



STATE OF NEW JERSEY
OFFICE OF THE GOVERNOR
CN-001
TRENTON
08625

CHRISTINE TODD WHITMAN
GOVERNOR

September 27, 1994

Mr. Robert Williams, Commissioner
Administration for Developmental Disabilities
United States Department of Health and
Human Services
200 Independence Avenue, S.W., Room 329 D
Washington, D.C. 20201

Re: Redesignation of New Jersey Protection and Advocacy
Agency

Dear Commissioner Williams:

Please be advised that, effective October 1, 1994, New Jersey Protection and Advocacy, Inc. shall be, and hereby is, designated as the agency to implement, on behalf of the State of New Jersey, the Protection and Advocacy System established under the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. §§6041-6043, as amended; the Protection and Advocacy System for Individuals with Mental Illness established under 42 U.S.C. §§10801-10807; the Client Assistance Program established under the Vocational Rehabilitation Act, 29 U.S.C. §732, as amended; and the Protection and Advocacy of Individual Rights Program established under the Vocational Rehabilitation Act, 29 U.S.C. §794e (all hereinafter referred to as the protection and advocacy system).

New Jersey Protection and Advocacy Inc. is a private non-profit corporation organized under the laws of New Jersey. The corporation can be contacted at New Jersey Protection and Advocacy, Inc., 210 South Broad Street, 3rd Floor, Trenton, New Jersey 08608, Attention: Sarah Mitchell, Executive Director.

I hereby assure and certify pursuant to 42 U.S.C. §6042; 42 U.S.C. §10801 *et seq.*; 29 U.S.C. §732; 29 U.S.C. §794e, and 45 C.F.R. §1386.20(e)(2) that New Jersey Protection and Advocacy, Inc. meets all of the requirements imposed, and shall have all of the powers and duties vested in it, by applicable federal statutes and

regulations. All of the functions performed by the current State agency-based protection and advocacy system shall, effective October 1, 1994, be performed by New Jersey Protection and Advocacy, Inc. The most recent protection and advocacy system assurances supplied by the State which are on file in your office shall remain in full force and effect.

Pursuant to 42 U.S.C. §6042(a)(5); 42 U.S.C. §10801 et seq.; 42 U.S.C. §732; 29 U.S.C. §794e, and 45 C.F.R. §1386.20(e)(1), I hereby assure and certify that the system has been redesignated for good cause. The New Jersey Department of the Public Advocate, the State agency previously responsible for administering the State's protection and advocacy system, was abolished on July 1, 1994 by the Public Advocate Restructuring Act of 1994. L. 1994, c. 58. A copy of this Act is enclosed. The protection and advocacy functions performed by the Department of the Public Advocate were transferred to the Office of the Public Defender on an interim basis until September 30, 1994. L. 1994, c. 58, §§21, 29, 71. The redesignation is unopposed by the previously designated agencies. Because this redesignation is undertaken pursuant to a reorganization of State government, good cause plainly exists to support this action. I hereby assure and certify, pursuant to 45 C.F.R. §1386.20(e)(1), "that the existing Protection and Advocacy Agency was not redesignated for any actions or activities undertaken which were consistent with section 142 of the Act, these regulations and the Protection and Advocacy for Mentally Ill Individuals Act of 1986, Pub. L. 99-319."

Timely notice and opportunity for public comment in an accessible format was provided of this redesignation. In my Budget Message of March 15, 1994, I gave notice of my intent to transfer the State's protection and advocacy functions to the private sector as of October 1, 1994. I then convened a diverse task force of consumers, advocates, family members of individuals with disabilities and other interested persons to develop criteria to guide the selection of a private, nonprofit entity to serve as the protection and advocacy system. This task force held two public hearings and, in addition to testimony, accepted written comments from the public.

On July 8, 1994, I publicly announced my intention to designate New Jersey Protection and Advocacy, Inc. to administer the State's protection and advocacy system. I also gave notice of a third public hearing to be held on August 1, 1994 concerning this action. Transcripts of the public hearings and copies of the written public comments received are maintained on file in my Office of Policy and Planning and are available for public inspection.

Finally, 45 C.F.R. §1386.20(c) provides that "in the event that an entity outside of the State government is designated to carry out the program," I must "assign a responsible State official to receive, on behalf of the State, notices of disallowances and compliance actions." In compliance with this requirement, I hereby

assign and designate Eileen McGinnis, Office of Policy and Planning, Office of the Governor, CN 001, Trenton, New Jersey 08625.

Based upon the foregoing, effective October 1, 1994, New Jersey Protection and Advocacy, Inc. shall be, and hereby is, designated as the agency to implement on behalf of the State of New Jersey, the Protection and Advocacy System established under the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. §§6041-6043, as amended; the Protection and Advocacy System for Individuals with Mental Illness established under 42 U.S.C. §10801 et seq.; the Client Assistance Program established under the Vocation Rehabilitation Act, 29 U.S.C. §732, as amended; and the Protection and Advocacy of Individual Rights Program established under 29 U.S.C. §794e.

To ensure the successful transition of the protection and advocacy system to New Jersey Protection and Advocacy, Inc., the Office of the Public Defender shall cooperate with New Jersey Protection and Advocacy, Inc. to coordinate the orderly and timely transfer of open cases, files, services, records, property and funds to ensure that protection and advocacy services for individuals with disabilities continue without disruption. To further ensure a successful transition, the Office of the Public Defender is authorized to and will, pursuant to L. 1994, c. 58, §§ 22 and 33, enter into a memorandum of understanding with New Jersey Protection and Advocacy, Inc. in order to coordinate services to individuals with mental illness and individuals with developmental disabilities.

By copy of this letter, I am also advising the Rehabilitation Services Administration and the Center for Mental Health Services of this redesignation and I am requesting that this redesignation document be accepted for filing by these agencies.

If you have any questions concerning this redesignation or if you require any additional information or documentation, please do not hesitate to contact Eileen McGinnis, Office of Policy and Planning, Office of the Governor, CN 001, Trenton, New Jersey 08625 (609/777-1243).

Sincerely yours,



CHRISTINE TODD WHITMAN
Governor

c: Mr. Howard Moses
Acting Commissioner
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