



# newsletter

FOR PARENT ASSOCIATION FOR THE RETARDED OF TEXAS, INC.  
President: Ruth Snyder  
Secretary: Lynda Hutcheson  
Vice-President: R. E. Threadgill  
Treasurer: Charles Thompson  
SERVING THE MENTALLY RETARDED IN TEXAS STATE SCHOOLS

July, 1976

Vol. 1, 4th Edition

## RESOLUTIONS ADOPTED BY THE MEMBERSHIP AT THE SECOND ANNUAL MEETING JUNE 4-5-6, 1976

- WHEREAS: The family relationship continues between parent and child regardless of a child's developmental disability; and
- WHEREAS: The placement of a child in a facility which provides care for a developmental disability does not alter the permanence of the child/parent relationship; and
- WHEREAS: Parents have gained valuable knowledge through many years of volunteer work in the mental retardation field and have the expertise, dedication and desire to use this knowledge to improve and initiate services for the retarded; and
- WHEREAS: Parents will always have a special knowledge of the child's needs borne of love and a concern for their child's well-being and future; and
- WHEREAS: No external law or agency can assume a parent's role in relation to their child;

### NOW THEREFORE BE IT RESOLVED:

- (1) That PART strongly urges the legislature of the State of Texas, State Agencies and other service providers and professionals in the field of mental retardation to recognize the valuable potential of parents.
- (2) That PART urge all professional, administrative and political bodies planning or providing services to retarded persons to include parents in the decisions regarding such services.
- (3) That PART encourage all parents and guardians to insist that they be consulted in the decisions affecting their child's present and future.
- (4) That PART urge all professional, administrative and political bodies engaged in providing direct or indirect support to retarded persons to respect the parent/child relationship and acknowledge the parent's inalienable right to be consulted and heard in the decision making processes affecting their child.

*(The Family Relationship)*

- WHEREAS: Services are currently being provided retarded persons by numerous state agencies; and
- WHEREAS: No one agency is charged with the total responsibility of providing services or monitoring care furnished retarded persons; and
- WHEREAS: Parents and guardians of retarded persons are frequently confronted with difficulty or delay in obtaining care through this multitude of agencies in an expeditious and efficient manner; and

WHEREAS: The jurisdictional transfer of a retarded person from one agency to another effectively results in no one agency being held accountable for the progression of care afforded a retarded person;

NOW THEREFORE BE IT RESOLVED:

That PART strongly urges and recommends that the Texas Department of Mental Health and Mental Retardation be given and assume the full responsibility for insuring that every retarded person be afforded appropriate care and service and that such responsibility shall extend to and follow each retarded person regardless of care setting, including but not limited to state schools, community residential care facilities, nursing homes, sheltered workshops and public or private educational facilities.

*(Single Agency Responsibility for the Care of Retarded Citizens)*

WHEREAS: The legislature of the State of Texas enacted legislation establishing a State School in San Antonio, Texas for retarded persons; and

WHEREAS: Funding for such State School was not provided; and

WHEREAS: A waiting list for admissions to Texas State Schools offers mute testimony of the urgent need within the State of Texas for additional State School facilities;

NOW THEREFORE BE IT RESOLVED:

That PART urge the legislature of the State of Texas to provide funding for the renovation, maintenance and operation of the San Antonio State School at the earliest possible legislative session.

*(Funding for the San Antonio State School)*

WHEREAS: Nursing Homes are emerging as a system of care for retarded persons; and

WHEREAS: Retarded persons have been and are being moved or transferred from State School facilities to Nursing Homes; and

WHEREAS: Nursing Home care provides essentially custodial care with limited services; and

WHEREAS: State Schools provide a comprehensive program of medical, educational, recreational and social care;

NOW THEREFORE BE IT RESOLVED:

(1) That PART is opposed to any transfers of residents from State Schools to Nursing Homes unless it can be demonstrated that such transfers will result in improved care and programs for those being transferred; and

(2) That PART is opposed to any transfer of residents from State Schools to Nursing Homes motivated by economic considerations or efforts to accomplish depopulation goals; and

(3) That PART is opposed to any transfers of residents from State Schools to Nursing Homes without prior approval of such transfers by the residents' parents or guardians.

*(A Position on Transfers from State Schools to Nursing Homes)*

WHEREAS: Federal Law provides that a child, upon reaching 18 years of age, has attained his majority; and

WHEREAS: Upon a child's reaching 18 years of age, the parental rights of his parents are no longer recognized as such under the law; and

WHEREAS: Parents of retarded children recognize their continuing need for parental protection to be afforded their children, particularly at this time of an uncertain future for retarded citizens influenced by judicial, economic and political considerations; and

WHEREAS: The nature of retardation is such that the chronological attainment of 18 years of age does not lessen the disability but, to the contrary, may accentuate the disability by the denial of parental protection; and

WHEREAS: Such parental protection after age 18 can be recognized and given only through reestablishment of this relationship through the courts;

NOW THEREFORE BE IT RESOLVED:

That PART actively encourage all parents or appropriate family members of retarded citizens to consider such guardianship for their child or relative through the courts in order that, regardless of chronological age, their child may continue to receive the full measure and recognition of the Parent/Child relationship in the eyes of the child, the parent and the courts.

*(A Position on Guardianship)*

WHEREAS: State Schools are under great pressure to depopulate to meet certain standards; and

WHEREAS: Such efforts to depopulate are occurring at a time when appropriate, adequate alternative settings are not yet generally available in the communities; and

WHEREAS: There is presently no assurance that a resident being transferred or otherwise discharged from a State School will receive an appropriate program as good as or better than that now being furnished; and

WHEREAS: There is no provision for future follow-up on, or return of, any resident to the State School setting in the event that the alternative care or community facility to which he is discharged proves unsatisfactory or inappropriate;

NOW THEREFORE BE IT RESOLVED:

That PART, collectively as an Association and individually through its members, voice its concern over any method of transfer or discharge of residents which fails to maintain or improve the program available to such residents or provide alternative settings appropriate to their needs.

*(Transfer or Discharge of State School Residents to Alternative Settings)*

WHEREAS: The waiting list for admission to a State School is such that, with few exceptions, lengthy waiting periods of up to several years may be required after making application; and

WHEREAS: The current effort to depopulate State Schools compounds the problems and delays associated with admissions; and

WHEREAS: Parents now seeking admission for their child are often subjected to unreasonable pressures to discourage them from making application; and

WHEREAS: Such undue discouragement can result in inappropriate care of their child, and unnecessary emotional strain upon the family unit;

NOW THEREFORE BE IT RESOLVED:

(1) That PART request that the practice of discouraging parents from making application to State Schools by any individual or agency directly or indirectly involved in the admissions process cease immediately; and

(2) That PART request that all admission applications be permitted to be made directly with the State Schools; and

(3) That PART request the Texas Department of Mental Health and Mental Retardation to recognize all such applications, whether considered active or inactive, as a more realistic measure of the need for State

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## Edwards, Worth State Opinions To TDMHMR

The following is a quote of some parts of a letter written by Mr. Joe P. Edwards, President of Cresthaven Corporation and Mrs. Helen Worth, Administrator to Dr. Kenneth Gaver, Commissioner of Texas Department of Mental Health and Mental Retardation.

"May 1, 1976, marked the third complete year of operation for the Cresthaven Pilot Project. I am sure you are aware that this project was conceived and promulgated by a joint effort by ourselves and the Texas Department of Mental Health-Mental Retardation board and staff. It was intended as a three year demonstration project with certain projected goals being established. Those goals grew out of an earlier study which was done by me with the critical assistance of the Texas Department of Mental Health-Mental Retardation Staff. The original study was done in 1971 and is on file in your office. This report done by me at the request of Commissioner David Wade, drew some conclusions which later were incorporated into the Cresthaven Pilot Project.

1. Profound retardates are not suitable residents in private geriatric facilities; even in separate, distinct parts of geriatric facilities.
2. Only private mental retardation facilities specifically designed and staffed for the mental retardate could offer a suitable alternative to institutional care.
3. Any such private mental retardation facility would need to be located within one half hour driving time of a state facility in order to be close enough to receive the very necessary supportive services from the furloughing state facility.
4. The fourth and most critical factor in developing a successful private mental retardation facility was, in my estima-

tion at the time, the development of a close working agreement between the private facility and the closely located state facility. Such agreement should cover such matters as in-service training, consultation with state staff and hospitalization services for acutely ill residents of the private facility in a State Hospital setting. Also, I considered it imperative that qualified State Mental Retardation staff members do frequent and comprehensive follow-up surveys of the state residents furloughed to the private facility.

After much discussion with the State Mental Retardation staff, all of the above concepts were incorporated into a three year working experiment at the Cresthaven Nursing center. Thanks to the tremendous efforts of the Cresthaven Staff and the unstinting support and assistance of the Mental Health-Mental Retardation staff members, we have achieved the goals set forth for the experimental project; namely, that a private facility could economically and satisfactorily provide adequate care for the profoundly retarded individual, even those with severe chronic and acute medical and physical problems. (We would like to draw attention to the fact that over fifteen per cent (15%) of the admissions to Cresthaven have been directly from acute infirmary settings of the furloughing state facilities.)

Here I will stress the validity of our original concepts regarding private mental retardation facilities. Our location, near Travis State School and Austin State School, has made it convenient for us to receive supportive services from these facilities. Without the cooperation, staff training, hospital facilities, and consultative assistance of Travis and Austin State Schools, we would never have achieved a truly successful program. We advocate most bluntly that pitifully few residents furloughed to us would ever be suitable for placement in a standard geriatric facility.

We would also submit our conclusion that all ICF MR-VI level patients in private facilities must have access to a State Hospital setting when they require hospitalization for acute medical care. We suggest most strongly that a general hospital, unfamiliar with the patient's chronic physical and retardate status, cannot offer acute medical and nursing care of the quality required in order to facilitate maximum recovery. In all our conversations with any interested parties, we have advanced these beliefs again and again.

Summing all this up briefly, we are persuaded that the Cresthaven project has proved itself as an excellent model for private facilities planning to care for ICF MR-VI residents. We hope that you would agree with that conclusion and expect other facilities to live up to the same standards of quality care and programming.

Unfortunately, we have seen little evidence to suggest that the Cresthaven model is being followed in other areas of the state. The placing of a great many mentally retarded patients in geriatric facilities that are neither planned, equipped nor staffed to properly meet their needs, is a development which we find puzzling and disturbing. We recognize fully that many hundreds of State MR residents are supposed to be placed in private settings between now and March of 1977. But we cannot see how the interest of the mentally retarded, nor those of Texas MH/MR, could possibly benefit from hasty, ill-advised placements. We urge you to reconsider any such policy now under consideration. Most particularly, we are disheartened by the apparent decision of Texas MH/MR to discharge from State facilities completely all residents of private facilities after a six month furlough period. This, we believe, will result in a chaotic situation developing in which the ex-state resident will be placed permanently in the hands of a geriatric facility unable to meet his needs, unable to receive support or consultation from Texas Department

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of Mental Health/Mental Retardation, unable to return the MR resident to a state facility when acute care is required, and unable to provide a workable alternative to state institutional care.

The private long-term care professionals in Texas most certainly are capable of building a satisfactory program of care for many MR residents of State institutions. But our experiences in the past three years lead us to the unalterable belief that no such program is viable without close and willing cooperation between public and private sectors. Teams of qualified State MR professionals to assist and guide the efforts of these facilities accepting MR residents would appear to be a critical necessity. Closing the doors of the State institutions to a previous resident merely because he has been furloughed to a "nursing home" for six months, denying him access to acute hospital care, and refusing him the protection and support afforded by professional follow-up by State staff, suggest to us not only an unworkable alternate care program, but a serious abridgement of the mental retardate's civil rights.

Surely there are alternatives to this impossible situation. But without the full backing and advocacy of your department for a closely controlled, joint effort of private facilities and public professionals, we are pessimistic about the future course of this program in which we have a great investment in time, effort and dollars."

The quote from a letter to Dr. Kenneth Gaver from Mr. Edwards and Mrs. Worth is in no way intended to be a stamp of approval or disapproval of Cresthaven as a residential setting for the care of the severely mentally retarded. It is included here to point out to our membership that at least one operator of a private facility for the mentally retarded agrees that there has to be continuous support from the Texas Department of Mental Health and Mental Retardation

for any program of this type to succeed and a resident should not be discharged from the State Facility.

## IMPORTANT DATES

You can learn a great deal by attending the Legislative Budget Board's staff hearings on the State Schools' budgets. Following is a list of dates, times and places of each of the hearings. Plan to attend if at all possible. Please, confirm the schedule near the date of the hearing with your school Superintendent or the Legislative Budget Office or the Governor's Budget and Planning Office, since experience indicates some rescheduling always occurs. Hearings are currently scheduled as follows:

- I. Hearings to be held on the campus of Corpus Christi State School:
  - Rio Grande State Center, August 12, 1976, 1:30 PM
  - Corpus Christi State School, August 13, 1976, 8:30 AM
  - San Antonio State School, August 13, 1976, 1:30 PM
- II. Hearings to be held on the campus of the Fort Worth State School:
  - Fort Worth State School, August 19, 1976, 8:30 AM
  - Denton State School, August 19, 1976, 1:30 PM
- III. Hearings to be held in the Auditorium of The Texas Research Institute of Mental Sciences (TRIMS), Houston, Texas:
  - Texas Research Institute of Mental Sciences, August 24, 1976, 8:30 AM
  - Beaumont State Center for Human Development, August 24, 1976, 1:30 PM
  - Richmond State School, August 25, 1976, 8:30 AM
  - Lufkin State School, August 25, 1976, 1:30 PM
  - Mexia State School, August 26, 1976, 1:30 PM
- IV. Hearings to be held in the Assembly Room of the museum on the campus of Texas Tech University, Lubbock, Texas:
  - Abilene State School, August

- 31, 1976, 8:30 AM
- Lubbock State School, August 31, 1976, 1:30 PM
- San Angelo Center, September 1, 1976, 1:30 PM
- El Paso State Center for Human Development, September 2, 1976, 8:30 AM
- Amarillo State Center for Human Development, September 2, 1976, 1:30 PM
- V. Hearings to be held in the Auditorium of the Texas Department of Mental Health and Mental Retardation, Austin, Texas:
  - Austin State School, September 8, 1976, 8:30 AM
  - Travis State School, September 9, 1976, 8:30 AM
  - Brenham State School, September 9, 1976, 1:30 PM
  - Central Office, September 21, 1976, 9:00 AM
  - Central Office, September 22, 1976, 9:00 AM

TDMHMR Board Meeting: August 30, 1976  
Central Office, 45th & Lamar, Austin

We feel you will benefit from the learning experience provided by attending the hearings on the particular school you are interested in as well as the hearings on the Central Office budget. If time and money is available it would be a great learning experience to attend all of the hearings. We want to congratulate the parents from San Antonio group of parents for getting a hearing on funding of their school.

## Groundbreaking '76

Groundbreaking '76, Austin State School  
REMARKS: Kenneth D. Gaver, M.D.  
Austin, Texas  
July 16, 1976

It is a great joy to be present today at the Groundbreaking '76 for the Austin State School. These newest additions to the Texas programs dedicated to serving our mentally  
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handicapped will be unique and unusual facilities with a unique and unusual program. Here will be combined the best of training and education that can be offered by a state facility, along with the best that can be offered by residential care in small units.

New facilities such as these which we initiate today are more than just a series of buildings, more than a staff, more than a complex of services and programs. They are also a symbol of hope and of optimism. It means much to the citizens of Austin, much to us in the Texas Department of Mental Health and Mental Retardation and a great deal to the families of those who will receive help and hope here. But how much it must mean to the mentally retarded, the handicapped, the less fortunate, especially the children in their unending struggle to achieve that independence, that dignity for which they long.

I have tried to envision these buildings through the eyes of one of those children and to imagine how he might feel, what he might think, what he might want someone to express. Perhaps he might think as follows:

I have a special place,  
A place that is just for me.  
My place is new and grand;  
My place is strong and warm;  
My place is like a fort.  
It shelters me, and  
It protects me.  
There are rooms in my place  
That are just for me and my  
friends . . . .  
Rooms where the sky can touch  
my face,  
Rooms where the sun comes in  
to be with me.  
Rooms where life is warm and  
kind.  
And in my place there are many  
friends . . . .  
Friends who care,  
Friends who like me,  
Friends who may help me.  
And my place has things for  
them,  
As well as for me.  
Together we will work and play  
in our place

And be happy together.

And I am glad,

And they are glad.

May the Austin State School always be a special place — something more than a place for training, education and rehabilitation. May it always be a center of charity, a beacon of hope, a haven of kindness and a symbol of the dignity of those whom it serves.

#### Lelsz vs. Killian, CA No. S-74-95-CA

All hearings have been cancelled on the Lelsz vs. Killian suit due to the involvement of the attorneys, for the plaintiffs and the attorneys from the Attorney General's office, in other cases. We will keep the membership informed of any new developments in the case.

## NURSING HOME UPDATE

In the last newsletter we brought you information regarding Northeast Nursing Home in San Antonio. Northeast is the only nursing home ever to be certified as an Intermediate Care Facility for the Mentally Retarded classified as a V (ICFMR-V). We had visited the nursing home and found it to be woefully lacking in many areas.

In August, 1975 Northeast began receiving Mentally Retarded clients; it had previously been a geriatric center. In October, 1975 it received certification which allowed them to operate as an ICFMR-V facility and receive money from the Texas Department of Public Welfare for each client living in the facility. There was publicity in one of the San Antonio papers about the new and innovative program where the mentally retarded and the geriatric patients would live together and love and help each other — soon all the old people were gone. On April 1, 1976 Northeast was sold. Under the rules and regulations controlling ICFMR facilities the new owners automatically have to apply for certification if they choose to continue to qualify to

operate as an ICFMR facility. The new owners changed the name of the nursing home to Sky View Living Center and made application for certification. Several State Agencies are working with the new owners trying to help them receive certification. At this point they have not been able to meet the requirements for certification as an ICFMR-V and are still operating without a license. The Texas Department of Mental Health and Mental Retardation is in the process of moving some of the residents out of Sky View Living Center at this time. Most of the residents have been discharged from San Antonio State Hospital. It is necessary to have an Order of Protective Custody issued by the County Judge in Bexar County (San Antonio) on each of the residents. At this time only 24 are being moved out of the nursing home at the request of the owners. It is not clear whether or not the owners will then try to obtain certification or the other 47 retarded residents will also be moved. The Order of Protective Custody is for a two week period at which time the order can either be renewed or the residents could technically be on their own. The Department of Mental Health and Mental Retardation is making plans to place each of the residents in appropriate settings as quickly as possible. This setting may be another nursing home or back into the State School. It will be a tremendous task for the Department to relocate the first 24 of these residents. It will be even more complicated if it becomes necessary to relocate all seventy-one of the residents now at Sky View. It is our understanding that at least one parent has taken their child home rather than have her go to the State Hospital. The child had been discharged from one of our State Schools.

We are sorry that the new owners' intent to greatly improve the facility has not been realized. This new method of care for the mentally retarded is certainly having its problems in Texas and should be closely

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monitored by this organization's membership.

The Convalescent Center in Dallas is certified as an ICFMR-VI and has been receiving Mentally Retarded clients since October, 1975. The last several weeks the Convalescent Center has received much publicity in the Dallas newspapers about the deficiencies in its operation. Representative Frank Gaston of Dallas has gathered information regarding this facility and has given it to Bill Clayton, Speaker of the House of Representatives and the Health and Welfare Committee, according to the Dallas Times Herald.

The Convalescent Center is housed in a seven story building located in a business section in the eastern part of Dallas, 4005 Gaston Avenue. The Convalescent Center serves the geriatric, alcoholic and drug abuse patients as well as the Mentally Retarded. The area designated for the fifty mentally retarded is located on the seventh floor with their program area on the second floor. This nursing home has been certified to receive fifty more mentally retarded residents which will be housed on the third floor. Dr. Kenneth D. Gaver, Commissioner of TDMHMR, placed a hold order on the transfer of any more mentally retarded residents into the facility but this order was lifted after a visit to the nursing home by a team from Health, Education and Welfare. The team consisted of Fred J. Lingle, Team Leader; Maxie Hardin, RN; Agapito Sanchez, Qualified Mental Retardation Professional; Dr. William Richards, PHS, all with the Office of Long Term Care of HEW. Two Observers, Jerry Bryant, Texas Department of Health Resources; and Loretta Smith, Texas Department of Public Welfare, were also on the inspection visit. While this team did find some deficiencies they did not place the Convalescent Center under any restrictions. Plans are being made to continue transferring residents out of State Schools into this facility. The process of trying to define fact from fiction in the Convalescent Center controversy is con-

tinuing. The Convalescent Center was placed on "Vendor Hold" in 1973 and 1974 by the Texas Department of Public Welfare; this was prior to the time they started accepting Mentally Retarded residents. Vendor Hold means that the facility will not receive any money from the Welfare Department until some of the deficiencies have been corrected. Please continue to monitor.

The following is a quotation from the newsletter of Scott City Association for Retarded Children, Davenport, Iowa.

"The following comes from I.A.R.C. under the title *Crisis in Residential Services: Policy Statement*, dated April 27, 1974. . ."

"Only a very few of Iowa's custodial and nursing homes have been surveyed. The number of deficiencies uncovered in these relatively few homes would indicate that only the tip of the iceberg of problems has been sighted this far."

"Several custodial or nursing homes have closed as a result of reviews, others will undoubtedly be required to close soon. Glenwood is anticipating and making plans for the return of over 100 residents being displaced from community residential facilities."

The quotation above is only part of the article from the Scott City Newsletter. It is placed in this newsletter to let you know we are not alone with our problems in Texas. As early as 1974 the state of Iowa was having to make provisions for moving residents back into State Schools. The thing we have to strive for in Texas as well as the United States as a whole is *GOOD* services for the Mentally Retarded based on the needs of each individual.

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Too often we enjoy the comfort of opinion without the discomfort of thought.

## GUARDIANSHIP

We owe a special thanks to Rep. Sarah Weddington, Jim Adkins (Chief of Legal Services, TDMHMR), Cathy Jacob (an attorney in Sarah's Office), and George Oliverie (Assistant to Judge Mike Renfro) who gave of their time on Saturday afternoon to answer questions about guardianship.

In Texas only one person can be appointed as guardian of the person or estate. However, one person may be appointed guardian of the person and another person may be appointed guardian of the estate. Further, a husband and wife may be jointly appointed as guardian of either the person or the estate or both. You may not ask that you as a parent be appointed guardian and at the same time ask the court to designate your sister to serve with you. Likewise, if you are divorced, both parents cannot be appointed guardian of the person; one of you could be made guardian of the person and the other guardian of the estate. If you are married, you may, of course, be made guardians of the person with your spouse. You cannot designate a successor in the event of death since the probate court will have to hear the matter again at that time. However, you may indicate in your will whom you wish to succeed you. Although this is not binding on the court, it will be considered.

If your child is under 18, you may request the court to have you declared guardian of an incompetent. Then when your child is 18, you will not have to do anything more since you were made a guardian by virtue of the child's incompetency rather than his or her minority. The advantage of doing this is that you may file your petition in the county court where you reside rather than the court where the child resides, which is the place of filing after the child reaches 18. If your child was voluntarily admitted, at 18 he or she could leave the institution upon his or her request without your consent unless you had been appointed guardian of

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the child because of his or her incompetency. The Superintendent of a State School can discharge a resident without the consent of a parent or guardian.

Most retarded persons living in State Schools for the mentally retarded in Texas do not own an estate. If your child does not have money or property guardianship of the person would be all you could obtain. The test is: what does your child own?

Example I. Mr. and Mrs. John Doe have a MR child age 24. This child has never acquired any assets of her own and she is totally dependent on Mr. and Mrs. Doe and the State of Texas to meet all of her needs. Mr. and Mrs. Doe would only need to obtain guardianship of the person of their 24-year-old child.

Example II. Mr. and Mrs. Henry Roe have a 19-year-old son Bob. Bob's grandparents are deceased and left Bob \$10,000 plus an interest in a small piece of property. Bob is able to work some under very careful supervision. Mr. and Mrs. Roe may want to obtain guardianship of both the person and the estate in order to protect Bob's interests. The State of Texas will charge Bob for his care and treatment based on his ability to pay up to an amount not to exceed the total amount per day which it costs to provide care and treatment at a State School.

Guardianship of the estate is very cumbersome in that it requires you to file an annual accounting in the probate court. Consequently, transferring property to the child and having yourself made guardian of the estate is not recommended. If you are going to transfer property, it is recommended that you set up a trust. The State may of course assess the trust for the cost of maintaining the child. It is not clear whether or not a spendthrift trust may be invaded, but MHMR is currently taking the position that it would and could assess charges in the absence of a statute which clearly prohibits it from doing so. Whether or not the Texas legislature would at some future date act

to exempt such trusts is doubtful. In any event, if you have the money, it is advisable to go ahead and create a testamentary trust (one which goes into effect at your death) since then you can be sure your child would have protection even if the State at some future date refused to make future arrangements for the child.

If you are made guardian of the person, the institution where your child resides should be so notified. They should then contact you about such matters as medical care and transfers. However, you cannot compel the institution to keep your child if the institution does not have proper funding.

It is essential to have an attorney assist you in this procedure, should you decide to obtain guardianship. The charges vary from approximately \$125.00 to \$600.00 depending on the attorney, so do ask what the charge will be at the time of the initial contact. In addition to the attorney's fee, a deposit will be required for court cost; in most instances this will be \$50.00. The petition of guardianship should be filed in the county where your child resides if the child is an adult. Therefore, if you live in Tyler, Smith County and your child lives at Denton you may want to get an attorney in Denton to cut down on travel expense of the attorney which you will pay for. On the other hand if your child is a resident at Denton State School but spends a great deal of time in Tyler, you may be able to obtain guardianship while your child is at home. If your child is a minor, you can sue in your own area.

Your child will have to be formally served with your application for guardianship at least ten days before the hearing. Within 20 days of the hearing, you should also have your child's doctor execute and return an affidavit stating what the diagnosis and prescribed treatment is for your child. You must appear at the hearing where you will need to execute an oath of guardianship. Your child need not be present. The hearing is usually very informal. After the hearing, you will receive letters of guar-

dianship within twenty days.

Once you are a guardian you should always notify the institution when you intend to leave the state. If you are gone for an extended time and do not leave a forwarding address, some judges have held this to be grounds for revoking your guardianship.

Should your attorney have questions regarding policies and procedures of the Texas Department of Mental Health and Mental Retardation suggest that he or she contact the department's legal division.

You have to decide for yourself whether or not you want to become your child's guardian. I hope this helps you to decide what is best for you and your child.

## NEW RULES

The TDMHMR has filed rules and regulations covering admissions and discharges. These have been listed in the Texas Registry and are in effect for the next 180 days. There will be public hearings on these rules at a later date. We will try to keep you informed. These new rules make it possible for a resident of a State School to be furloughed up to three years rather than the original six months.

## MEMBERSHIP DRIVE UNDERWAY

Letters will be going in the mail to both members who have paid their dues as well as prospective members. If you know you are paid up for the year 1976-1977 please pass your application form to a member of your family or a friend who has a retarded child living in one of the Texas State Schools for the Mentally Retarded.

There is so much news we have not been able to cover all of it adequately in this newsletter; we will plan to get another one out in the near future. Please keep your newsletters so you can refer back to important dates or other information which may be of value to you at a later date.

## NOMINATING COMMITTEE 1977

According to our constitution and by-laws, which were adopted at our annual meeting, the nominating committee for the following year is elected by our membership at our annual meeting. The following members were elected to decide who your officers for the coming year will be:

Thelma Churchill — Richmond State School — Chairperson  
Ray Dunavant — Travis State School  
Betty Childress — Brenham State School  
Eunice Threadgill — Denton State School  
Don Partridge — Austin State School

Please keep this list on hand. If you think of someone you would like to serve as an officer of your organization during the coming year please contact one of these people.

## SAVE OUR TEXAS SPECIAL SCHOOLS

Mrs. Joe G. (Patty) Wilson wrote a series of articles for The Mexia Daily News from March through July, 1975. Thanks to the efforts of Mr. and Mrs. Emmett Threadgill, Mrs. Wilson allowed the Parent Association for the Retarded of Texas to reprint these articles into a nice booklet. These were given to all who attended our annual meeting. They are available to be given to all members at their local meetings or any other interested party. Thanks to both Mrs. Wilson and the Threadgills.

## ADMISSIONS AND DISCHARGES

Dr. James Craft, Deputy Commissioner of Mental Retardation, Mr. Hartley Sappington, Assistant Deputy Commissioner for Community Services, and Mary Helen Valadez, Director of admissions and discharges at Travis State School gave up a nice Saturday morning to face questions from our members who attended the annual meeting. This

provided a great opportunity for parents to get questions answered by those people who work in Central Office where many of the policies regarding the operations of the State Schools are made. Our special thanks to all three of them for staying with us for three hours.

## JOINT ADVISORY COMMITTEE ON GOVERNMENT OPERATIONS

A draft of recommendations made by the subcommittee on Health and Welfare was published on July 14, 1976. We did not receive a copy until July 26; therefore, have not had time to comprehend all that is written in the report. Recommendation 9 on page 25 gives us cause for some concern. The recommendation is as follows: "The State should reduce the number of resident care staff in State Schools for the Mentally Retarded to a level no greater than that specified by the Title XIX, FCF-MR staffing standards." We would like to have you inform yourselves about this report. You can obtain a copy of the part pertaining to the Mentally Retarded by either calling 512-475-6565 and asking for Karol Middleton or writing to the Legislative Budget Office, Attention Karol Middleton, 704 Sam Houston Building, 14th and San Jacinto, Austin, Texas 78701. The recommendations of this interim study committee will receive much consideration by the interim legislature next year.

The Parent Association for the Retarded of Texas, Inc. is made up of individual members who are parents or relatives of the mentally retarded who live in State Schools operated by the Texas Department of Mental Health and Mental Retardation. It is governed by a Board of Directors made up of parents or relatives representing the various State Schools located in Texas. We believe that State Schools should continue to be an important part of the total array of services provided for the Mentally Retarded of Texas. We hope to be able to keep the parents informed

regarding the trends that are taking place in the state and nation. This organization is based on the idea that each family unit is capable of making decisions for themselves if they are provided with sufficient information to know what various alternatives are available to them. If sometimes our publications seem narrow to some people keep in mind this organization is dedicated to making life better for those retarded persons who live in State Schools. While we are interested and concerned about all retarded persons, we cannot effectively do all things for all people.

## ANNUAL BANQUET

Representative Michael (Mike) Ezzell topped off the day for us with a speech which was both informative and funny. Representative Ezzell is from Snyder, Texas, and is Chairman of a Subcommittee on Mental Retardation in the Health and Welfare Committee. We owe Representative Ezzell a very special thanks for making the long, long drive from Snyder to Austin to share our Annual Meeting with us.

## LUNCHEON SPEAKER

Senator Earnest Dean from the State of Utah spoke to us at our noon luncheon. He brought us up to date on some of the things happening around the nation regarding the Mentally Retarded. He admonished us to keep ourselves informed and to help the members of the legislature know the needs of the Mentally Retarded. Senator Dean is President of the Senate in his State of Utah, as well as President of The Mental Retardation Association of America. He was with the group from Friday evening until Sunday morning. Perhaps some of you in the viewing area of Channel 7 in Austin saw the Senator on the six o'clock news and again on the ten o'clock news on Saturday, the day of our meeting. We want to express our appreciation to Senator Dean for sharing our Second Annual Meeting with us and for the work he is doing to make life better for the Mentally Retarded.