



Speaking out for people
with intellectual disabilities

www.vor.net



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VOR Weekly E-Mail Update

News and views for VOR advocates

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VOR and YOU

1. VOR included as resource on federal disability website

VOR has been added to Disability.gov's "[Disability Organizations](#)" page. Through Disability.gov, Americans with disabilities, their families, Veterans, educators, employers and many others are connected to thousands of resources from federal, state and local government agencies, educational institutions and non-profit organizations, including VOR!

2. Check out VOR's links for families and advocates

<http://www.vor.net/get-help/community-resources/222-resource-links-for-families-and-advocates>

3. REMINDER: VOR Awareness Month Coming Soon. Please do your part!

VOR advocates around the country are already considering ways they can help promote VOR awareness this Fall. Scheduled for October (or any month that is convenient for you), some advocates are preparing to encourage VOR memberships at regularly scheduled family association meetings (through statements and handouts) and others are planning a mailing to family association members and friends to share information about VOR and encourage membership. Can you help? Visit VOR's website for tools and ideas.

THANKS!

**VOR
Awareness
Month:
Participate!**

Impacting the Media

4. The power of the pen: Sharing an example of an excellent letter to the editor

[The Herald News \(NJ\)](#) * September 7, 2011 ("*Development centers a much-needed option*")

As the sister of a resident at the Hunterdon Developmental Center [an ICF/MR], I can attest to the fact that developmental centers do indeed fill a dire need for many of our state's most vulnerable people. My brother is happy, safe and well-adjusted living there. Developmental centers have been wrongly characterized as something out of the dark ages, almost dungeon-like, as the current thinking goes, but this is far from the truth.

In reality, each is a community in and of itself, providing housing, medical, educational, recreational and social opportunities. Our loved ones are well cared for and loved, routinely go on picnics, to movies, dinner, shopping, and participate in the arts. [[See related position on vor's website](#)].

As the editorial's headline reads, "options" is the key word. It is naïve to think that all adults with intellectual disabilities can thrive in the community.

Thrusting a 51-year-old man with the cognitive ability of a 1-year-old who has no capacity to voice his needs, likes and dislikes, into the community, is not going to enrich his life or transform him into a productive, self-actualized member of society regardless of the number of supports that are made available to him. A "wide-ranging faith in the possible" isn't going to change this fact.

Developmental centers are a much-needed option. When the last one was closed has no bearing on the need.

It seems that mandating closure under the guise of protecting a group's civil rights is more about making society feel good about itself rather than addressing the real issue of allowing family members to have a say in deciding what is the best environment in which to provide care for their loved ones.

How are our loved ones' civil rights being protected when they are suddenly removed from a place they've known as their home, in some cases for 30 or more years, when they do not have the capacity to understand why this is happening? It wasn't just employees and community advocates who "pushed back" in response to the proposed closure of the Vineland Developmental Center — family members did, too.

And no one is listening to the families. Apparently nobody wants to. We can only hope that Governor Christie will rectify this situation by including someone on his task force to represent the families of those with intellectual disabilities living in developmental centers. Sadly, it is too easy to develop policies that affect so many lives without fully understanding the human toll.

Elaine Ferguson

River Edge

(The writer is a trustee for the Association for Hunterdon Developmental Center).

Legal News

5. Attorney Tom York presents at national conference; shares background and insights on how States can take on DOJ and win

[The Digest](#) * Summer 2011 * [APDDA](#) (excerpts follow; [full article](#))

Tom York has been practicing law for more than 30 years and has been focused on helping states to respond to the DOJ for the past 20 years. He has been the lead attorney on DOJ cases in many states and most recently completed a six week trial in the DOJ suit against Arkansas. A [decision in favor of the State](#) was issued on June 7, 2011.

Mr. York opened his presentation with a warning about the motives of the

DOJ. He believes that the DOJ is trying to close Public Residential Facilities (PRFs) and he gave a series of quotations by Sam Bagnestos, the head of the DOJ's Civil Rights Division to support his claims. These quotations show that Mr. Bagnestos' personal philosophy is anti public residential facilities. Mr. York also presented the arguments that the DOJ is using in CRIPA, ADA, and Olmstead suits, and outlined the process steps of a typical DOJ case.

Mr. York indicated that he believes that the DOJ will be initiating litigation at community residential facilities in the future.

In terms of advice, Mr. York made a number of suggestions for agencies that receive letters of investigation from the DOJ. First, he recommended that from the start, States must realize that the DOJ wants to close PRFs. Second, States should be cautious in entering into a settlement agreement. Third, States should engage experts and complete an independent assessment of the conditions. Finally, that States should not be apologetic regarding center-based services.

Mr. York closed his remarks by challenging the attendees to promote the good services and outcomes that Centers are able to achieve. He also suggested that we need to change the argument from "Institution versus Community" to "Bundled Services versus Unbundled Services". And finally, States and providers need to get the message out that PRFs are just one of the available service options in the continuum of care that is available for providing person centered services to people with Intellectual disabilities.

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