

Protection and Advocacy Agencies: **Failing to Protect People with ID/A from Abuse and Neglect**

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. P&As are federally funded by the Department of Health and Human Services (HHS), through the Administration for Community Living (ACL).

Section 143 of the DD Act:

- Provides these agencies with the legal authority to advocate for the rights of individuals with disabilities.
- Provides them with the authority to investigate incidents of abuse and neglect of individuals with developmental disabilities if incidents are reported to the system or if there is just cause to believe incidents occurred.
- Requires that P&As report annually to the Secretary of HHS on their goals, priorities, and activities.
- Requires that P&As report annually to the [ID/A] public, and provide a grievance procedure to ensure that people have full access to the system.

VOR believes the current P&A system misinterprets its mission as implementing an “integration mandate,” rather than taking action to protect the full ID/A community it was empowered to serve.

While P&As have long championed moving people out of ICFs, often against the wishes of families and guardians, they have a poor track record of protecting those same individuals from abuse and neglect once they have been moved into HCBS community settings. When the DD Act was created in 2000, most people with ID/A lived in ICFs; today, the majority resides in the community. State and federal oversight has failed to adapt to this shift.

In recent years, newspapers from Illinois, New Jersey, and New Hampshire have reported multiple incidents of abuse and neglect in HCBS group homes that P&As have taken no action to remediate. VOR believes that the mandate for P&A’s must clearly focus on protecting *all* people with ID/A from abuse and neglect, and that every state’s P&A should be accountable to that state legislature that designates and funds them, and should provide a formal grievance procedure for the community that they have been appointed to serve, as stated in Section 143.

ACL is well within its authority to direct states to increase and improve audits, inspections and more at a scale and pace that is more efficient and effective than at the individual state level. The Office of Disability Services Innovation (ODSI), under the ACL umbrella, directly manages the P&A program and should exercise its federal responsibility to direct P&A’s to ensure the safety and well-being of people with ID/A in all settings. Their oversight is leaving most of our nation’s most vulnerable with no protection.