



STATE OF CONNECTICUT
COUNCIL ON DEVELOPMENTAL DISABILITIES



Public Hearing
Appropriations Committee Public Hearing
March 8, 2012

Testifying against Sections 74 through 82 of Bill 5016: *Consolidation of CHRO and the Office of Protection and Advocacy into the Department of Human Rights Protection and Advocacy.*

My name is Molly Cole and I am the Executive Director of the CT Council on Developmental Disabilities. The Council is a Governor-appointed Council which includes people with developmental disabilities, family members and professionals working toward full inclusion of children and adults with all disabilities in the community. We are totally federally funded under the Developmental Disabilities Assistance and Bill of Rights Act of 2000. This is the same federal funding source that supports our sister agencies, the Office of Protection and Advocacy and the University of Connecticut Center on Developmental Disabilities. Together, the three agencies comprise the Developmental Disabilities Network of CT and are mandated under our federal funding to coordinate and collaborate on initiatives in the state.

The Council's Legislative Policy and Program Committee voted not to support the proposed consolidation of CHRO and OPA for the following reasons:

- 1. The disability community will be denied access to an independent advocacy and abuse investigation entity.** Under this consolidation OPA will be placed within another Department with its own Executive Director, who would be nominated by CHRO's Commissioners and then appointed by the Governor without any input from the OPA Board or the disability community. Given the many challenges that people with disabilities, and families who have children with disabilities are facing, the need for an independent entity focused on disability issues is critical. The Council believes that the OPA Director would be significantly compromised to contract for legal services, refill positions and pursue appropriations without approval from the Executive Director.

This re-designation can significantly compromise funding for all three agencies funded through federal dollars under the DD Act. As with all three members of the DD Network, issues of independence and non-interference are critical to the function of P & A. Further, regarding the Office of Protection and Advocacy, the DD Act specifically states that:

"The agency implementing the system shall not be re-designated unless-

(A) There is good cause for the re-designation;

(B) The State has given the agency notice of the intention to make such re-designation, including notice regarding the good cause for such re-designation, and given the agency an opportunity to respond to the assertion that good cause has been shown;

(C) The State has given timely notice and an opportunity for public comment in an accessible format to individuals with developmental disabilities or their representatives; and

(D) The system has an opportunity to appeal the re-designation to the Secretary, on the basis that the re-designation was not for good cause."

If this consolidation is not done according to the specifications set forth in the DD Act the state could risk losing OPA's federal funding, which includes 11 staff positions plus funding for contracting for some legal advocacy. The funding of the other two DD Network entities could also be jeopardized.

2. The funding saved by this consolidation is also unknown. OPA's fiscal and personnel management functions have already been taken over by the State's Department of Administrative Services. P & A has a management staff of two. There are no duplicate or overlapping functions with CHRO, so there are no administrative savings to be realized through this proposed merger.

3. Most significantly, the Council is concerned that the consolidation will mean that Connecticut residents with disabilities will lose the safeguards and advocacy currently provided by OPA as an organized and independent entity. OPA is capable of actively interceding in situations in which the rights of people with disabilities are at risk. Even if ADD chose to allow the consolidation without loss of federal dollars, OPA will no longer be able to independently conduct abuse/neglect investigations, pursue legal and administrative remedies, educate policy makers and reach out to traditionally underserved populations.

The CT Council on Developmental Disabilities therefore believes that it is in the best interests of Connecticut's citizens with disabilities reject this proposed consolidation.