

## **New York State Report - 2022**

New York State is currently in transition. Former Governor Cuomo stepped down after a scandal, and Kathy Hochul became the interim governor. She is facing re-election in the fall, and has been deemed the most likely candidate to win, but that's not a certainty.

For whatever people may think of Andrew Cuomo, the I/DD community did not do well under his administration. SOICFs were all closed. He revised the administration and operation of the body ruling developmental disability services, the OPWDD (Office for Persons with Developmental Disabilities) and created an entity called the Justice Center, which ostensibly served as a court for cases of abuse and neglect, but in effect served as a way to cover up cases of abuse and neglect and infractions of state regulations, in order to keep the state and providers free from lawsuits and to avoid accountability.

Governor Hochul has made significant changes, but it is too early to see if those changes will lead to actual improvements in services and delivery. She appointed a new Director of OPWDD, Kerri Neifeld, who has strong support from the I/DD community for her past work and new plans for the department. Hochul also allocated large sums of money for I/DD housing and to supplement the pay for DSPs. However, she and the department are still faced with a deeply entrenched system in Albany and with the Justice Center, and the state is still recovering from the effects of the Covid pandemic, especially as it exacerbated the DSP crisis that had been looming for years during the previous administration.

Most I/DD New Yorkers and their families are hopeful that things will improve in the years to come, especially if Kathy Hochul is elected to an official term in the fall. Other candidates have not made clear exactly what they would do for the I/DD population, though several of them do have previous records indicating that they would be actively supportive of this community.

Submitted by Hugo Dwyer

Addendum to the NY State Report from Michael Carey:

Dear VOR Board members and all VOR members,

My name is Michael Carey, I am the proud father of Jonathan Carey who is now in heaven because of an extremely dangerous and discriminatory mental health care system. Jonathan was developmentally disabled, and he had autism, he was only 13 years old when he was killed by his caregivers in 2007. Following Jonathan's death I was catapulted into being a civil rights and disability rights advocate, drafting over 30 bills and successfully getting a number of them passed and signed into law in New York State. Some of the bills will shock you, Jonathan's Law now provides access to incident reports of reported abuse and neglect which were previously withheld from parents and legal guardians. It took five years of fighting to finally get the penalty to harm an incompetent or physically disabled person to be changed from a misdemeanor to a

felony in 2012, in New York State, it became a felony to harm your companion pet in 1999, so we finally got equal protections to pets. We got a law passed banning withholding of food or meals for behavior modification, Jonathan suffered horrific abuse in this area as well.

I would like to ask VOR to assist me in ending what I believe to be one of the most egregious discrimination in civil rights matters imaginable which is against people with disabilities. I am asking that we together save countless lives and that we finally make residential facilities and group homes throughout our country much safer. Our 14<sup>th</sup> Amendment promises every United States citizen equal protection of laws, but how can our most vulnerable actually receive equal protections of laws when the 911 call systems throughout our country are bypassed in most cases when our children are in a medical emergency or a victim of a physical or sexual assault crime or even a criminally negligent homicide? It's insane what has been occurring for many decades now, the vast majority of time, the entire criminal justice system is bypassed for people with disabilities, starting with the 911 call systems, to not receiving swift first responder medical and police services, to bypassing looking what happened through criminal laws, to circumventing county district attorney notification and direct involvement, to keeping county medical examiners or coroners from being notified and able to properly investigate untimely deaths and to deny equal access to the courts and justice. What I am presenting to you is a reality all across our country, with not one state in our nation requiring immediate 911 notification. When this is changed and it MUST change, the system will be forced to clean up it's act because facilities will no longer be able to hide and conceal practically everything happening behind their closed doors and they will not be able to continue to investigate themselves as well as ensure there are no outside medical or police reports. Immediate 911 reporting by all mandated reporters is CRITICAL and the vast majority of this gross discrimination of treating our most vulnerable as completely lower class citizens will end.

I thank you for your time, I am here to serve you and your families. God bless you!

Sincerely,

Michael Carey  
Founder of the Jonathan Carey Foundation  
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