

CLEARINGHOUSE REVIEW

JOURNAL OF POVERTY LAW AND POLICY



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Sargent Shriver National Center on Poverty Law

About This Issue

Since its creation in 1975, the Protection and Advocacy (P&A) System has had broad authority to pursue remedies to ensure the protection of and advocacy for the civil, legal, and human rights of persons with disabilities. The P&A System has specific authority to investigate abuse and neglect in institutions serving persons with disabilities. Without a federally funded network of agencies such as the P&A, the civil rights movement led to laws forbidding discrimination based on race, color, religion, sex, or national origin. Many years passed, the United States elected an African American president, and enactment of the laws has not proven to be enough to create a postracial society (see our special issue, [Pursuing Racial Justice in the 21st Century](#), 47 CLEARINGHOUSE REVIEW (Sept.–Oct. 2013)). For the disability community, similar laws such as the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 were enacted to protect the right to equal opportunity and access and the right to personal choice and empowerment for persons with disabilities. Yet barriers to such rights remain.

However, some good developments have occurred since our special issue, [Legal Resources for People with Disabilities](#), 41 CLEARINGHOUSE REVIEW (Sept.–Oct. 2007). In this present issue one article discusses how the Fair Housing Amendments Act of 1988, coupled with the Rehabilitation Act and the Americans with Disabilities Act (ADA), has proven to be a potent enforcement tool for achieving compliance with the Fair Housing Amendments Act's requirement of equal housing opportunity for people with disabilities. This is an area of possible collaboration between P&As and legal aid advocates. Another article describes the guardianship reform movement, which began in the 1980s and has evolved into possible supported decision making for the person under guardianship (see also our webinar, [Alternatives to Guardianship: Preserving the Autonomy of Individuals with Intellectual and Mental Health Disabilities](#) (May 7, 2014)). One author takes on the difficult problem of bullying, which affects children with disabili-

ties disproportionately; the author recommends a strategy rooted in the Individuals with Disabilities Education Act (IDEA), which may help more students get relief and persuade school officials to take proactive action against bullying. In our *Legal Resources for People with Disabilities*, a short note commented on the United States' failure to sign the United Nations Convention on the Rights of Persons with Disabilities. Here now one author discusses ways that advocates can use the convention to assist persons with disabilities even though the United States, while having signed the convention in July 2009, has not ratified it.

Much business for the rights of persons with disabilities is unfinished: the enforcement of the "integration" mandate under the ADA and the *Olmstead* decision of the U.S. Supreme Court; the need for continued protection of youths from seclusion and restraints and the litigation of behavioral-services cases with strategies under the IDEA; and applying the Fair Housing Amendments Act to secure emotional-support animals as reasonable accommodations for clients with mental health disabilities. P&A and legal aid groups have many opportunities to collaborate with and educate one another so that clients are most strongly represented.

This issue ends with an article about pumping up legal aid substantially with the resources we have.

Maie Suedes Hirsh



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