

ADVOCACY



INCORPORATED

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June 16, 2009

Governor Rick Perry
Office of the Governor
State Insurance Building
1100 San Jacinto
Austin, Texas 78701

Via CMRRR 7005 2570 0002 2377 6357

Adelaide Horn
Commissioner
Texas Department of Aging & Disability Services
P.O. Box 149030
Austin, Texas 78714-9030

Via CMRRR 7005 2570 0002 2377 6364

The Honorable Jane Nelson
Texas Senate
P.O. Box 12068
Austin, Texas 78711

Via CMRRR 7005 2570 0002 2377 6333

The Honorable Patrick Rose
Texas House of Representatives
P.O. Box 2910
Austin, Texas 78768-2910

Via CMRRR 7005 2570 0002 2377 6340

Re: U.S. Department of Justice v. State of Texas and Texas Department
of Aging and Disability Services (DADS) Proposed Settlement
Agreement

Dear Governor Perry, Commissioner Horn, Senator Nelson, and Representative
Rose:

As most of you are aware, Advocacy, Inc. (Advocacy) is the governor-designated, private nonprofit protection and advocacy (P&A) system for the State of Texas. As such, Advocacy is mandated to protect the rights of and advocate for Texans with developmental disabilities who are at risk for, or in danger of abuse, neglect and civil rights violations while residing in Texas State Schools. *See* PADD Act 42 U.S.C. §§15041-15045 and PADD Rules 42 CFR §1386 et seq. Advocacy has

been actively involved in monitoring the health, safety, and treatment of residents at Texas State Schools. Throughout the past several years Advocacy has provided the Governor, Commissioner, and Legislators information regarding issues and concerns that it has identified at the State Schools.

On May 22, 2009, the Senate Health and Human Services Committee and House Human Services Committee had a joint committee meeting to hear testimony on S.C.R. 077 relating to the system-wide settlement agreement between the State of Texas and the United States Department of Justice to resolve DOJ's investigations of all 13 state mental retardation facilities. Advocacy provided testimony at that hearing identifying concerns it had with the Proposed Settlement Agreement (Agreement). During its testimony, Advocacy indicated that due to the short period of time it had to review the Agreement, (the Agreement was only provided to the public the morning of the hearing), it was unable to provide a thorough review and analysis of the Agreement.

Now that Advocacy has had additional time to digest the entire Agreement, we would like to provide you with our suggestions on how to improve the Agreement. Advocacy has serious concerns that without including its recommendations into the Agreement our State Schools will not be appropriate and safe places for its residents.

I have attached Advocacy's Suggested Amendments to the Proposed Settlement Agreement. We are hopeful that after reviewing these recommendations' we can meet to discuss how best to incorporate Advocacy's recommendations into the Proposed Settlement Agreement.

If you have any comments or questions, please do not hesitate to contact me.

Sincerely,



Beth Mitchell
Senior Managing Attorney

Cc: James C. Todd
Assistant Attorney General
General Litigation Division
P.O. Box 12548, Capitol Station
Austin, TX 78711

Enclosures