

Franklin E. Covington, III

Testimony to Texas Sunset Advisory Commission Review of Health and Human Services
Enterprise Agencies, June 25, 2014

I am a resident, a citizen of Texas and a veteran and I thank the Commission for this opportunity to provide my input to serve as a resource for the decisions and recommendations you are about to make in drafting legislation on this subject. I am also the father and co-guardian of a 43 year old daughter with Down Syndrome, enrolled in the HCS program with DADS. In 2006, she was placed in a group home in Grapevine, Texas, which was wonderful and fulfilling experience until a staff turnover at the end of 2007. This led to progressively negative attitudes toward and handling of our daughter's care as she was experiencing inexplicable medical problems. After struggling with the group home staff, putting up with their harsh and derogatory demeanor during meetings, we complained to DADS. In January 2009 DADS was contacted and informed that the provider for our daughter was not interested in resolving her medical problems, but was pushing for psychiatric treatment for non existent symptoms. Additionally, we were told by them that they were not making enough money from our daughter as a consumer in their program. On July 1, 2009, we relayed our concerns to DADS case manager Rebecca Jacobus in an hour long telephone call to file a complaint, as the relationship with the group home owners had deteriorated to hostility. Never did we hear from DADS about our case or complaint to them. On July 13, 2009, a probate judge in Tarrant County accused us of being neglectful and cruel to our daughter and removed us as her guardian. He proclaimed our daughter had no family and appointed a guardianship company, Guardianship Services Inc (GSI), as her new guardian. I called Barbie Bowles of DADS to ask for help, and her suggestion came back in the form of an email with hyperlink to the Texas State Commission on Judicial Conduct. After obtaining records from DADS, we found that after we filed a complaint against the provider, DADS contacted the group home owner and advised that she "could contact APS to report neglect and could contact the probate court if she had evidence that the guardian was unfit". All of this demonstrates that DADS was unwilling to intercede in the well being of our daughter, but stepped aside assuming that the provider was forthright. The net result was that we were removed as guardians in a secret probate court hearing. The substitute guardian, GSI, provided no oversight of her care and treatment, and allowed the provider to influence the physicians as they had wrongfully influenced DADS, the courts, and others. Our daughter was diagnosed with psychosis which she did not and does not have; Autism, which she did not and does not have; seizures which she did not and does not have; and she spent four years in a chemical straitjacket, denied family participation, denied her cell phone, piano lessons, and pursuit of happiness, and most important for someone with a six year old mentality, the ever significant parent-child relationship. Her chemical cocktail was so expensive that she fell into the famous Medicare "doughnut hole" and had to get Part D insurance (paid for with State taxpayer dollars). All she wanted was to "graduate" and come home. Fortunately for her, that was

accomplished in April 2013 when we were again appointed as her guardians. She is recovering from this experience but all our lives are forever changed. We have lost our retirement savings to legal costs while striving for justice over four years. **You**, and all the other taxpayers of this state and nation have been made to foot the bill for bogus care, private guardian intervention, unneeded treatment, pharmaceuticals, and legal costs because DADS neglected to protect our daughter. We complained to DADS about the provider, as we were informed to do when problems arise, and it was to no avail. But then again, we also erroneously trusted the probate court to look for her best interest and that never happened either. There was no support system for her. A complete thorough honest investigation into the charges brought against us was never completed. Inquiries were never personally made to her doctors, any family person, references, previous professionals for her care, or other independent professional sources. DADS failed to realize that we as parents and guardians had more insight into the problems of our daughter than the provider, and are actually watchdogs of public funds by carrying private insurance for our daughter while her care was our responsibility. DADS failed to consider the resultant taxpayer costs that their neglectful actions would result. DADS just didn't want to be honest, but to pass the buck to the probate court. DADS facilitated legalized fraud against the taxpayers who fund Medicare, Medicaid, and the State programs for the disabled.

As a matter of interest, we were accused of the same charges by APS. We were provided the opportunity to testify and present our case to defend ourselves. APS found the charges were invalid. The probate court had already removed us in a secret hearing by that point. When the judge was informed of APS findings, he said he didn't care. The Guardian AD Litem appointed by the judge said they have different standards. I suppose they devise their own local laws to suit their politics.

So what is the point of this story? I have taken the personal commitment to work so that no other family has to suffer through a nightmare like we did. I can only tell you that the processes in DADS and APS are not protecting the elderly and disabled Texas citizens. One solution might be that the Health and Human Services Commission establishes a new, reliable, and independent agency to advocate on behalf of parents, guardians, incapacitated individuals, and the elderly with binding family unity, instead of destroying families as the probate courts do. Now we know that DADS was practicing subterfuge of our case and advocating for the service provider. In 2005, the probate courts wrestled away the power and authority to deal with guardianship cases, but that was a gross mistake which must be reversed. The courts will never develop the social service processes to protect elderly and disabled citizens, and investigation is not a court function, it is an administrative function. Therefore, judgments are made without complete and sound information, and judgments made by a court are essentially set in stone. Plus, there is no oversight to avoid bad court decisions. There's no other blame to lay than on the 2005 legislation and subsequent years which created this guardianship industry, and every single Texas citizen will be subject to it's abuse and exploitation, until the fountain of youth is discovered. If you like paying for legalized fraud. If you don't mind seeing your citizens exploited, families destroyed, and estates looted. Then don't change anything.