

**Joint Resolution Regarding Utah's Protection and Advocacy Agency**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd Weiler**

House Sponsor:

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**LONG TITLE**

**General Description:**

This resolution urges the Governor to review Utah's designation of the Disability Law Center as the state's Protection and Advocacy agency to ensure that all individuals with disabilities, regardless of type or functional capacity, receive equitable advocacy and representation.

**Highlighted Provisions:**

This resolution:

- recognizes the federal framework establishing Protection and Advocacy (P&A) systems to protect the rights of individuals with disabilities;
- encourages the Governor to initiate a formal review of the current P&A designation and consider redesignation, if warranted;
- outlines steps for a transparent redesignation process consistent with federal requirements, including public notice, comment, and hearings; and
- urges that any review or redesignation process ensure inclusive representation and advocacy for all individuals with disabilities across the state.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

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*Be it resolved by the Legislature of the state of Utah:*

WHEREAS, in 1978, the Governor of Utah designated what is now known as the Disability Law Center (DLC) as Utah's official Protection and Advocacy (P&A) agency, in accordance with the Developmental Disabilities Assistance and Bill of Rights Act (DD Act), to protect and advance the legal rights of persons with disabilities;

WHEREAS, the state's Protection and Advocacy system, established under federal law including the DD Act and the Protection and Advocacy for Individuals with Mental Illness Act

31 (PAIMI), is mandated to protect and advocate for the rights of all individuals with disabilities,  
32 regardless of type or severity;

33 WHEREAS, individuals with disabilities encompass diverse categories, including physical  
34 (e.g., cerebral palsy, spinal cord injuries), sensory (e.g., blindness, deafness), intellectual and  
35 developmental (e.g., Down syndrome, autism spectrum disorder), mental health (e.g.,  
36 schizophrenia, bipolar disorder), and invisible disabilities (e.g., chronic pain, epilepsy,  
37 dyslexia), each requiring tailored advocacy;

38 WHEREAS, within these categories, individuals vary widely in functional capacity, from  
39 high-functioning individuals living independently with minimal support to low-functioning  
40 individuals requiring substantial or constant support, all entitled to equitable advocacy services;

41 WHEREAS, federal funding conditions and oversight by the Administration for  
42 Community Living require P&A systems to demonstrate a cross-disability approach, ensuring  
43 advocacy efforts address all disability types and functional levels, including underserved  
44 populations;

45 WHEREAS, Annual Program Performance Reports submitted to federal authorities shall  
46 reflect balanced case distribution proportional to state demographics, ensuring no disability  
47 group is systematically underserved;

48 WHEREAS, the P&A prioritization process, incorporating public input, shall explicitly  
49 include outreach to and representation of both high-functioning individuals (e.g., seeking  
50 employment or educational accommodations) and low-functioning individuals (e.g., at risk in  
51 institutional settings) to meet federal equity standards;

52 WHEREAS, stakeholder feedback reveals the need for P&A advocacy to address both overt  
53 violations affecting low-functioning persons and systemic barriers affecting high-functioning  
54 individuals;

55 WHEREAS, the social model of disability emphasizes barriers rooted in societal and  
56 environmental factors, necessitating P&A advocacy that encompasses access, inclusion, and  
57 rights enforcement across all functional levels;

58 WHEREAS, failure to advocate for all disabled persons risks perpetuating disparities and  
59 undermines the P&A's mission;

60 WHEREAS, a comprehensive advocacy strategy shall include facility monitoring for  
61 institutionalized individuals as well as community-based advocacy promoting Americans with  
62 Disabilities Act compliance for high-functioning individuals;

63 WHEREAS, since the original 1978 designation, the DLC has not regularly provided  
64 formal performance or fiscal reports to the Governor or Utah Legislature beyond federal

65 submissions, limiting state oversight and review of activities; and

66 WHEREAS, federal law under 45 C.F.R. Sec. 1326.20 gives the Governor discretion to  
67 review and redesignate the state's P&A agency for good cause, requiring adherence to  
68 federally prescribed steps ensuring transparency, public participation, and continuity of  
69 services:

70 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah  
71 respectfully urges the Governor to initiate a formal review of the designation of the Disability  
72 Law Center as Utah's P&A agency and, if warranted, undertake redesignation consistent with  
73 federal guidelines.

74 BE IT FURTHER RESOLVED that the formal review should evaluate whether the current  
75 P&A provider is respectful of families caring for disabled members, is appropriately  
76 advocating for all eligible individuals, and prioritizing those with the greatest needs.

77 BE IT FURTHER RESOLVED that the Governor, if commencing redesignation, shall:

- 78 • Provide written notice of intent to the current agency citing good cause and informing of  
79 appeal rights;
- 80 • Issue a broadly disseminated public notice with accessible details on the review purpose,  
81 process, and assurances of service continuation;
- 82 • Provide a minimum 45-day public comment period inviting feedback from stakeholders;
- 83 • Hold a public hearing to review comments and testimony;
- 84 • Solicit proposals from qualified public or private nonprofit entities demonstrating  
85 independence and capacity to serve all disability populations inclusively and with  
86 family-centered advocacy;
- 87 • Evaluate comments and proposals to determine whether to retain or redesignate the  
88 agency; and
- 89 • Publish a final decision with justifications and submit required assurances to federal  
90 authorities within 30 days post-decision.

91 BE IT FURTHER RESOLVED that the Legislature of the state of Utah encourages the  
92 Governor to ensure this process is conducted with transparency, inclusivity, and a commitment  
93 to representing the full breadth of Utah's disabled community.

94 BE IT FURTHER RESOLVED that the Governor's findings and any actions taken be  
95 reported to the Legislature for oversight and future guidance.