



DRMI

2020 ANNUAL REPORT



programs

DD Advocacy provides legally based advocacy to individuals with intellectual and developmental disabilities who have experienced abuse, neglect, exploitation or who have been discriminated against based on their disability. The federal Protection & Advocacy for Developmental Disabilities (PADD) program can serve all eligible individuals with developmental disabilities. The State funded program, Developmental Services Advocacy (DSA), can serve only adults with intellectual disabilities or autism who are eligible to receive the State's Developmental Services.

MH Advocacy serves individuals who have a diagnosis or label of serious mental illness, with priority given to persons residing in facilities. In addition to the federal Protection & Advocacy for Individuals with Mental Illness (PAIMI) program, DRM also provides advocacy services to residents of Acadia Hospital and receives State funding for advocacy in Riverview and Dorothea Dix Psychiatric Centers.

Protection and Advocacy for Voting Access (PAVA) is a federal program that allows DRM to represent individuals who have been denied the right to vote and to increase access to the polls for people with disabilities.

Protection and Advocacy for Individual Rights (PAIR) serves individuals who have a disability and who are not eligible for either the PADD or PAIMI programs. PAIR focuses on civil rights violations under the Americans with Disabilities Act (ADA).

Social Security Advocacy serves individuals with disabilities who receive Social Security Disability Income (SSDI) or Supplemental Security Income (SSI) and who want to work, return to work, or are working and need assistance with respect to benefits. DRM also monitors, investigates and reviews representative payees to prevent and detect financial exploitation or misuse of an individual's benefits.

Brain Injury Advocacy provides legally based advocacy for people who have a brain injury and who have experienced a rights violation or discrimination. The federally funded Protection and Advocacy for Traumatic Brain Injury (PATBI) program can serve both children and adults. The State Brain Injury monies supplement the federal program so that DRM can serve people who are eligible to receive brain injury services from the State of Maine.

Protection and Advocacy for Assistive Technology (PAAT) assists individuals with disabilities in obtaining assistive technology devices or equipment in order to live more independently, work, attend school, or meet medical needs.

Children's Advocacy State funds allow DRM to serve children with disabilities who are denied access to appropriate and inclusive educational services; have been subjected to restraint and seclusion in school; are seeking assistance with obtaining appropriate home and community services; or who are in a hospital or residential facility and have experienced abuse, neglect or violations of their basic rights.

Deaf Services provides legally based advocacy to individuals who are Deaf, late-deafened, hard of hearing and Deaf-Blind; provides technology to improve communication access; provides peer support to Maine citizens who also have developmental disabilities; and provides outreach statewide to ensure that people know about communication options and access.

Client Assistance Program (CAP) is a federally funded program that provides assistance and advocacy to people with disabilities receiving services under the Rehabilitation Act.

a message from the ed

Dear Friends and Colleagues,

It is with hope that I present the 2020 Disability Rights Maine Annual Report. I hope that we can all soon return to some sort of normalcy, I hope people soon get the COVID vaccine and I hope that the restrictions put in place on the rights of our clients with disabilities during this pandemic will be openly acknowledged and dispensed with as soon as we are safe again.

In March we knew that we would have to quickly figure out how to do our work from our homes. But worse, within a few weeks, we all knew we would have to figure out how to zealously advocate for our clients remotely, as they began to experience greater rights restrictions than normal. And we had to figure out how to balance their safety with their rights.

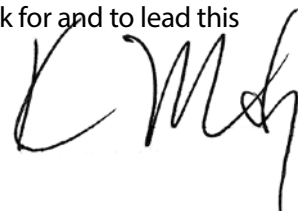
I have often thought that any of the things that adversely impact human beings have an even worse impact on people with disabilities because people with disabilities are more apt to experience a lack of access to quality health care, to safe and affordable housing, to nutritious foods, and to the supports and services that mitigate risk. In the case of COVID-19, we have certainly seen this proven true. In particular, our clients who are already isolated by virtue of living in congregate settings are at far greater risk of contracting COVID-19 and of getting sicker than their nondisabled peers if they get it, and of dying.

On top of living with that fear daily, their already tightly controlled lives became even more controlled. So many people contacted us to say they could not see their families or friends and that they were not even allowed out of their "home". People watched their staff coming and going, people watched their staff refusing to wear masks or keep their distance and they were too often powerless to exert any control over their situations.

DRM was able to quickly rally, to get all staff set up to work at home and to then start recording trainings and getting them into facilities, implementing remote monitoring strategies, getting trained to do our own fit testing for n95 respirators so that we could get into the community when necessary, serving our clients statewide, calling group homes to speak with residents, issuing guidance documents where we could, contacting families of kids in school and so much more.

The staff in each program at DRM were and are amazing. They worked quickly to figure out what their clients might be facing and then to develop ways to address those needs. From DD, MH and brain injury advocacy, to investigating Social Security Representative Payees, to offering peer support to Deaf individuals with developmental disabilities, to trying to get kids educated, and every single bit of important work in between, the DRM staff made certain our programs were flexible and responsive.

Thank you to our clients for being patient through this time and thank you to DRM staff for being so dedicated to disability civil rights. I am proud to work for and to lead this organization, more so now than ever before.

2 

Disability Rights
Maine is supported
by funding from:

the Administration on
Intellectual and
Developmental Disabilities

the Center for Mental
Health Services

the Rehabilitation Services
Administration

the Social Security
Administration

the Federal
Communications
Commission

the State of Maine

Acadia Hospital

the Maine Civil Legal
Services Fund Commission

private donors

DRM would like to thank all
the individuals, businesses
and organizations whose
generosity enables our
work.

To learn how you can aid
the work of DRM, visit
www.drme.org/support

To protect the
confidentiality of our
clients, pseudonyms have
been used.

Available in
alternative formats
upon request

Employment Advocacy

Individuals with disabilities often face significant barriers to employment. In order to ensure equal employment opportunity for people with disabilities, the Americans with Disabilities Act (ADA) and the Maine Human Rights Act (MHRA) give individuals with disabilities the right to reasonable accommodations in employment.

A reasonable accommodation is any change to the application or hiring process, to a job, to the way a job is done, or to the work environment that allows a qualified person with a disability to perform the functions of a job. Employers are obligated to provide necessary reasonable accommodations in all scenarios except those where providing the accommodation would create an undue hardship or a direct threat to health or safety.

Unfortunately, employers sometimes deny accommodations that would create neither an undue burden nor a direct threat. The ADA and MHRA define such denials as a form of employment discrimination. As a result of this discrimination,

many individuals with disabilities are denied employment opportunities for which they are highly qualified.

Because DRM recognizes that every person with a disability can and should be offered the opportunity to work, DRM combats employment discrimination by educating individuals and employers regarding the rights employees have to reasonable accommodations, and by representing individuals who are denied employment opportunities because of their need for reasonable accommodations.

Sadie and Chris were denied employment because of their disabilities. They are both blind and applied to work as Customer Service Representatives for LogistiCare Solutions. At the time of application, both Sadie and Chris had years of customer service experience and both possessed all of the necessary qualifications for the job. And yet, both job applications were rejected.

Sadie and Chris use screen-readers to use computers. When they informed LogistiCare Solutions that they required this as a reasonable accommodation, both were told that LogistiCare would not hire them. LogistiCare refused to make the necessary reasonable accommodations.

DRM filed complaints of employment discrimination with the Maine Human Rights Commission. Sadie and Chris reached a resolution with LogistiCare. LogistiCare issued a public statement announcing the implementation of new, accessible software and affirming its commitment to nondiscrimination on the basis of disability.

In addition to representing individuals by challenging employment discrimination, DRM also engages in broader systemic advocacy to increase access to employment and employment supports.

Every Student, All Day, Every Day



reduced since the start of the pandemic, DRM's systemic efforts to address exclusionary practices have taken on a renewed importance as pandemic-related closures have left many students profoundly disconnected from school. When schools reopen full time for all students, we need to make sure that their doors remain open to every student, all day, every day.

In November 2019, DRM, in collaboration with Pine Tree Legal Assistance, the Cumberland Legal Aid Clinic, and the ACLU of Maine, organized a day long continuing legal education event for attorneys and advocates - Every Student, All Day, Every Day: Legal Strategies

to keep Maine Kids in School. The event, attended by almost 100 people, was designed to increase the number of attorneys willing and able to represent students facing exclusionary discipline. Over 40 attorneys who attended committed to take at least one pro bono discipline case. A follow up lunchtime CLE event was held in November 2020, where additional attorneys were recruited to join the pro bono panel, which is administered by Pine Tree Legal Assistance.

Although slowed somewhat by the pandemic, the first cases were referred to the Every Student, All Day, Every Day project toward the end of 2020. DRM provided

technical support on the first pro bono case, where a volunteer attorney was able to assist a student in avoiding an expulsion from school. As schools move toward reopening full time, DRM will continue to work with our partners to expand and support this panel of pro bono attorneys to ensure that students facing harmful exclusions from school have access to counsel.

DRM will also continue to prioritize cases where students are facing disciplinary removals from school. But at the same time, we will work to continue to educate policymakers and others about the harms of exclusionary practices and the benefits of positive behavior interventions and supports. One day, exclusionary discipline will end in Maine. Until then, students facing extended removals from school should have access to an attorney or an advocate to ensure their rights are protected. DRM is working to help make that happen.

Assisting People With Keeping Their Housing

hospital. DRM advocated on behalf of the client for an accommodation that included the hospital arranging a discharge plan that would provide her with the necessary supports in the community, which she did not have upon admission to the hospital, in order to move back to her apartment and comply with the terms of the lease. The landlord agreed and Regina was able to return to her apartment.

A 55-year-old man with mental illness was given a notice to vacate his apartment. The notice was based upon behaviors related to his disability. Roger wanted to move but also wanted more mental health services and needed time to find them. DRM asked the landlord for a reasonable accommodation of delaying the eviction for the client to have more time to find different housing with more supportive services. DRM then worked with representatives of the state who oversaw funding for additional services along with the client's case manager.



As a result of this collaboration, the client was able to obtain funding for moving, a security deposit, and a supported apartment with on-site staff to assist him daily.

DRM continues to advocate for individuals' housing rights throughout the state both through individual cases and trainings. DRM participated on a panel with the Maine Human Rights Commission and Pine Tree Legal as part of a workshop on housing rights that was presented at the Maine Real Estate Managers Association Conference. The panel presentation covered how the

Maine Human Rights Act and the Fair Housing Act apply to housing providers. DRM's presentation focused on reasonable accommodations in housing for individuals with disabilities. DRM also presented a workshop on emotional support animals in housing.

Supported Decision-Making

Many adults with developmental disabilities are subject to guardianship, a legal proceeding that takes away the individual's decision-making authority and gives it to another. Adult guardianship often deprives individuals of many of their fundamental rights, such as freedom of association, consent to medical treatment, and the right to marry and have a family.

For many individuals with developmental disabilities, their families are encouraged by school professionals, medical providers, and others to seek guardianship when they turn 18. These guardianships and the restrictions imposed by them are typically life-long. Guardianship is used in Maine at a rate double the national average. In Maine, approximately 70% of adults receiving developmental services have a guardian. Nationally, only 35% of individuals receiving similar services have a guardian.

Much needed guardianship reform in Maine took a huge step forward

in September 2019, when Maine's new guardianship law went into effect. Due to many years of DRM advocacy, Supported Decision-Making (SDM) is prominent among the many positive changes to Maine's new guardianship law. SDM is an innovative alternative to guardianship that has been gaining support in Maine and nationally.

Recognizing the long-standing overuse of guardianship in Maine, the updated guardianship law requires that guardianship is only considered after less restrictive alternatives have been considered or tried. Supported Decision-Making is explicitly named as an alternative in the new law. SDM is a flexible model where individuals communicate with preferred supporters to make specific decisions.

In anticipation of the inclusion of SDM in the revised guardianship law, DRM placed a new emphasis on training stakeholders and also developed a comprehensive, written handbook on SDM (available at supportmydecision.org).

org).

DRM has provided training on SDM to approximately 4005 people, 640 of whom were people with disabilities. These trainings targeted the stakeholders most closely involved with guardianship proceedings, including individuals with disabilities, case managers for adults and children, family members of people with disabilities, special education professionals, and probate court judges and registers.

The trainings offered specific information to participants, but they also sparked a larger statewide conversation about promoting the autonomy of individuals with developmental disabilities. Self-advocates and their supporters had the opportunity to ask questions and share their own experiences. Coupled with individual advocacy cases, these formal trainings have enabled DRM advocates and attorneys to share information about SDM with a diverse group of stakeholders.

Former DRM client, Joshua Strong

SDM Changes Lives

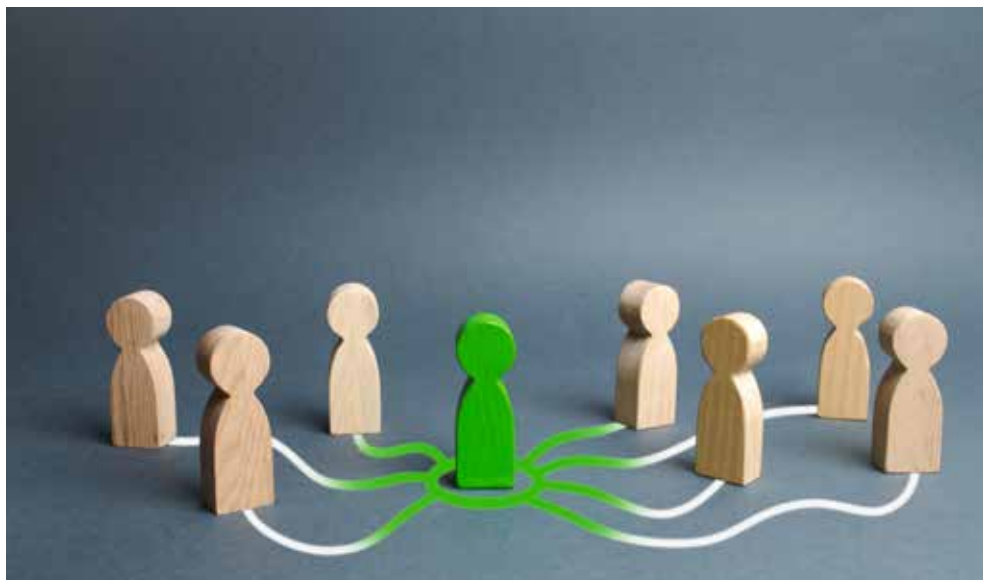
was profiled in a Portland Press Herald article about SDM, and in a subsequent Editorial Board piece in support of his use of SDM, Our View: Mainer with autism takes pioneering step: Joshua Strong, once deemed ‘incapacitated,’ is now in control of his life, thanks to innovative policies and reliable supports and services. (<https://www.pressherald.com/2019/09/01/hes-42-autistic-and-finally-independent/> and <https://www.pressherald.com/2019/09/20/our-view-mainer-with-autism-takes-pioneering-step/>).

Mr. Strong was the first person in Maine to officially have his guardianship terminated in favor of SDM. Prior to representing Mr. Strong in his guardianship case, DRM worked with him as part of a Supported Decision-Making (SDM) pilot project. The SDM pilot project was a joint venture between DRM and Mobius, a service provider. The Editorial Board surmised “Strong’s progress toward independence over the years should be an inspiration to

others who are told they’ll never make it on their own. . . . And it’s a great argument for the expansion of supported decision-making. As a result of a new state law, Maine probate courts now have supported decision-making as an alternative in cases like Strong’s.”

DRM will continue to represent individuals seeking to limit or terminate their guardianship and work with individuals and their supporters in considering SDM. DRM will also continue to offer trainings on supported decision-making statewide. As COVID-19 abates, these trainings

will increasingly take place in community support programs, residences, and educational settings, providing individuals with disabilities with the tools they need to implement supported decision-making in their own lives. DRM believes that decision-making is a skill that should be taught and then supported and a right that should be honored.



Removing Communication Access Barriers

Seniors who are Deaf, Hard of Hearing, or Deaf Blind face unique challenges to aging in place. Communication barriers frequently prevent access to needed services and resources, and leave individuals at increased risk of social isolation. For example: an elderly man who cannot afford hearing aids finds himself unable to understand phone calls or discussions with his doctor. A Deaf Blind senior on a limited income wants to apply for affordable housing, but the application is not accessible. A Deaf woman qualifies for in-home services, but the agency declines to provide an ASL interpreter for the services. These barriers are all too common in Maine – despite the fact that accommodations and assistive technology solutions are often readily available.

DRM Deaf Services is focused on removing barriers to ensure that Deaf, Hard of Hearing and Deaf Blind seniors are able to live independently and remain connected to their communities as they age. DRM assists individuals

through advocacy, education, outreach and technology, to resolve communication access issues.

DRM assisted an elderly woman who is hard of hearing to obtain adaptive telephone equipment in order to regain access to telephone calls. Due to her progressive hearing loss, she could no longer understand conversations on the phone, making it difficult for her to check in with her doctor, or her children who lived some hours away. She felt increasingly frustrated, isolated, and concerned about her ability to continue living

safely on her own. DRM helped her to identify and obtain an adaptive telephone which had flashing signalers, additional amplification, and easy to use settings – allowing her to understand phone calls and voicemail messages again. Her family contacted DRM to share that the adaptive phone had been a ‘lifeline’ for them.

DRM provided advocacy assistance to an older Deaf man struggling to communicate with the Social Security Administration (SSA) about his Medicare benefits. His primary language was American



Allowing Deaf Seniors to Age in Place

Sign Language; however, all of the information he received about his benefits was in English. His Medicare benefits inexplicably were costing him several hundred dollars per month, which he could not afford. He thought he may need to drop the benefits. DRM helped him to contact SSA and request a meeting with an ASL interpreter. During the meeting, he learned his premium was so expensive because he had been assessed a Medicare penalty several years ago - based on incorrect information. Due to language barriers, he had not understood the issue at the time and was unable to resolve it. As a result of DRM advocacy, SSA agreed to remove the penalty and reimburse him for the incorrect fees he had paid to date. He was reimbursed \$13,000, and was able to afford his Medicare benefits going forward.

DRM conducted monitoring of communication access in DHHS offices statewide to identify issues for Deaf, Hard of Hearing

and Deaf Blind individuals seeking help with food stamps, MaineCare, and other basic needs benefits. Advocates identified communication access issues occurring at regional offices, including refusals of relay calls and the lack of availability of Video Remote Interpreting (VRI) services. Advocates met with the DHHS Civil Rights Coordinator regarding the concerns, who then followed up to resolve the problems with the offices identified. Advocates were also invited to train DHHS staff on VRI, relay services and Deaf and Hard of Hearing Awareness.

DRM provides individual assistance to ensure that seniors receive the communication and language services necessary to access services, supports, technology and housing.

DRM is also advocating for the development of Deaf-friendly affordable housing options, which would allow for Deaf seniors to remain connected to their signing community and fight off social isolation as they age. DRM will

also work with partners including the Division for the Deaf, the Commission for the Deaf, Hard of Hearing and Late-Deafened, and the Maine Association of the Deaf to ensure that Deaf seniors have access to information in American Sign Language about critical resources like Medicare, advanced directives, and affordable housing.

Children's Advocacy

Over the past several years, the wait lists for home and community based services for children with disabilities have continued to grow or stay steadily high. Hundreds of families statewide are waiting months or even years for services that would teach them skills and provide them with therapeutic support, allowing children to succeed at home. Because these children cannot access the services they need or the amount of hours they need in their communities, they and their families have struggled for years and sometimes have had to face the painful reality of moving into an institutional setting. This problem has been well-defined, with recent comprehensive assessments of Maine's children's behavioral health and juvenile justice systems.

DRM believes that we need to focus on supporting children with disabilities to thrive in their homes and communities. Maine has an opportunity to take the recommendations from these expert assessments and fully

recommit to our children. While we create long-term plans that will develop the sustainable and effective systems that we need, we also must creatively problem-solve for children who are falling through the gaps today. Many of DRM's cases illustrate the importance of home and community based services.



DRM prevented the inappropriate discharge of specialized Section 28 services on behalf of a 12-year-old boy with autism. The parent contacted DRM after the specialized Section 28 provider stated they were discharging Fred from the

service, which the parent strongly believed the child still needed. DRM contacted the provider's director of quality assurance to advocate on the client's behalf. Due to DRM's advocacy, the provider agreed to continue to serve the client until another provider was available. DRM also pushed to ensure that the treatment plan was updated to

accurately reflect the client's needs. The parent subsequently reported that the provider continued to provide services.

DRM provided information and technical assistance to the parents of a 15-year-old boy with autism.

Ensuring Rights Protection Through Training

COVID-19 has impacted all areas of life, and perhaps one of the clearest examples of this is the way in which children are educated. Seeing how remote learning changed the landscape of our educational system and how many students with disabilities are adversely impacted, Disability Rights Maine quickly worked to develop information for parents, guardians, case managers, and other interested individuals. DRM attorneys collaborated with Maine Parent Federation to offer two COVID-19 Special Education Guidance trainings, one in the spring and one in the summer of 2020. By the end of September, over 3,250 individuals had either attended the presentations or accessed the videos at a later date.

With the success and expanded reach of online events, DRM spent much of 2020 collaborating with other organizations to provide training on How to Request a COVID-Related Reasonable Accommodation, Children's HCBS During COVID-19 and Urgent

Grievances During COVID-19. More recently, DRM's online trainings include Supported Decision-Making Basics, The Home- and Community Based Settings Rule: Basics and Advocacy and Employment Rights for Deaf & Hard of Hearing Employees. For a list of available videos, visit our training library - <https://drme.org/resources>.

DRM presentations are not limited to topics such as education, supported decision-making and the HCBS settings rule. Staff in the Mental Health and Developmental Disabilities Advocacy programs regularly meet with providers and state agencies to discuss the rights of individuals receiving services. In addition to COVID-related trainings, DRM children's advocates and education attorneys have trained case managers on the rules governing restraint and seclusion in school, worked with juvenile corrections officers around mis-incarceration and trained private advocates and attorneys on laws covering students with disabilities.

The Deaf Services program regularly offers Visual Gestural Communication trainings, often through the DHHS Staff Education and Training Unit (SETU), but which is also available to those who are interested. Deaf Services also collaborates with law enforcement agencies, state employees and private organizations to increase awareness about the Deaf and Hard of Hearing community.

DRM looks forward to the day when we can once again host in-person events, but we expect to continue to use technology as well. As Maine's only cross-disability advocacy organization, DRM staff is committed to raising awareness about the rights of people with disabilities, promoting independence and supporting individuals to become self-advocates. If you would like to learn more about training opportunities available through Disability Rights Maine, please contact us at 800.452.1948 or via email, advocate@drme.org.

our clients

DRM provided direct representation to 1064 clients for 1302 cases. Information and referral services were provided to an additional 1859 individuals.

Client Age

4 and under	7
5 to 12	89
13 to 18	110
19 to 25	152
26 to 64	632
65 and over	74

Clients by County

Androscoggin	107
Aroostook	39
Cumberland	234
Franklin	24
Hancock	14
Kennebec	118
Knox	31
Lincoln	15
Oxford	32
Penobscot	165
Piscataquis	14
Sagadahoc	31
Somerset	58
Waldo	39
Washington	18
York	109
Out-of-State	16

Client Disability

Blindness/Visual Impairment	13
Brain Injury	69
Deafness/Hard of Hearing	67
Developmental Disability	645
Mental Illness	205
Physical Disability, Health Impairment, Chronic Illness	65

Case Problem Area

Abuse/Neglect & Other Rights Violations	554
Community Integration	313
Due Process	25
Education	119
Employment	51
Government Services & Public Accommodations	140
Guardianship	59
Housing	26
Vocational Rehabilitation	9
Voting	3

financial summary

Year Ending September 30, 2020

REVENUE AND SUPPORT

Federal Grants	\$1,366,417
State Grants	\$1,557,732
Contributions	\$10,795
Other Revenue	\$414,827
TOTAL REVENUE	\$3,349,771

EXPENSES

PADD	\$393,046
PAIMI	\$360,752
PAIR	\$205,602
PAAT	\$44,181
PABSS	\$92,313
PABRP	\$96,462
PATBI	\$36,060
PAVA	\$97,956
Client Assistance Program	\$25,118
EA	\$104,866
Psychiatric Ctr Adv	\$158,800
Maine Civil Legal Svs	\$30,745
Acadia	\$53,819
Developmental Svc Adv	\$611,084
Deaf Advocacy + Comm Access Prog	\$607,722
Supporting Services	\$333,466
TOTAL EXPENSES	\$3,251,992

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Lauren Wille, Esq.



our mission

Disability Rights Maine is a private non-profit organization, incorporated in Maine, governed by a volunteer Board of Directors and designated by the Governor of Maine to serve as Maine's independent advocacy agency for people with disabilities.

Our mission is to ensure autonomy, inclusion, equality, and access for people with disabilities in Maine.

DRM Board and staff believe that people with disabilities must:

- Be free from abuse;
- Control the decisions that affect their lives;
- Receive the services and supports necessary to live independently;
- Have the opportunity to work and contribute to society; and
- Have equal access to the same opportunities afforded all other members of society.

Please consider donating to support us in this mission. Donations accepted at our website.

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