
Holding State Protection & Advocacy Agencies to Account

Under the DD Act (*Public Law 106-402, October 30, 2000*), every state is granted an allotment to create and maintain its own Protection and Advocacy (P&A) system.

Section 143 of the DD Act (1) provides these agencies with the authority to advocate for the rights of individuals with disabilities and (2) empowers them with legal and investigative authority to protect individuals from abuse and neglect. P&As are federally funded by the Department of Health and Human Services (HHS). through the Administration for Community Living (ACL) and are required to report annually to the Director of HHS.

Historically, state P&As have a strong record of advocating to move people out of institutional settings, often against the will of their families and guardians, and of investigating possible forms of abuse and neglect in intermediate care facilities. Unfortunately, they have a poor track record of investigating and protecting people in HCBS “community” settings from abuse and neglect. This would appear to be at odds with the fact that are funded by the Administration for Community Living, and the responsibility that the ACL and P&A’s should have assumed from having moved tens of thousands of vulnerable individuals into these “community” settings.

Equally disturbing is the fact that P&A’s are only held accountable to the federal agencies that have funded them, not to legislators in the states in which they operate, and not to the individuals they have been mandated to protect: people with intellectual disabilities and autism.

VOR would like to change that. We believe that each P&A should be accountable to the people of the state they serve. We believe that state legislators should hold annual hearings, allowing public testimony, to hold their state P&A to account for their activities over the past year, to account for how it spent its allocations, and to understand the priorities of the stakeholders it serves.

Currently, three states have come to the realization that their state Protection and Advocacy Agencies (P&As) have not been acting in the interests of all people with I/DD and autism. Instead, they have been following their own agenda of closing Intermediate care facilities while promoting Home and Community-Based Services. In short, not protecting, only advocating for their own agenda.

Ohio, North Carolina, and Arkansas have passed laws to hold them to account to their state legislators.

Ohio's state senate will hold hearings every two years at which members of the ID/A community can testify about how Disability Rights Ohio spent its time and resources. And North Carolina has recently passed a law to form a joint committee to examine their P&A, Disability Rights North Carolina, every six months and report to legislators. In 2025, Arkansas passed Act 481 (originally HB 1382) requires their P&A to submit bi-annual reports to the Legislative Council and the Governor regarding efforts to advocate for all individuals with developmental disabilities who live in home- and community-based settings and not a facility.

We hope this is the start of a movement to hold this network of political operatives to account in every state.

You may download copies of these laws here

[Ohio Rev. Code § 5123.603](#)

[North Carolina Session Law 2023-135](#)

[Arkansas Act 481](#)