



## **Full Independence for Virginia's Protection and Advocacy System**

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The Virginia Office for Protection and Advocacy will convert from a state agency to a private non-profit, no later than January 1, 2014. This conversion is fully supported by the Governing Board of the Virginia Office for Protection and Advocacy and is being conducted pursuant to state law.

During the 2012 Session, the General Assembly passed, and the Governor signed, House Bill 1230. The law requires the Executive Director of VOPA to complete a transition plan, and to create a private non-profit capable of assuming the duties of the state's designated protection and advocacy system. The law requires that the Governor make that redesignation, then, by January 1, 2014.

VOPA's Governing Board also instructed the agency to prepare a study that would address the impact of the conversion to a non-profit, and respond to specific questions raised by the Governor during the 2012 legislative session.

VOPA expects to complete the study by early fall, 2012, and present it to the Governor and Legislature at that time. VOPA also intends to complete its transition plan no later than December 1, 2012.

### **LATEST DEVELOPMENTS**

VOPA's Governing Board approved the creation of a nonprofit corporation called the disAbility Law Center of Virginia. The disAbility Law Center will file its organization papers with the state by the end of August 2012 and then pursue approval by the IRS.

### **BACKGROUND**

Federal law requires that the each state's protection and advocacy system for people with disabilities have the authority to investigate incidents of abuse and neglect independent of any agency providing services, and have the authority to pursue all appropriate legal remedies. As an Agency of the Commonwealth, VOPA cannot be fully independent. VOPA is an aggressive and zealous advocate for the rights of Virginians with disabilities, but it is still tethered to the Commonwealth in many significant ways. As a fully independent organization, VOPA will be able to use its resources more effectively and efficiently. More importantly, as a fully independent organization, VOPA will be less susceptible to political threats.

The Virginia Office for Protection and Advocacy is part of a nationwide network of protection and advocacy systems. These Protection and Advocacy Systems were established beginning in the mid-70s with the passage of the federal Developmental Disabilities and Bill of Rights Act. The purpose of the Protection and Advocacy systems is to address abuse and neglect of people with disabilities and to undertake advocacy and legal action to protect their rights under state and federal law.

The Virginia Office for Protection and Advocacy was established as an independent state agency by the General Assembly in 2002. Prior to that year, the agency was in the executive branch first under the Secretary of Health and Human Resources, then under the Secretary of Administration.

Federal law requires that the protection and advocacy system be independent of any agency that provides services to people with disabilities.

Although federal law allows the protection and advocacy system to be either a private nonprofit organization or a state agency, nearly every state's protection and advocacy system is a private, nonprofit organization.

VOPA is entirely federally funded. The Office received state general funds for many years, but those funds were eliminated in the 2010 state budget.