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After State's Disability Rights Office Is Disbanded, A New Approach Taking Shape



By JOSH KOVNER
MAR 09, 2017 | HARTFORD



Tom Fiorentino, parent and board president, The Arc Connecticut, opposes a plan to move the abuse investigations unit inside the state department that oversees services to people with intellectual disabilities.



The federal government came in last year and dismantled the state agency charged with protecting the rights of people with disabilities, finding it was spending too much time doing state work, such as reviewing building plans, and too little time challenging infringements on civil rights.

Gov. Dannel P. Malloy's [appointment of a former mayor](#) and political supporter as head of the agency, who later likened meeting with the advocacy community to attending "ice cream socials," didn't help the agency's cause either, a federal audit noted. Nearly all the states have a private, nonprofit group serving as legal advocate for the disabled community, under the premise that it's harder for state employees to sue the apparatus that signs their pay checks. And although the protection and advocacy office worked hard to investigate abuse and bring forth some legal cases, the feds said Connecticut had to fall into line if it wanted to keep collecting the federal money.

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Now, after the disbanding of the Office of Protection and Advocacy for Persons With Disabilities, two major new pieces from the fallout are poised to settle into place:

First, a newly formed nonprofit group — called Disability Rights Connecticut Inc., based in Farmington — has been tapped by Malloy to carry the mantle. A public

hearing on that designation is set for Friday morning, or, if the hearing is canceled by snowfall, as soon as it can be rescheduled. The new group's board consists of skilled researchers and longtime advocates and policymakers, and hopes are high that it becomes an effective champion of equal rights.

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Second, the protection and advocacy agency's former abuse investigation unit would, under Malloy's budget proposal, remain a state function and move into the Department of Disability Services. This one isn't going over well.

Parents and advocates are furious at the idea of moving what they say should be an outside investigative unit into the department that oversees services to more than 16,000 people with intellectual and developmental disabilities. They say this strips the investigation unit of integrity, and creates a fox-guarding-the-hen house dynamic: People will have to call DDS to lodge a complaint about a DDS service.

When abuse investigations were based at the former protection and advocacy office, "At least people felt they could bypass DDS if they really had concerns about retribution from the service provider," said James McGaughey, who served as advocacy office's executive director for nearly 30 years, before he retired and was succeeded by Malloy appointee Craig Henrici, a former mayor of Hamden.

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"There was always a guarantee of some level of independence," McGaughey said.

Jordan Scheff, the acting DDS commissioner, said he strongly believes that he can maintain the credibility of abuse investigations. He said he'll keep the unit intact and

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separate from DDS' long-established internal investigation mechanism, and that he'll preserve the fatality review board. That panel, made up of outside experts, such as a state prosecutor, a medical doctor

specializing in geriatrics, a registered nurse, and a former state police major with an extensive background in forensics, was aligned with the former protection and advocacy office and could direct investigations.

Scheff noted that DDS only provides direct services to the roughly 700 people who remain at state facilities, and that the department already acts as the regulator of the care offered by private contractors, who serve more than 90 percent of the clients. But another [federal audit](#) last year, which came after The Courant had documented preventable deaths in both state and private group homes, found that DDS needed to vastly improve its capacity to track and respond to injuries.

"No one thinks it's ideal," Curt Decker, who directs the National Disability Rights Network, said of shifting the abuse-investigation function to DDS. But he said the new nonprofit agency could monitor and respond to incidents of suspected abuse that raise systemic issues. Advocates say that level of oversight may not be enough to deter day-to-day abuse or neglect.

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