



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Administration on Developmental Disabilities

1. Log No. ADD-IM-85-9

2. Issuance Date: 9-10-85

3. Originating Office: Administration on Developmental
Disabilities

4. Key Word: Protection and
Advocacy Roles

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INFORMATION MEMORANDUM

TO : Directors, Protection and Advocacy Program
Directors, State Administering Agency
Executive Directors, State Planning Councils
Directors, University Affiliated Facilities

SUBJECT : Role and Responsibilities of State Protection and
Advocacy Systems

LEGAL AND
RELATED
REFERENCES : The Developmental Disabilities Act of 1984, Public
Law 98-527

REQUIREMENTS

Section 142(a)(1) of the Developmental Disabilities Act of 1984 requires as a prerequisite for State participation in the Basic State Grant Program, that each State have in effect a system to protect and advocate the rights of persons with developmental disabilities. Each such system established by a State must:

- o have the authority to pursue legal, administrative, and other appropriate remedies to ensure the protection of the rights of such persons who are receiving treatment, services, or habilitation within the State and to provide information on and referral to programs and services addressing the needs of persons with developmental disabilities; (Sec. 142(a)(2)(A))
- o not be administered by the State Planning Council; (Sec. 142(a)(2)(B))
- o be independent of any agency which provides treatment, services, or habilitation to persons with developmental disabilities; (Sec. 142(a)(2)(C)) and

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- o be able to obtain access to the records of a person with developmental disabilities who resides in a facility for persons with developmental disabilities if:
 - 1. a complaint has been received by the system from or on behalf of such person; and
 - 2. such person does not have a legal guardian or the State or the designee of the State is the legal guardian of such person; (Sec. (142(a)(2)(D))

This requirement is effective October 1, 1986 for those States where State law prohibits the system from obtaining access to such records (Sec. 142(b)).

- o assure that funds allotted to the State under this section will be used to supplement and increase the level of funds that would otherwise be made available for the purposes for which Federal funds are provided and not to supplant such non-Federal funds; (Sec. 142(a)(3))
- o assure that the system will be provided with a copy of each annual survey report and plan of corrections for cited deficiencies made pursuant to section 1902(a)(31)(B) of the Social Security Act with respect to any intermediate care facility for the mentally retarded in the State within 30 days after the completion of each such report or plan; (Sec. 142(a)(4)) and
- o assure that the designated system will not be redesignated unless there is good cause for the redesignation and unless notice has been given of the intention to make such redesignation to persons with developmental disabilities or their representatives; (Sec. 142(a)(5))
- o not use more than five (5) percent of any allotment under this program for the costs of monitoring the administration of the protection and advocacy system. (Sec. 142(c)(2))

EFFECTIVE DATE: October 19, 1984 - Date of Enactment of the
Developmental Disabilities Act of 1984

INQUIRIES TO : Appropriate ADD Regional Program Director

EASTERN REGION

States : Connecticut, Delaware, District of Columbia,
Maine, Maryland, Massachusetts, New Hampshire,
New Jersey, New York, Pennsylvania, Puerto
Rico, Rhode Island, Vermont, Virgin Island,
Virginia, West Virginia

Contact : Mr. Edward Vreeswyk
Regional Program Director
3535 Market Street
Philadelphia, Pennsylvania 19101
Telephone: (215) 596-1224

SOUTHERN REGION

States : Alabama, Arkansas, Florida, Georgia, Kentucky,
Louisiana, Mississippi, New Mexico, North
Carolina, Oklahoma, South Carolina, Tennessee,
Texas

Contact : Mr. Manual Soto
Regional Program Director
1200 Main Tower, 20th Floor, Room 2000
Dallas, Texas 75202
Telephone: (214) 767-2623

MIDWESTERN REGION

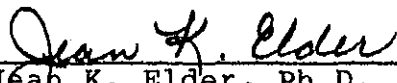
States : Colorado, Illinois, Indiana, Iowa, Kansas,
Michigan, Missouri, Montana, Nebraska, North
Dakota, Ohio, South Dakota, Utah, Wisconsin,
Wyoming

Contact : Mr. Danny Sakata
Regional Program Director
601 East 12th Street
Kansas City, Missouri 64106
Telephone: (816) 374-5211

WESTERN REGION

States : Alaska, Arizona, California, Guam, Hawaii,
Idaho, Nevada, Northern Marianna Island,
Oregon, American Samoa, Trust Territory of
Pacific Islands, Washington

Contact : Mr. Richard Silva
Regional Program Director
Federal Office Building
50 United Nations Plaza, Room 483
San Francisco, California 94102
Telephone: (415) 556-5814



Jean K. Elder, Ph.D.
Commissioner
Administration on Developmental
Disabilities

cc: Regional Administrators
Regions III, VI, VII, and IX
Regional Directors, Office of Fiscal
Operations, Regions III, VI, VII, and IX