

From: [Sunset Advisory Commission](#)
To: [Janet Wood](#)
Subject: FW: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Monday, June 30, 2014 4:36:11 PM

-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Monday, June 30, 2014 3:16 PM
To: Sunset Advisory Commission
Subject: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)

Submitted on Monday, June 30, 2014 - 15:15

Agency: DEPARTMENT FAMILY AND PROTECTIVE SERVICES DFPS

First Name: Ione

Last Name: McGinty

Title:

Organization you are affiliated with:

City: San Antonio

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

In May 2010, I contacted APS concerning a friend of mine that is being housed at an ICF-MR (Intermediate Care Facility for the Mentally Retarded) and was not being allowed to talk on the phone. My friend is not mentally retarded. He suffered a brain injury at the age of 18 in 1980. I called to find out what his rights are and let them know that he was being denied access to the telephone by staff on numerous occasions. He is not being allowed to go out into the community as he wishes. He was denied going to church and to the zoo. After I interviewed with them for 2 hours and they did their so called "investigation" their conclusion was that I "did not have my friend's best interest in mind." They lied to me when I asked for a copy of their report to insure they reported what I said correctly. I was told that I could not get the report. Upon contacting a lawyer, I was told how I could get it.

What I found out that these "investigators" never did was that my friend is on Medicaid and SSI. The State pays the facility over \$125,000.00 per year for his care. Meanwhile, his legal guardian charges his estate around \$100,000.00 per year for "his care." I was told that since my friend is under a guardianship, the legal guardian has the right to restrict him from phone calls and visitors. My friend won a \$50 million lawsuit in 1984. A financial audit was never done to see if the legal guardian is exploiting him.

My friend should not be housed with non-verbal mentally retarded women. He should be in a facility with other head injury victims or in his own home as per his lawsuit. I feel that contacting APS was a total waste and the only thing that it accomplished was the facility telling the guardian and now I am no longer allowed by the guardian to visit my friend.

When another friend was not allowed to visit and called APS, they closed the case without even contacting the complainant.

Any Alternative or New Recommendations on This Agency:

I found this agency to be totally incompetent and unaccountable to anyone.

I honestly feel they are a waste of taxpayer money. The "investigators" never went to the courthouse to investigate the guardianship file. They would have found information stating that the guardian was only visiting once per year. They never bothered to contact his next of kin. There is not a document in the file from APS stating there was a concern about this "ward" of the State, meaning that the court was never contacted about this problem. I feel that if APS has "investigated" the guardian, or received a complaint about a ward's care, the court should have documentation of this in their file.

Also, there needs to be some accountability for these so called "investigators." When I contacted their supervisor, I received a letter stating that , "they deny they were unprofessional."

My Comment Will Be Made Public: I agree