil rights as established by specific laws, such as those laws which authorize protection and advocacy for people with disabilities.

**It is the policy of HDRC to:**

Advocate for as many people with disabilities in the State of Hawaii, as wide a range of disability rights issues, as our limited resources allow; and to:

- Resolve rights violations with the lowest feasible level of intervention; but to also:
  - Provide full legal representation, including litigation, if necessary, to protect the rights of people with disabilities, consistent with authorizing statutes and Center priorities.

## Finances

### 2005 Revenue

- Federal (81%): $1,372,964.00
- State (10%): $165,505.00
- Other ( 9%): $153,093.00
  
  **TOTAL 2005 REVENUE:** $1,691,562.00

### 2005 Expenditures

- Program Services (94%): $1,606,812.00
- Management ( 6%): $103,555.00
- Fundraising: $1,593.00
  
  **TOTAL 2005 EXPENDITURES:** $1,711,960.00

### Beginning Assets

**October 1, 2004:** $267,147.00

### Ending Assets

**September 30, 2005:** $246,759.00

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Cover Photo by Sharon Smockhoffmann
In 1998, HDRC filed the Makan v. State of Hawaii (Civil No. 98-00997) lawsuit on behalf of a class of 700 people with developmental disabilities who had been indefinitely "waitlisted" for Medicaid waiver Home and Community Based Services ("HCBS"). In a Settlement Agreement signed April 25, 2000 the State agreed to develop and maintain a waitlist that moved at a reasonable pace and that provided the original 700 class members with HCBS services by the end of June 2003.

On September 29, 2003, HDRC again filed suit against the State (HDCR v. State of Hawaii, Civil No. 03-00524) alleging substantial violations of the Makan Settlement Agreement as well as new legal claims.

On August 12, 2005, more than seven years after the original filing, HDCR and the State of Hawaii signed a second Settlement in which the State agreed to:

1. Use their best efforts to amend the Hawai`i Administrative Rules to establish timelines to determine eligibility and provide services.
2. Use their best efforts to restore the $5 million in unused waiver funds that were returned to the General Fund;
3. Discontinue use of the "deferred" designation;
4. Provide written notice to all "deferred" people regarding the terms of settlement, including offers of a new Individual Service Plan ("ISP") and advocacy assistance from HDRC;
5. Complete new ISPs requested by "deferred" people within 6 months from date of request, and provide HCBS within a 90-day period; and
6. Determine HCBS eligibility within 90 days of the settlement date for people presently on the HCBS waitlist, or within 90 days of application for new HCBS applicants. Upon being determined eligible, provide HCBS within a second 90-day period;
7. Eliminate current intake priorities, in order to conduct all HCBS admissions on a first-in, first-out basis.
8. Jointly develop with HCDS standardized presentation materials regarding the application process, eligibility criteria, a description of various HCBS offered, and any other services available; and
9. Train DDD Case Managers to identify and implement "wraparound" HCBS services concurrent with other DD/MR programs and services;
10. Provide sufficient information to HDCR to verify compliance with the settlement; and meet with HDCR at regular intervals to review compliance efforts.

While Makan v. State of Hawai`i and HDCR v. State of Hawai`i were filed on behalf of people with developmental disabilities, this "Olmstead" instead benefited all qualified people with disabilities who wish to live, not in an institution, but in the community.

### Individual Client Characteristics (by Program)

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For a complete Settlement transcript, please visit: [www.hawaiispecialtyrights.org/General_News.aspx](http://www.hawaiispecialtyrights.org/General_News.aspx)