

## Justice Center on track

Watchdog agency designed to protect state residents with disabilities is set for approval this week

By [Rick Karlin](#)

ALBANY — Lawmakers could vote as soon as Wednesday on creation of an ambitious new [Justice Center for the Protection of People](#) with Special Needs, a watchdog agency that would oversee the health and welfare of more than a million New Yorkers currently under the care of the state or nonprofit agencies that serve the disabled and other vulnerable populations.

With Gov. [Andrew Cuomo](#) and legislative leaders saying they had reached a deal, approval of the new 400-person agency could serve as the progressive capstone for this year's legislative session, which is scheduled to wrap up Thursday.

"This new law will help us protect the civil rights of the more than 1 million New Yorkers with disabilities and special needs who for too long have not had the protections and justice they deserve," Cuomo said in a statement announcing the agreement.

Legislation creating the Justice Center was printed and delivered to lawmakers by Monday morning, giving them the statutory three days to study the approximately 200-page document.

The plan initially faced potential roadblocks with the Assembly and with unions that represent the thousands of people who care for the disabled in state-run centers as well as some private facilities. Concerns from those quarters regarded things such as the penalties set for relatively minor errors by caretakers and the makeup of pre-hiring background checks.

[Clarence Sundram](#), a lawyer and expert on disability protections who served as Cuomo's point man for the creation of the Justice Center, said those concerns were eased by clarifying the numerous questions that arose.

"A lot of the initial hesitancy was just about making sure people understood what the bill is doing," he said.

Additionally, Sundram said, the leaders agreed to create an advisory council that aims to bring together families of those being cared for as well as consumers and agencies that provide the care.

Among its main accomplishments, Sundram said, the measure brings uniformity to the reporting and discipline that follows incidents in which care has fallen short, as well as expectations for proper care. Traditionally, the parameters varied depending on which state agency was providing or licensing the services.

While much of the attention on the topic has focused on the state [Office for People With Developmental Disabilities](#), the Justice Center will oversee five other state agencies: the [Department of Health](#), the [Education Department](#), the [Office of Mental Health](#), the Office of Children and [Family Services](#), and the Office of Alcoholism and [Substance Abuse Services](#).

Once the Justice Center is up and running by next June, all these agencies and the people employed and regulated by them will be subject to the same rules, said Sundram, adding that that has not been the case over the years.

Most human-service advocates said they were pleased by the new plan.

"These changes further strengthen the sweeping legislation that was originally proposed in May," said [Judith Ursitti](#), director of state government affairs for Autism Speaks.

"Gov. Cuomo and the Legislature are sending a message that abuse and neglect of vulnerable New Yorkers will no longer go unpunished or unprosecuted," said [Ann Marie Cook](#) of Lifespan, which helps seniors and caregivers.

Not everyone was satisfied.

[Michael Carey](#) of Bethlehem has crusaded to publicize problems in institutions for the disabled after his 13-year-old son, who had autism, died under state care in 2007. He has bitterly opposed the Justice Center as planned, calling it a case of the "fox guarding the henhouse."

Carey is incensed that many of the watchdogs at the new Justice Center will be transferred from existing state agencies, raising the possibility that they are the same people who have let problems fester over the years.

He also objects to the level of control the governor retains in setting up the new agency as well as contracting with an as-yet-unchosen nonprofit group that would provide "protection and advocacy" for the disabled. The organization could, for example, sue the state on behalf of a client who receives substandard care or suffers abuse.

On Monday, Carey said he was pondering running an ad campaign to highlight what he views as the new enforcement structure's shortcomings. He's also thinking of setting up his own complaint hotline, which would be in addition to the hotline the state wants to create.

Lawmakers, though, said they believed they have addressed at least some of those concerns in negotiations with the governor.

"We did as much as we could do given the parameters the governor set," said [Tom Abinanti](#), a Democratic Assemblyman from Westchester who raised concerns about the initial bill.

Abinanti explained that Assembly members successfully added protections for whistle-blowers and put into statute the creation of the "protection and advocacy" organization, which had originally been created by an executive order from the governor.

Sundram said that, ultimately, the fate of the new program would reflect on Cuomo.

"By putting this idea out there and by putting the power of his office behind this legislation, he's going to be accountable for how it performs," Sundram said.

[rkarkin@timesunion.com](mailto:rkarkin@timesunion.com) • 518-454-5758 • @RickKarlinTU

#### **At a glance**

Highlights of the proposed new Justice Center for the Protection of People with Special Needs:

Includes a special prosecutor and inspector general to investigate and, when warranted, prosecute cases of abuse and neglect.

Creates of a statewide 24/7 hotline for abuse allegations.

Develops a registry of workers who have committed serious or repeated acts of abuse. They would be banned from working in the field.

Represents the state in disciplinary cases. Currently, each agency sends its own negotiators, while unions have full-time lawyers that work on behalf of the employees.

Sets up consolidated background checks for all of the agencies. There are currently different standards for different agencies.

Source: Executive Chamber

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