Joint Resolution Regarding Utah's Protection and Advocacy Agency

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Norman K Thurston

LONG TITLE

General Description:

This resolution urges the Governor to review Utah's designation of the Disability Law Center as the state's Protection and Advocacy agency to ensure that all individuals with disabilities, regardless of type or functional capacity, receive equitable advocacy and representation.

Highlighted Provisions:

This resolution:

- recognizes the federal framework establishing Protection and Advocacy (P&A) systems to protect the rights of individuals with disabilities;
- encourages the Governor to initiate a formal review of the current P&A designation and consider redesignation, if warranted;
- outlines steps for a transparent redesignation process consistent with federal requirements, including public notice, comment, and hearings; and
- urges that any review or redesignation process ensure inclusive representation and advocacy for all individuals with disabilities across the state.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Be it resolved by the Legislature of the state of Utah:

WHEREAS, in 1978, the Governor of Utah designated what is now known as the Disability Law Center (DLC) as Utah's official Protection and Advocacy (P&A) agency, in accordance with the Developmental Disabilities Assistance and Bill of Rights Act (DD Act), to protect and advance the legal rights of persons with disabilities;

WHEREAS, the state's Protection and Advocacy system, established under federal law including the DD Act and the Protection and Advocacy for Individuals with Mental Illness Act

(PAIMI), is mandated to protect and advocate for the rights of all individuals with disabilities, regardless of type or severity;

WHEREAS, individuals with disabilities encompass diverse categories, including physical (e.g., cerebral palsy, spinal cord injuries), sensory (e.g., blindness, deafness), intellectual and developmental (e.g., Down syndrome, autism spectrum disorder), mental health (e.g., schizophrenia, bipolar disorder), and invisible disabilities (e.g., chronic pain, epilepsy, dyslexia), each requiring tailored advocacy;

WHEREAS, within these categories, individuals vary widely in functional capacity, from high-functioning individuals living independently with minimal support to low-functioning individuals requiring substantial or constant support, all entitled to equitable advocacy services;

WHEREAS, federal funding conditions and oversight by the Administration for Community Living require P&A systems to demonstrate a cross-disability approach, ensuring advocacy efforts address all disability types and functional levels, including underserved populations;

WHEREAS, Annual Program Performance Reports submitted to federal authorities shall reflect balanced case distribution proportional to state demographics, ensuring no disability group is systematically underserved;

WHEREAS, the P&A prioritization process, incorporating public input, shall explicitly include outreach to and representation of both high-functioning individuals (e.g., seeking employment or educational accommodations) and low-functioning individuals (e.g., at risk in institutional settings) to meet federal equity standards;

WHEREAS, stakeholder feedback reveals the need for P&A advocacy to address both overt violations affecting low-functioning persons and systemic barriers affecting high-functioning individuals;

WHEREAS, the social model of disability emphasizes barriers rooted in societal and environmental factors, necessitating P&A advocacy that encompasses access, inclusion, and rights enforcement across all functional levels;

WHEREAS, failure to advocate for all disabled persons risks perpetuating disparities and undermines the P&A's mission;

WHEREAS, a comprehensive advocacy strategy shall include facility monitoring for institutionalized individuals as well as community-based advocacy promoting Americans with Disabilities Act compliance for high-functioning individuals;

WHEREAS, since the original 1978 designation, the DLC has not regularly provided formal performance or fiscal reports to the Governor or Utah Legislature beyond federal

submissions, limiting state oversight and review of activities; and

WHEREAS, federal law under 45 C.F.R. Sec. 1326.20 gives the Governor discretion to review and redesignate the state's P&A agency for good cause, requiring adherence to federally prescribed steps ensuring transparency, public participation, and continuity of services:

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah respectfully urges the Governor to initiate a formal review of the designation of the Disability Law Center as Utah's P&A agency and, if warranted, undertake redesignation consistent with federal guidelines.

BE IT FURTHER RESOLVED that the formal review should evaluate whether the current P&A provider is respectful of families caring for disabled members, is appropriately advocating for all eligible individuals, and prioritizing those with the greatest needs.

BE IT FURTHER RESOLVED that the Governor, if commencing redesignation, shall:

•Provide written notice of intent to the current agency citing good cause and informing of appeal rights;

• Issue a broadly disseminated public notice with accessible details on the review purpose, process, and assurances of service continuation;

• Provide a minimum 45-day public comment period inviting feedback from stakeholders;

• Hold a public hearing to review comments and testimony;

• Solicit proposals from qualified public or private nonprofit entities demonstrating independence and capacity to serve all disability populations inclusively and with family-centered advocacy;

• Evaluate comments and proposals to determine whether to retain or redesignate the agency; and

• Publish a final decision with justifications and submit required assurances to federal authorities within 30 days post-decision.

BE IT FURTHER RESOLVED that the Legislature of the state of Utah encourages the Governor to ensure this process is conducted with transparency, inclusivity, and a commitment to representing the full breadth of Utah's disabled community.

BE IT FURTHER RESOLVED that the Governor's findings and any actions taken be reported to the Legislature for oversight and future guidance.