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brower2-Jenna

From: kuulei [kuuleikiliona@hawaii.rr.com]
Sent: Friday, April 24, 2009 12:05 AM
To: HUSTestimony
Subject: SCR 90, SD1

Testimony in SUPPORT of SCR 90, SD 1

To: House Committee on Human Services:
Chair, John Mizuno, Vice Chair Brower and esteemed Committee Members

From: Ku'uulei A. Kiliona, private citizen and advocate for persons with disabilities

Hearing Date: Friday, April 24, 2009
Time: 11:35 a.m.
Place: Conf. Room 229

RE: SCR 90, SD1

Dear Chairs and Committee Members,

I am writing in support of this measure, because of the following reasons:

1. Hawaii is in need of the recommendations made inside this resolution because this State does not have a protection and advocacy (P&A) organization that is capable. This is based on over 10 years of personal experience and observation of Hawaii's P&A, comments from former employees of the organization, comments from present and past members of its board of directors, members of the disability community and from the experiences of the people they are suppose to be serving. Therefore, it is unfortunate but imperative that federal legislation provide oversight to the P&A organizations.
2. Hawaii's P&A's unreasonable actions over the past two legislative sessions to stop the audit of their organization by Marion Higa, state auditor. Because I gave testimony in favor of an audit, P&A employees stalked me day and night, along with a campaign of slander against me. to me, this indicated that they had something to hide. I understand from my conversation with state auditor, Marion Higa that she could not do the requested audit because it was cost prohibitive under the guidelines she has to follow.
3. Hawaii's P&A organization does not work in harmony with other agencies in which it should be partnered with instead of being adversarial. I know of many times it has sought plaintiffs willing to sue the State of Hawaii and other agencies who serve the disabled population. The reason they seek out ones to sue is that they are able to retain a portion of the settlement or court award in their lawsuits. This brings in bonuses for the P&A director and its attorneys. Bonuses in Hawaii include \$20,000. Previous to the early 1990's, the P&A's could not keep a portion of the settlements or court awards. President Clinton changed the law so that less federal monies went to the P&A's, but they were able to make money on their own. Unfortunately, this caused Hawaii's P&A to become less friendly with the State and other organizations that serve the disabled populations of the developmentally disabled and the mentally ill.

Therefore, it is imperative that Hawaii protect itself and help other states do the same against P&A organizations who are adversarial.

Thank you for the opportunity to share my experiences in testimony.

Sincerely,

Ku'ulei A. Kiona,

Member of the State Council on Mental Health, and
the Hawaii Island Substance Abuse and Mental Health Board