Non-judgmental approach. While benefits specialists may offer advice based upon benefits expertise, it is completely inappropriate to make value judgments about the choices consumers make. For example, it is not the benefits specialists place to tell a consumer that the “should” work or are somehow wrong to choose not to work. While the benefits specialists should advice consumers when they are about to pursue a course of action that is against SSA laws, regulations, or policies, they must be careful not to assume a judgmental tone.

The Protection and Advocacy (P&A) system is the one longstanding and institutionalized system of disability-related advocacy services that is available, free of charge, in every state. The P&A system has the capacity to provide a wide range of advocacy services to persons with disabilities through several specific federally-funded P&A grants. Each P&A grant establishes a program with its own unique mandate.

Each state has a designated state P&A agency. Typically, this is an independent, not-for-profit agency, such as Advocacy, Inc. in Texas, or Protection and Advocacy, Inc. in California. In some states, the designated P&A agency will be part of the state government, such as the Indiana Protection and Advocacy Services program or the State Commission on Quality of Care in New York. Most P&A systems deliver services through employees of the state-designated P&A agencies. However, some state P&A agencies will provide grants or subcontracts to other agencies to provide all or part of the services mandated under a particular P&A program. For example, in New York, the Commission on Quality of Care has provided grants to a range of Legal Services programs, law schools, Centers for Independent Living, and other agencies to deliver advocacy services under various P&A programs.

All state P&A agencies employ, directly or through subcontractors, attorneys and other advocates to deliver services to eligible individuals with disabilities. The non-attorney advocates typically carry the title of advocate; some carry the title of paralegal. The ratio of attorneys to advocates varies greatly from state to state, since the P&A funding sources provide individual discretion regarding how to design a state P&A system to serve eligible individuals.

---

2 For a more detailed description of the individual P&A programs, their mandates, eligibility criteria, and representative services, contact the National Disability Rights Network in Washington, D.C. at 202-408-9514 or visit their web site at [www.napas.org](http://www.napas.org). The web site contains links to web sites of the state P&A programs. An excellent article on this subject was written by Gary Gross, Senior Public Policy Counsel, NAPAS. See, *The Protection and Advocacy System and Collaboration with Legal Services Programs*, published in Management Information Exchange Journal, vol. XII, No. 2, July 1998, p. 28. An updated version of the article will soon be published and appear on the NAPAS website. We acknowledge that article as a primary reference in preparing these materials and thank Mr. Gross and Cheryl Bates-Harris of DRN for editorial assistance.
The **Protection and Advocacy for Persons with Developmental Disabilities (PADD) Program** was created by the Developmental Disabilities Assistance and Bill of Rights (DD) Act of 1975. P&A programs are required by the Act to pursue legal, administrative and other appropriate remedies to protect and advocates for the rights of individuals with developmental disabilities under all applicable federal and state laws. The governor in each state designated an agency to act as the P&A system, and provided assurance that the system was and would remain independent of any service provider. 1994 amendments to the DD Act expanded the system to include a Native American P&A program. Administration for Children Youth and Families, Administration on Developmental Disabilities (ADD) administers the PADD program.

The **Protection and Advocacy for Individuals with Mental Illness (PAIMI) Program** was established in 1986. Each state has a PAIMI program, which receives funding from the national Center for Mental Health Services. Agencies are mandated to (1) protect and advocate for the rights of people with mental illness and (2) investigate reports of abuse and neglect in facilities that care for or treat individuals with mental illness. Agencies provide advocacy services or conduct investigations to address issues, which arise during transportation or admission to, the time of residency in, or 90 days after discharge from such facilities. The system designated to serve, as the PADD program in each state and territory is also responsible for operating the PAIMI program. Substance Abuse and Mental Health Services Administration, Center for Mental Health Services (CMHS) administers the PAIMI program.

The **Protection and Advocacy for Individual Rights (PAIR) Program** was established by Congress as a national program under the Rehabilitation Act in 1993. PAIR programs were established to protect and advocate for the legal and human rights of persons with disabilities. Although PAIR is funded at a lower level than PADD and PAIMI, it represents an important component of a comprehensive system to advocate for the rights of all persons with disabilities. The system designated to serve, as the PADD program in each state and territory is also responsible for operating the PAIR program. Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration (RSA) administers PAIR.

The **Client Assistance Program (CAP)** was established as a mandatory program by the 1984 Amendments to the Rehabilitation (Rehab) Act. Every state and territory, as a condition for receiving allotments under Section 110 of the Rehab Act, must have a CAP. CAP services include assistance in pursuing administrative, legal and other appropriate remedies to ensure the protection of persons receiving or seeking services under the Rehab Act. Rehabilitation Services Administration also administers CAP.

In addition to the core P&A programs highlighted more in-depth below the P&A for Voting Accessibility (PAVA) was established in 2003. Also strengthened P&A services for individuals with TBI were put in place in 2002.