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# SENATE CONCURRENT RESOLUTION

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*REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND PROGRAM AUDIT  
OF THE HAWAII DISABILITIES RIGHTS CENTER.*

WHEREAS, the Hawaii Disabilities Rights Center (Center) is the designated agency under section 333F-8.5, Hawaii Revised Statutes (HRS), to provide advocacy services to persons with developmental disabilities or mental illness; and

WHEREAS, a designation of an agency such as the Center is a prerequisite for the State to receive federal funds; and

WHEREAS, Congress created a nationwide protection and advocacy system for individuals with developmental disabilities under the Developmental Disabilities Assistance and Bill of Rights Act, as amended, to aid individuals with developmental disabilities or mental illness and their families so that they may gain access to appropriate support and services; and

WHEREAS, the Center has access to records of any person with developmental disabilities or mental illness, to the extent required by federal law, as provided in section 333F-8.5, HRS; and

WHEREAS, the Department of Health has jurisdiction over state funding for the Center and has the responsibility for the performance of the Center; and

WHEREAS, concerns have been raised about the Center's abilities to fulfill its mission, particularly since it also receives state funding; and

WHEREAS, the Center has never been audited by the Auditor; and

WHEREAS, a complete financial and program audit of the Center is warranted to protect its vulnerable clientele; and

WHEREAS, the current litigation pending in the United States District Court for the District of Hawaii between the Center and the Opportunities for the Retarded, Inc. raises issues about the Center; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2007, the House of Representatives concurring, that the Auditor is requested to conduct a financial and program audit of the Center and that the parties to the litigation between the Center and Opportunities for the Retarded, Inc. are urged to amicably settle the pending litigation; and

BE IT FURTHER RESOLVED that the Auditor also investigate whether the Center:

(1) Is fulfilling its mission in a proper, objective, and effective manner, including an evaluation of how the Center exerts its authority over an organization, subject to the Center's purview;

(2) Is abusing its authority over its access to records of persons with developmental disabilities or mental illness;

(3) Has in place appropriate grievance procedures and alternative remedies to litigation for agencies over which it has jurisdiction; and

(4) Is being appropriately overseen by any state or federal authority, and the scope of such authority;

and

BE IT FURTHER RESOLVED that the Auditor report its findings and recommendations to the Legislature no later than 20 days prior to the convening of the Regular Session of 2010; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Hawaii Disabilities Rights Center

and the Director of Health.