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# SENATE CONCURRENT RESOLUTION

REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND PROGRAM AUDIT  
OF THE HAWAII DISABILITIES RIGHTS CENTER.

1 WHEREAS, the Hawaii Disabilities Rights Center (Center) is  
2 the designated agency under section 333F-8.5, Hawaii Revised  
3 Statutes (HRS), to provide advocacy services to persons with  
4 developmental disabilities or mental illness; and  
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6 WHEREAS, a designation of an agency such as the Center is a  
7 prerequisite for the State to receive federal funds; and  
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9 WHEREAS, Congress created a nationwide protection and  
10 advocacy system for individuals with developmental disabilities  
11 under the Developmental Disabilities Assistance and Bill of  
12 Rights Act, as amended, to aid individuals with developmental  
13 disabilities or mental illness and their families so that they  
14 may gain access to appropriate support and services; and  
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16 WHEREAS, the Center has access to records of any person  
17 with developmental disabilities or mental illness, to the extent  
18 required by federal law, as provided in section 333F-8.5, HRS;  
19 and  
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21 WHEREAS, the Department of Health has jurisdiction over  
22 state funding for the Center and has the responsibility for the  
23 performance of the Center; and  
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25 WHEREAS, concerns have been raised about the Center's  
26 abilities to fulfill its mission, particularly since it also  
27 receives state funding; and  
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29 WHEREAS, the Center has never been audited by the Auditor;  
30 and



1 WHEREAS, a complete financial and program audit of the  
2 Center is warranted to protect its vulnerable clientele; and  
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4 WHEREAS, the current litigation pending in the United  
5 States District Court for the District of Hawaii between the  
6 Center and the Opportunities for the Retarded, Inc. raises  
7 issues about the Center; now, therefore,  
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9 BE IT RESOLVED by the Senate of the Twenty-fourth  
10 Legislature of the State of Hawaii, Regular Session of 2007, the  
11 House of Representatives concurring, that the Auditor is  
12 requested to conduct a financial and program audit of the Center  
13 and that the parties to the litigation between the Center and  
14 Opportunities for the Retarded, Inc. are urged to amicably  
15 settle the pending litigation; and  
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17 BE IT FURTHER RESOLVED that the Auditor also investigate  
18 whether the Center:  
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- 20 (1) Is fulfilling its mission in a proper, objective, and  
21 effective manner, including an evaluation of how the  
22 Center exerts its authority over an organization,  
23 subject to the Center's purview;  
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25 (2) Is abusing its authority over its access to records of  
26 persons with developmental disabilities or mental  
27 illness;  
28  
29 (3) Has in place appropriate grievance procedures and  
30 alternative remedies to litigation for agencies over  
31 which it has jurisdiction; and  
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33 (4) Is being appropriately overseen by any state or  
34 federal authority, and the scope of such authority;  
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36 and  
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38 BE IT FURTHER RESOLVED that the Auditor report its findings  
39 and recommendations to the Legislature no later than 20 days  
40 prior to the convening of the Regular Session of 2008; and



1 BE IT FURTHER RESOLVED that certified copies of this  
2 Concurrent Resolution be transmitted to the Hawaii Disabilities  
3 Rights Center and the Director of Health.

