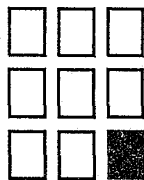


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Illinois Laws and Services for the Disabled

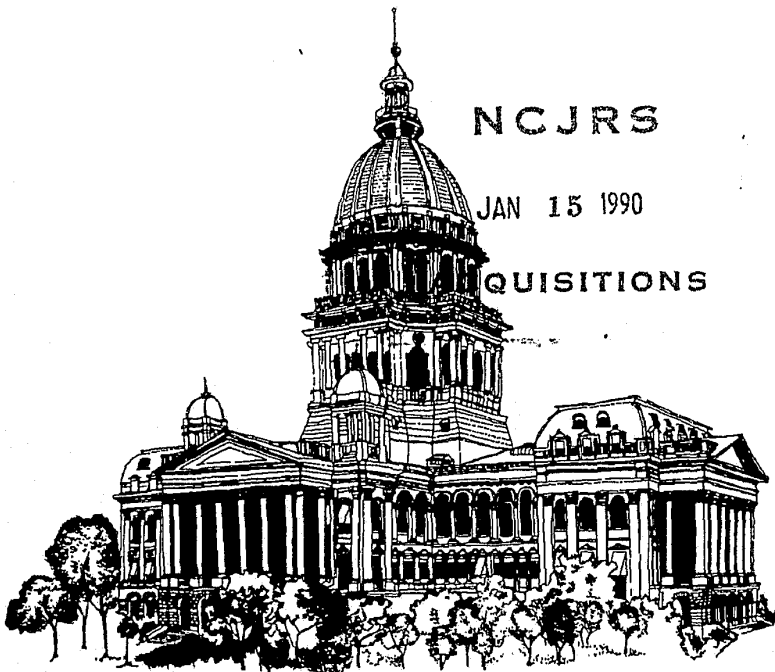


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Prepared by Debra Kinsey and Charlotte Arnold, Research Assistants
Edited by David R. Miller, Senior Staff Attorney
Publication 216, April 1988, Springfield, Illinois

Introduction

Illinois has many programs and services to help the disabled live as independently as possible. This booklet summarizes them by major topic areas. Toll-free telephone numbers for the Secretary of State and Attorney General are listed so you can get more information on programs they administer. In addition, laws mentioned in this booklet are cited in notes at the end. You may want to check for recent changes in a law that affects you.

Illinois tries to help all its citizens realize their potential, regardless of disability. We hope this booklet will help you or someone you know do that.

Patrick D. O'Grady
Executive Director

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U.S. Department of Justice
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800 Numbers

ID Cards and Plates for Disabled

Secretary of State's Office (800) 252-2904

Health Care

Disabled Persons' Advocacy Division of the

Attorney General's Office (800) 382-3000

PROHIBITIONS ON DISCRIMINATION

Employment. Employers, employment agencies, and unions are prohibited from discriminating against an employee or potential employee due to a physical or mental handicap unrelated to the person's ability to perform the job's duties.¹

Credit. Financial institutions (including banks, savings and loans, credit unions, and insurance companies) are prohibited from denying or modifying services, or denying or varying terms of a loan, due to physical or mental handicap unrelated to the customer's ability to repay.² A person may not be denied a credit card due to a physical or mental handicap unrelated to ability to repay.³

Real estate. Brokers, sellers, and all other persons engaged in real-estate transactions may not refuse to engage in or alter terms of a transaction, refuse to receive or transmit a bona fide offer, refuse to negotiate, claim property isn't available for inspection when it is, or refuse to allow inspection of property, due to a physical or mental handicap unrelated to the person's ability to acquire, rent, or maintain housing.⁴

Guide dogs. Public facilities and transportation must accommodate a blind, hearing-impaired, or physically handicapped person and guide dog.⁵ Housing owners and agents are prohibited from refusing to sell, rent, or negotiate for sale or rental of property, or discriminating in terms, conditions, privileges, services, or facilities of housing, because a handicapped applicant has a guide, hearing, or support dog.⁶ Charging more for purchase or sale, except for actual damages caused by the dog, is prohibited in both public and private facilities.⁷

The prohibitions described above are enforced by the Illinois Department of Human Rights. Persons considering filing

complaints should call (217) 785-5100, or in the Chicago area, (312) 917-6216.

Life insurance. Life insurance companies may not discriminate or allow discrimination against a person due to disability except on the basis of "sound actuarial principles and a reasonable system of classification . . . related to actual or reasonably anticipated experience directly associated with the handicap or disability." No life insurance company may refuse to insure, refuse to continue insurance, limit the amount or kind of coverage, or charge different rates solely due to blindness, although conditions that caused the blindness or partial blindness can be taken into account.⁸

Medical insurance for dependents which ordinarily terminates when they reach a certain age may not terminate for a person who is both incapable of self-sustaining employment and chiefly dependent on the policyholder.⁹

Automobile insurers are prohibited from requiring a higher premium because of physical handicap.¹⁰

ACCESSIBILITY REQUIREMENTS

Buildings. Newly constructed public facilities and multi-story housing units must comply with Capital Development Board accessibility standards. Alterations to state-owned public facilities must also comply with the standards. Alterations to public facilities owned by local governments or private entities are required to comply only if the cost of the alteration is more than 15% of the entire building's cost. If the cost is 15% or less, but over \$100,000, the part of the building being altered must comply with the standards.¹¹

Public transportation and facilities. A person who is visually handicapped, hearing-impaired, or otherwise physically disabled is

entitled to equal privileges and facilities on airplanes, trains, boats, buses, lodging, places of public accommodation and amusement, and resorts. The person has a right to be accompanied by a guide, hearing, or support dog in any of these places without being charged extra.¹²

Sidewalk ramps. New or reconstructed curbs provided by a municipality, in any block next to a "highway" and in which more than 50% of the area is zoned or used for business, must have non-slip ramps at each crosswalk.¹³

Election places. All voting places must be accessible to the handicapped. Exemptions are allowed by the State Board of Elections in emergencies or if no accessible place is available in the precinct.¹⁴

ID CARDS AND PLATES FOR DISABLED

ID cards. The Secretary of State issues Illinois disabled person identification cards. These cards may be used to document disability in lieu of a physician's determination of disability or any other documentation when state law requires such documentation of disability. The five kinds of disability recognized for purposes of the cards are: physical, developmental, mental, visual, and hearing. There are four classes for different degrees of disability. A cardholder whose type or class of disability changes must notify the Secretary of State.¹⁵ For more information or to get an application, call the Secretary of State's Office at **(800) 252-2904** (voice and telecommunication devices for the deaf (TDD)).

A disabled person ID card is good for 5 years for a person over 21, or until 3 months after the 21st birthday for a younger person. No fee is charged for a card, except \$5 for a certified card with a decal.¹⁶

Handicapped plates. The Secretary of State issues license plates with the international symbol for the handicapped to persons with proper proof of disability, and to corporations, school districts, and special-education cooperatives transporting handicapped persons. Plates may be issued to a nonhandicapped person who is relied upon frequently by a handicapped member of his or her immediate family for transportation. The handicapped plates may be purchased for the same fee as other license plates.¹⁷

Handicapped parking cards. Local authorities may issue handicapped parking cards to handicapped persons or nonprofit organizations transporting the handicapped. The fluorescent orange cards are displayed in the front window of the vehicle so the driver may park in designated handicapped parking. A temporarily handicapped person may be issued a 90-day parking card. The Secretary of State issues handicapped parking cards to handicapped persons, and to corporations, school districts, and special-education cooperatives transporting the handicapped. Parking cards offer advantages over plates for those who are handicapped temporarily or must rely on other drivers.¹⁸

Parking meters and parking limits. Operators of vehicles having handicapped or disabled-veteran plates or cards, including those of nonprofit organizations used to transport handicapped persons, need not pay municipal parking meter fees or comply with time limitations on parking, except where parking is limited to 30 minutes or less.¹⁹

Registration fees. A disabled person eligible for a grant under the "Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act" need pay only \$24 of the \$48 annual automobile registration fee.²⁰ A disabled veteran who did or will receive federal funds to purchase an automobile, or is receiving total service-connected disability compensation from the Veterans' Administration, need not pay a registration fee for one car.²¹

VOTING

Absentee ballots. Physically incapacitated persons who are unable to vote at a polling place may apply to the county clerk or board of election commissioners for an absentee ballot, from 40 to 5 days before an election. They may mail the ballot back or vote in person at the municipal clerk's, township clerk's, or road district clerk's office.²²

Disabled Voter's Card. Persons with an Illinois disabled person ID card who have a Class 1A (physical) or Class 2 (developmental) disability,²³ or who are permanently physically incapacitated so they will not be able to vote at the polls in any future election, may apply for a Disabled Voter's Card to allow absentee voting.²⁴

Nursing home resident's card. Disabled residents of a nursing home may apply for a nursing home resident's ID card to allow them to vote at the nursing home.²⁵

Registration. Persons physically unable to register in person may request that someone come to their home to accept registration. They must file an affidavit with the board of election commissioners that they are unable to register at the appointed place.²⁶

Marking of ballots. Blind or physically disabled persons may request that someone help them mark a ballot. They must present an Illinois disabled person ID card or declare by oath that they are unable to mark the ballot because of a physical disability.²⁷

Aid at polling place. Physically disabled persons unable to enter a polling place because of the building's structural features may have ballots delivered to them outside, but not more than 50 feet from the entrance to the building. Judges may deliver a portable booth to disabled voters.²⁸

EDUCATION

Sight- or hearing-impaired. Visually or hearing-impaired children unable to take advantage of regular community schools may enroll in residential schools operated by the Department of Rehabilitation Services (DORS). The schools provide academic, vocational, and related services. Children are eligible for admission only after diagnosis and evaluation.²⁹

Physically handicapped. Students under 21 unable to take advantage of regular schools' programs may enroll in DORS' Illinois Children's School and Rehabilitation Center in Chicago. The Center provides nursing, medical care, and academic and occupational training on an individual basis.³⁰

Visually Handicapped Institute. At DORS' Illinois Visually Handicapped Institute, the visually handicapped are taught vocational skills and helped to become self-supporting.³¹ Students spend about five months at the Institute in Chicago to train for independent living in their own homes.

Classes at orphanages and other homes. School districts are reimbursed for special-education classes for children from orphanages, foster homes, children's homes, or state housing units. With the consent of the school board otherwise responsible for doing so, regional superintendents may operate special-education classes for such children, or may contract with public or private schools to do so.³²

Foster care for handicapped children. The Department of Children and Family Services is to cooperate with the State Board of Education and DORS in a program to place, supervise, and provide foster care for handicapped children who must leave their home communities to attend schools offering special-education programs.³³

Private school students. A school board must accept on a part-time basis handicapped students who are enrolled in private schools.³⁴

Payment of tuition by school districts. If a school district is unable to provide a child with special education services because of the child's handicap, the school district must pay tuition at a private school or special-education facility, a public out-of-state school, or a county special-education facility. Maximum tuition paid is \$4,500 per year, unless a higher amount is approved by the Governor's Purchased Care Review Board.³⁵

If a child attends a class or school in another school district because of handicap, the school district where the child resides must provide any necessary transportation and pay the per-capita cost for educating the child.³⁶

Financial assistance. DORS may give financial assistance to deserving blind or deaf students to study at colleges and professional or vocational schools. The maximum amount of aid is \$400 per year, or \$1,000 per year if added assistance is deemed necessary.³⁷

Disabled dependents of veterans. Mentally or physically handicapped, or developmentally disabled, dependents of veterans with 100% service-connected disability are eligible for the cost of up to 4 years of attendance or treatment at therapeutic, rehabilitation, or education facilities.³⁸

Chicago school transportation. The Chicago schools must provide free bus transportation for trainable mentally handicapped children who live 1 mile or more from school and require special transportation to attend.³⁹

STATE SERVICES FOR THE DISABLED

Legal services. The Legal Advocacy Service of the Guardianship and Advocacy Commission provides legal services to the developmentally disabled who are involved in judicial proceedings, including those for admission, civil commitment, legal competence, and discharge. Legal services are also provided or made available to enforce rights under local, state, and federal mental-health laws.⁴⁰

Investigation of civil-rights violations. The Attorney General's Division for the Enforcement of Civil and Equal Rights investigates civil-rights violations against handicapped persons and undertakes enforcement measures when violations are found.⁴¹

Telecommunication for the deaf. Telecommunication devices for the deaf must be installed in sheriffs' offices and major public transportation terminals. In municipalities with over 10,000 residents, such devices are to be installed in one or more agencies providing firefighting, police, or other emergency services. The Department of Rehabilitation Services (DORS) gives the devices to all sheriff's offices, and to as many local agencies as funds permit.⁴²

List of state services available. DORS publishes an annual list of all state services available to the handicapped. The list is available by contacting DORS, Public Affairs Office, 623 E. Adams, P.O. Box 19429, Springfield, IL 62794-9429 or calling DORS at (217) 785-3893.⁴³

HEALTH CARE

Comprehensive Health Insurance Plan. A Comprehensive Health Insurance Plan (CHIP), to be in operation starting in 1988, is designed to provide health insurance to persons who have been refused coverage or whose cost for coverage is prohibitive. Those

perform work adjusted for their handicap are exempt from employment requirements for aid eligibility.⁴⁸

Grants for disabled children's school needs. Additional public assistance grants are available to parents or guardians eligible for public assistance to pay for a blind or deaf child's transportation and clothing costs required to attend a public residential school. For parents or guardians not eligible for public assistance, the circuit court of the county where the child resides must, on petition, order such grants to be made by the county sheriff and allowed by the county board.⁴⁹

Property-tax relief. A disabled person with annual income under \$14,000 is entitled to a grant under the Senior Citizens and Disabled Persons Property Tax and Pharmaceutical Assistance Act (often called the "circuit breaker") to help pay property taxes or part of rent. The maximum amount of the grant is the amount by which property taxes (or 30% of rent paid to live in a taxed building) exceeds 3.5% of annual household income; but the grant cannot exceed \$700 minus 4.5% of household income. A disabled person who is not eligible for such property tax relief may still be eligible for an additional grant of \$80 and state payment for drugs covered under the Act, which include cardiovascular drugs, insulin, and any drug prescribed for arthritis.⁵⁰

A disabled veteran or the veteran's unremarried spouse is allowed an exemption of \$30,000 of the assessed value of a home built or bought in part with federal funds for disabled veterans.⁵¹

Reduced trailer tax. The annual local services tax for trailer homes is reduced 20% for disabled owners.⁵²

HANDICAPPED PERSONS' BUSINESSES

State purchase of products by handicapped. A Department of Central Management Services committee promotes state purchase

receiving Public Aid health benefits are generally not eligible. CHIP will pay covered expenses up to a lifetime limit of \$500,000 per covered person. Covered expenses include hospital and other professional services, prescription drugs, and services of a skilled nursing facility after hospitalization. The premium for CHIP coverage is 135% of a calculated average individual rate. After the yearly deductible is exceeded, the insured must pay 20% of covered costs; CHIP will pay the rest. The waiting period for CHIP coverage for a preexisting condition is six months, unless the insured pays an additional annual premium of 10% to reduce the period to 2 months.⁴⁴ To find out more about CHIP, call the Disabled Persons Advocacy Division of the Attorney General's Office at (800) 382-3000.

Medicaid. Persons under 18 who are deemed disabled under the federal Supplementary Security Income program may be eligible for medical assistance from the Illinois Department of Public Aid. Among other eligibility conditions, the person must require a level of care provided in a hospital, skilled nursing facility, or intermediate care facility.⁴⁵

LEGAL PROCEEDINGS

Exemption of disability benefits. Disability, illness, and Social Security benefits are exempt from judgment, attachment, and distress for rent.⁴⁶

Right to interpreter. A deaf person involved in court proceedings as a plaintiff, defendant, juror, or witness is entitled to an interpreter.⁴⁷

PUBLIC AID AND TAX RELIEF

Exemption from employment requirements. Mentally or physically handicapped Public Aid recipients who are unable to

of products and services of the severely handicapped. It compiles a list of products and services available from qualified nonprofit agencies for the severely handicapped. The list is given to all state agency purchasing officers.⁵³

State agencies may buy products and services from qualified nonprofit agencies for the severely handicapped, without advertising or requiring bids. To participate, nonprofit agencies must indicate an interest in supplying such goods and services, meet specifications and needs of the state agency, and set a "fair market price."⁵⁴

Vending stands. Blind persons are given preference by state and local property custodians for permission to operate vending facilities on any public property. The Department of Rehabilitation Services issues regulations and licenses.⁵⁵

MISCELLANEOUS

Rights of persons in institutions for developmentally disabled. A number of rights are guaranteed for persons receiving services at mental health or developmental disability facilities. Services are to be provided in the least restrictive environment. Except in specific instances, recipients must have unimpeded, private, and uncensored communication by mail, telephone, and visitation; they may receive, possess, and use personal property, use their own money as they please, and work for wages; and they must be allowed to refuse services and medication. Restraints or seclusion are to be used only for therapeutic reasons, and electro-convulsive therapy may be used only with the recipient's written and informed consent. Recipients age 12 or older must be informed of these rights.⁵⁶

Fishing permits. Blind or disabled persons do not need a license to fish with hook and line. The Department of Conservation may

issue free special fishing permits to groups of handicapped persons for use on specified days.⁵⁷

Camping fees. Class 2 disabled persons and disabled veterans, living in Illinois, may not be charged tent or trailer fees at state campgrounds.⁵⁸

Public pools. A physically disabled person who needs a life jacket while swimming may not be prohibited from wearing one in a public pool.⁵⁹

Disabled state employees. The Illinois Interagency Committee on Handicapped Employees acts as an advocate of affirmative-action efforts and provides disabled state employees a forum where problems can be raised and resolutions considered, and an information clearinghouse.⁶⁰ Contact Phil Bradley (Acting Director, DORS) at (217) 782-5013 or Joyce Tucker (Director, Department of Human Rights) at (217) 785-5100 for further information.

State employees under the Personnel Code are allowed: (1) lump-sum payments for unused personal leave days if they must quit because of disabilities; (2) a maximum 1-year absence to care for a disabled family member or household resident; and (3) alternative employment if they are unable to perform regular work because of disability.⁶¹

Deaf drivers. Deaf persons, otherwise qualified, are not prohibited from getting drivers' licenses.⁶²

Blind pedestrians. Drivers must yield the right of way to handicapped persons using a white cane or accompanied by a guide dog.⁶³

Wheelchairs. Motorized wheelchair operators on sidewalks or roads have the same rights and duties as pedestrians.⁶⁴

Notes

Unless otherwise stated, notes refer to the *Illinois Revised Statutes* or *Smith-Hurd Illinois Annotated Statutes*, which have identical numbering and can be found in many libraries.

Prohibitions on discrimination

1. *Employment*—Ch. 68, sec. 2-102 and subsec. 1-103(I).
2. *Credit*—Ch. 68, sec. 4-102 and subsec. 1-103(I).
3. Ch. 68, sec. 4-103 and subsec. 1-103(I).
4. *Real Estate*—Ch. 68, sec. 3-102 and subsec. 1-103(I).
5. *Guide Dogs*—Ch. 23, sec. 3363.
6. Ch. 68, sec. 3-104.1.
7. Ch. 23, sec. 3363 and Ch. 68, sec. 3-104.1.
8. *Life insurance*—Ch. 73, sec. 848.
9. *Medical insurance*—Ch. 73, sec. 968b.
10. *Automobile insurance*—Ch. 73, sec. 1031.

Accessibility Requirements

11. *Buildings*—Ch. 111 1/2, sec. 3715.
12. *Public transportation and facilities*—Ch. 23, sec. 3363.
13. *Sidewalk ramps*—Ch. 24, sec. 11-80-11.
14. *Election places*—Ch. 46, sec. 7-47.1.

Disabled Cards and License Plates

15. *ID Cards*—Ch. 124, secs. 24, 24A, and 26A.
16. Ch. 124, secs. 28 and 32A.
17. *Handicapped plates*—Ch. 95 1/2, secs. 3-604 and 3-616.
18. *Parking cards*—Ch. 95 1/2, secs. 3-616 and 11-1301.2.
19. *Parking meters and limits*—Ch. 95 1/2, sec. 11-1301.1.
20. *Registration fees*—Ch. 95 1/2, sec. 3-806.3.
21. Ch. 95 1/2, sec. 3-609.

Voting

22. *Absentee ballots*—Ch. 46, secs. 19-1, 19-2, 19-2.1, and 19-6.
 23. *Disabled Voter's Card*—Ch. 124, par. 24A, sec. 4A (a).
 24. Ch. 46, sec. 19-12.1.
 25. *Nursing Home Resident's Card*—Ch. 46, secs. 19-12.1 and 19-12.2.
 26. *Registration*—Ch. 46, sec. 6-50.
 27. *Marking of ballots*—Ch. 46, secs. 7-48 and 17-14.
 28. *Aid at Polling Place*—Ch. 46, secs. 7-47.1
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Education

29. *Sight- or hearing-impaired*—Ch. 23, sec. 3441.
30. *Physically handicapped*—Ch. 23, sec. 3442.
31. *Visually Handicapped Institute*—Ch. 23, sec. 3443.
32. *Classes at orphanages*—Ch. 122, sec. 14-7.03.
33. *Foster care*—Ch. 23, sec. 5012.1.
34. *Private school students*—Ch. 122, secs. 14-1.01 ff.
35. *Payment of tuition by schools*—Ch. 122, sec. 14-7.02.
36. Ch. 122, sec. 14-7.01.
37. *Financial assistance*—Ch. 23, sec. 3434.
38. *Disabled dependents of veterans*—Ch. 122, sec. 30-14.2.
39. *Chicago school transportation*—Ch. 122, sec. 34-128.

State Services for the Disabled

40. *Legal services*—Ch. 91 1/2, sec. 710.
41. *Investigation of civil-rights violations*—Ch. 14, sec. 9.
42. *Telecommunication for the deaf*—Ch. 111 1/2, secs. 4201 ff.
43. *List of State Services Available*—Ch. 23, sec. 3445.

Health Care

44. *CHIP*—Ch. 73, secs. 1301. ff.
45. *Medicaid*—Ch. 23, sec. 5-2.

Legal Proceedings

46. *Exemption of disability benefits*—Ch. 110, sec. 12-1001.
47. *Right to interpreter*—Ch. 110, sec. 8-1402.

Public Aid and Tax Relief

48. *Exemption from employment requirements*—Ch. 23, sec. 11-20.
49. *Grants for disabled children's school needs*—Ch. 23, sec. 1210.
50. *Property-tax relief*—Ch. 67 1/2, secs. 401 ff.
51. *Veterans' exemption*—Ch. 120, sec. 500.23.
52. *Reduced trailer tax*—Ch. 120, sec. 1207.

Handicapped Persons' Businesses

53. *State purchase of products by handicapped*—Ch. 127, sec. 132.7-2.
54. Ch. 127, sec. 132.7-1.
55. *Vending stands*—Ch. 23, secs. 3333 and 3336.

Miscellaneous

56. *Rights of persons in institutions for developmentally disabled*—Ch. 91 1/2, secs. 2-100 ff.

57. *Fishing permits*—Ch. 56, sec. 5.1; ch. 61, secs. 2.25 and 2.33.
58. *Camping fees*—Ch. 127, sec. 63a23.
59. *Public pools*—Ch. 111 1/2, sec. 1252.
60. *Disabled state employees*—Ch. 127, sec. 63b119a.
61. Ch. 127, sec. 63b108c.
62. *Deaf drivers*—Ch. 95 1/2, sec. 6-109.
63. *Blind pedestrians*—Ch. 95 1/2, sec. 11-1004.
64. *Wheelchairs*—Ch. 951/2, sec. 11-1004.1.

Illinois Laws and Services for the Disabled

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