

TESTIMONY SUBMITTED
ON BEHALF OF
DISABILITY RIGHTS NEW JERSEY
TO THE
NEW JERSEY SENATE HEALTH, HUMAN SERVICES AND SENIOR CITIZENS COMMITTEE
AND THE
ASSEMBLY HUMAN SERVICES COMMITTEE



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Senate Health, Human Services and Senior Citizens Committee
Assembly Human Services Committee

Senator Weinberg, Assemblywoman Huttle, and Committee Members:

Disability Rights New Jersey (DRNJ) is the designated protection and advocacy system for people with disabilities in New Jersey, which includes the Protection and Advocacy for Individuals with Developmental Disabilities program (PADD), 42 U.S.C. § 15041 to 15045.¹ Services provided to individuals with developmental disabilities under the PADD program include: (1) information, referral, and advice; (2) individual and family advocacy; (3) legal representation; and (4) assistance in self-advocacy. The federal protection and advocacy system was established by Congress in the mid-1970s in response to the reported abuses of persons with developmental disabilities living in state-operated institutions. DRNJ's staff, which includes a former developmental center resident, makes regular visits to New Jersey's developmental centers and responds to allegations of neglect, abuse, and discrimination in both the developmental centers and the community.

Our first concern today must be the hundreds of individuals currently residing in developmental centers who want to move to the community and who have experienced decades of delays and disappointments. These are individuals who, despite their perceived disabilities and isolation, are fully aware that beyond the boundaries of the developmental centers there is a world of which they are not a part. Every time a staff member from DRNJ goes to a developmental center residents will approach staff and ask when will they be able to leave. And at a recent legislative hearing, members of the Go Team made a point of thanking me for the efforts of our agency in trying to get them moved into the community.

Justice Ginsberg in her opinion for the United States Supreme Court in *Olmstead v. L.C.*, 527 U.S. 581 (1999), pointed out the pernicious effects of the continued institutionalization of people with disabilities. She said, “[I]nstitutional

placement of persons who can handle and benefit from community settings perpetuates unwarranted assumptions that persons so isolated are incapable or unworthy of participating in community life." *Id.* at 600.

These unwarranted assumptions have permeated this discussion.

We continue to hear, despite our successful experiences in this state, that persons living in developmental centers cannot be moved to the community.

And, while no one is blatantly claiming that they are not worthy of participating in community life, because these are individuals with disabilities who are segregated and forced to live apart from the community, it is easier for some to relegate them and their rights to the end of the line.

The effect of this discrimination is not insignificant. Again, as Justice Ginsberg observed, "[C]onfinement in an institution severely diminishes the everyday life of individuals, including family relations, social contacts, work options, economic independence, educational advancement, and cultural enrichment." *Id.* at 601.

The net decrease in New Jersey's developmental center population was almost twice as large in the ten years before the *Olmstead* decision as it has been in the ten years after. We must do better. The rights of those citizens of New Jersey involuntarily confined to segregated institutions must come first.

Other programs incorporated within the protection and advocacy system include:

- Protection and Advocacy for Individuals with Mental Illness (PAIMI), 42 U.S.C. §§ 10801 to 10851
- Protection and Advocacy of Individual Rights (PAIR); 29 U.S.C. § 794e
- Client Assistance Program (CAP); 29 U.S.C. § 732
- Protection and Advocacy for Assistive Technology (PAAT); 29 U.S.C. § 3004
- Protection and Advocacy for Beneficiaries of Social Security (PABSS); 42 U.S.C. § 1320b-21
- Protection and Advocacy for Individuals with Traumatic Brain Injury program (PATBI), 42 U.S.C. § 300d-53
- Protection and Advocacy for Voter Access (PAVA); 42 U.S.C. §§ 15461 and 15462.