

# DISABILITY RIGHTS MAINE

## A BASIC GUIDE TO SELF-ADVOCACY

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This manual is intended to provide a simple yet informative overview of how to be a self-advocate. This manual is not a substitute for legal advice. If you have specific questions or need assistance with a particular issue, please contact Disability Rights Maine.

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## Table of Contents

Advocacy .....	3
The Right Behavior .....	4
Know Your Rights.....	4
Some Laws & Regulations That Might Apply .....	5
Understand the Problem .....	5
Know What You Want: Design a Solution.....	6
The Best Solution.....	6
Design a Solution .....	7
Choose How You Want to Proceed.....	7
There are Formal and Informal Ways to a Resolution.....	8
Which Way is Best? .....	8
Preparing .....	9
How to Set Out Issues.....	9
Format .....	10
The Facts.....	10
How You Were Harmed.....	10
The Supporting Basis .....	11
The Solution.....	11
The Process.....	11
Resolution.....	12
Follow-Up .....	12
Assistance .....	12

# ADVOCACY

**Definition:** The act of pleading or arguing in favor of something, such as a cause, idea, or policy.

## The Advocate

- Anyone can do advocacy.
- It does not take a professional.
- It requires a few skills, preparation, and trust in oneself.



## Keys to Effective Advocacy

- Maintain the right behavior.
- Know your rights.
- Understand the problem you want to correct.
- Decide what you want for a solution to the problem.
- Choose the way you want to raise your complaint.
- Present your case.
- Follow-up.

## THE RIGHT BEHAVIOR

- How you act when advocating for yourself is important because you want your ideas to be heard.
- You do not want people focusing on how you are acting.
- To be an effective self-advocate you need to be able to speak up for yourself.
- Too little assertiveness can be an obstacle to effective advocacy.
- On the other hand, excessive anger is an obstacle to effective advocacy; your anger, not your ideas, becomes the focus.

## KNOW YOUR RIGHTS

- There are many sources of rights.
- There are so-called “human rights”.
- There are also federal and state constitutions, laws, and regulations.
- There are hospital and agency policies.
- There are also unspoken rules of common courtesy we deal with every day.



## **SOME LAWS & REGULATIONS THAT MIGHT APPLY**

- Rights of Recipients of Mental Health Services
- Maine Human Rights Act
- Americans with Disabilities Act
- Licensing regulations
- Hospital or agency policies
- Maine mental health laws
- Medicaid law and regulations
- Involuntary commitment laws

## **UNDERSTAND THE PROBLEM**

- You need to think about the problem in order to decide whether you want to do anything about it and then what you want to do about it.
- Was it a one-time incident?
  - Maybe a one-time incident is something you do not want to deal with.



- But was it a serious one-time incident?
  - Maybe if it was serious, you need to do something to protect yourself so it does not happen again.
- Does the problem happen a lot?
  - If the problem keeps happening, maybe you want to do something, even if it was not an extremely serious problem.
- Is the problem something you can do anything about?

## **KNOW WHAT YOU WANT: DESIGN A SOLUTION**

- Provide a roadmap for a solution before you raise a complaint, so that you are asking *for* something.
- Otherwise, what you are given may not get you where you want to go.

## **THE BEST SOLUTION**

- When thinking about the best solution for you, think of reasons why it is a good solution for the other side as well. This is called a “win-win situation” and it is a good selling point.

- Will your solution...
  - Make it possible for them to avoid future injuries?
  - Save money?
  - Save time?
  - Avoid a negative licensing action?

## **DESIGN A SOLUTION**

- Some problems have more than one acceptable solution.
- You can offer several alternatives.
- You should think about alternatives that would be acceptable to you if offered.
- This is what you can negotiate with.

## **CHOOSE HOW YOU WANT TO PROCEED**

There are a lot of ways to raise your concerns about an issue. The nature of the problem, the type of “right” you are relying on for support, and what you want, will guide you in choosing how to raise the problem.

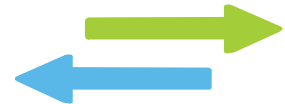


## THERE ARE FORMAL AND INFORMAL WAYS TO A RESOLUTION

- An informal unscheduled conversation
- A scheduled conversation
- A more formal meeting
- An informal letter
- A formal grievance
- Mediation
- Litigation

### WHICH WAY IS BEST?

Some things that influence your choice of ways to seek a resolution:



- The problem
  - You would not choose litigation if your problem was that staff treated you discourteously.
- The solution you want
  - You would not choose a grievance if you are seeking monetary damages.

- Your relationship with the person you need to address
  - If you ordinarily have a good relationship, you might want to try a conversation.

## **PREPARING**

- Whichever way you choose for raising your issue, be prepared.
  - It will keep you focused
  - It will save you time later
  - It will save others' time
  - It will make you more persuasive



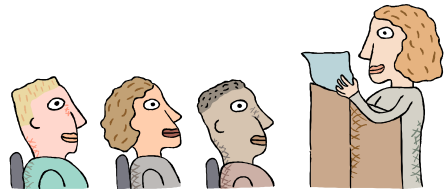
## **HOW TO SET OUT ISSUES**

Whether you are in a conversation, or writing a grievance or letter, a good format for raising your issues is this:

- State the relevant facts.
- State how you were harmed.
- State why you think something was wrong – the rule, policy, law or regulation that was broken.
- State what you want and why it is a good resolution.

## FORMAT

- Whether orally presenting your complaint, or doing it in writing it is meant for an audience.
- Keep this audience in mind.
  - Do not put them to sleep.
  - Do not make them angry.
  - Do not confuse them.

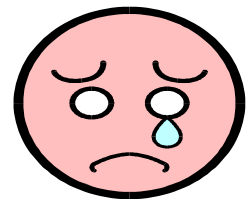


## THE FACTS

- When stating facts, limit yourself to what is relevant.
- Too many facts become confusing and can lead you into a discussion of matters that are not essential.

## HOW YOU WERE HARMED

- This is what makes the case real.
- It helps others understand why you are complaining.
- It may be a physical injury, financial loss, emotional injury, serious inconvenience, or embarrassment.



## **THE SUPPORTING BASIS**

- Have the rule, policy, law, or regulations that you are relying on available if you are having a meeting or a conversation.
- If you are doing your complaint in writing, refer to the rule, policy, law, or regulation by name.

## **THE SOLUTION**

- Have your suggested solutions memorized or in writing so that you can refer to them during the meeting.
- Write them out if you are doing a written grievance.
- State the “selling points” to the solution.

## **THE PROCESS**

- Speak or write clearly, calmly, respectfully.
- Paperwork – have all your papers organized so that you do not have to shuffle through them.
- Listen to what others are saying.

## RESOLUTION

- Take the time to carefully consider any resolution offered to you.
- Sometimes compromises can get you a good result.
- Make sure you understand. Ask questions.
- If you need to talk to someone else, take that time.



## FOLLOW-UP

- Not all resolutions go into effect smoothly.
- Be prepared to follow-up with a conversation or a letter.

## ASSISTANCE

- Get assistance in the process if you feel you need it.
- If you have questions, call DRM at 207.626.2774 or 1.800.452.1948 (V/TTY).

