

May 27, 2014

JUN 04 2014

Dear Mr. Ken Levine:

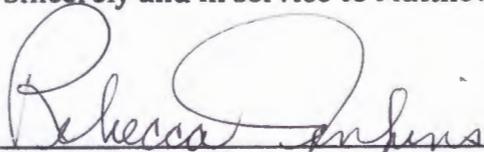
Thank you for this opportunity to respond to the Sunset Commission's proposal regarding the closure of 6 state supported living centers by 2022. My brother, Matthew Lind, has been residing at the San Antonio State Supported Living Center (SASSLC) for 20 years. He is 55 years old, profoundly mentally retarded since birth, blind since 10 years old, and physically handicapped as a result of Leggs Perthes disease. It is our family's consensus that SASSLC is the best facility for him to reside as he has thrived there. I, Rebecca Jenkins, Matthew's sister, am his legal guardian. I have visited Matthew at least weekly since he has resided at SASSLC. Thus, I believe that I am the most qualified person in his life to make his living choice and that choice is SASSLC. This decision of mine is upheld by the U.S. Supreme Court case, *Olmstead v. L.C.* In the syllabus of the decision by Justice Ginsburg, it states "that, under Title II of the ADA, States are required to place persons with mental disabilities in community settings rather than in institutions when....**the transfer from institutional care to a less restrictive setting is not opposed by the affected individual....**" In light of this ruling, the closing of existing schools not only involuntary removes the affected individual, but also denies the affected individual the right to remain in the institution. Your recommendation for closures is in opposition to this long-standing ruling and would have adverse legal implications for the State of Texas.

Furthermore, the current residents of our state supported living centers that remain in these facilities would potentially be removed from close proximity to their families and legal guardians. Texas is a big state and this would require advocates, families and legal representatives to travel further to have access to these residents. This makes it an irrelevant argument that other states have closed institutions.

Lastly, below is a recent picture of Matthew. He is holding Zippy the monkey, a toy that he has been attached to throughout his life. The reason for including the picture is to remind us that we are making life-decisions for precious non-voting citizens of our great State. We must be their voice. The most important point in making these weighty decisions is that we do not lose sight of their humanity. May we never see them as just a number, statistic or the bottom line on a budget.

Please reconsider your recommendation to close state supported living centers. Listen to the families, friends and guardians of these affected individuals. Put aside the 40 years of the agenda to tear down our institutions and to deny their availability. We would not stand behind them if we did not believe that they provide the best living options for our loved ones.

Sincerely and in service to Matthew,


Rebecca Jenkins, Matthew's sister and legal guardian

San Antonio, TX 78231



My brother, Matthew Lind, has been residing at the San Antonio State Supported Living Center (SASSLC) for 20 years. He is 55 years old, profoundly mentally retarded since birth, blind since 10 years old, and physically handicapped as a result of Leggs Perthes disease. It is our family's consensus that SASSLC is the best facility for him to reside as he has thrived there. I, Rebecca Jenkins, Matthew's sister, am his legal guardian. I have visited Matthew at least weekly since he has resided at SASSLC. Thus, I believe that I am the most qualified person in his life to make his living choice and **that choice is SASSLC**. This decision of mine is affirmed by the U.S. Supreme Court case, *Olmstead v. L.C.* In the syllabus of the decision by Justice Ginsburg, it states "that, under Title II of the ADA, States are required to place persons with mental disabilities in community settings rather than in institutions when....**the transfer from institutional care to a less restrictive setting is not opposed by the affected individual....**" In light of this ruling, the closing of existing schools not only involuntarily removes the affected individual, but also denies the affected individual the right to remain in the institution. Your recommendation for closures is in opposition to this long-standing ruling and would have adverse legal implications for the State of Texas. You are picking and choosing which parts of this ruling fits an obvious agenda as you have totally disregarded this part of the law that you repeatedly cite in your report. Attached is a copy of the portion of the law I am referring to.

Furthermore, the current residents of our state supported living centers that remain in these facilities would potentially be removed from close proximity to their families and legal guardians. Texas is a big state and this would require advocates, families and legal representatives to travel further to have access to these residents. This makes it an irrelevant argument that other states have closed institutions. Likewise, just because **only nine** other states have closed some of their institutions doesn't mean that the State of Texas needs to line up and "jump off the cliff" behind them. Many of these states you have cited are on the verge of bankruptcy due to years of failed policies. Why would you find them credible enough to emulate?

Because Matthew has multiple disabilities in addition to his hyper activeness, a group home setting would be a more restrictive environment for him. Everyone on his team that knows him agrees with this. The wide hall sizes, large living areas and bedrooms in his current facility accommodates the space he needs to ambulate in his wheelchair and walk, assisted by staff, with his Eva walker. **A group home is not necessarily the least restrictive environment for everyone.**

The Sunset Commission's report only discusses problems at state supported living centers. What about these places you want to move our residents to? I contend that these group homes are not necessarily better living environments. The group homes for the mentally disabled in San Antonio have received very negative press in the past few weeks. Additionally, in 2012 four residents died in fires at these facilities. Oversight is very poor or lacking. **Which of these providers have faced law enforcement action for violations?** Melissa Stoeltje at the San Antonio Express News has cited a concern regarding this.

- **And, do you really think that it will be more efficient to oversee another possible 280 group homes versus the 6 state supported living centers you propose to close? --- especially considering the problems you have cited with contract management?**
- **And, where do the residents that live in these group homes go during the day? Your report indicates that at the current time, the day habilitation facilities have issues with basic quality and safety measures.**
- **And, you cite that all costs of community homes versus state supported living centers have not been tracked, so how can a fair cost comparison be made?**
- **And, you want the state supported living centers to provide services to residents in community homes. This has been tried before and did not work. Talk to the administration at the San Antonio State Supported Living Center regarding this.**
- **You have just made a great case for my brother remaining at his state supported living center where it is proven he has thrived. Placing him in a group home would be just an experiment and I am not willing to do that with the remainder of his life.**

Lastly, below is a recent picture of Matthew. He is holding Zippy the monkey, a toy that he has been attached to throughout his life. The reason for including the picture is to remind us that we are making life-decisions for precious non-voting citizens of our great State. We must be their voice. The most important point in making these weighty decisions is that we do not lose sight of their humanity. May we never see them as just a number, statistic or the bottom line on a budget.

Rebecca Jenkins

Please reconsider your recommendation to close state supported living centers. Listen to the families, friends and guardians of these affected individuals. Put aside the 40 years of the agenda to tear down our institutions and to deny their availability. We would not stand behind them if we did not believe that they provide the best living options for our loved ones.

Sincerely and in service to Matthew,

Rebecca Jenkins, Matthew's sister and
legal guardian

