

## VOR Files Amicus Brief on Behalf of Intervening Parties in Ball v Kasich

VOR filed an Amicus ('friend of the court') Brief in the Ball v. Kasich class action in Ohio that seeks to wholly or in part remove funding from ICF care, and also attacks sheltered workshops and facility-based day programs.

The amicus was filed in support of intervening ICF guardians who filed crossclaims against the State and County Board defendants. Guardians' crossclaims outline how the State and County Boards of DD have hidden and denied the ICF entitlement to beneficiaries by not informing individuals and their families of their right to ICF care when they seek services.

VOR writes,

"In sum, the argument that the State has no obligation to inform Medicaid recipients of the standard (i.e., non-waiver) services available under federal law is simply false. But the State Defendants' arguments in this regard are more than just wrong; they are deeply insulting, coming from the very agencies charged with protecting the welfare of the developmentally disabled. Any meaningful "choice" between community and institutional care would require, at a minimum, awareness (and thus disclosure) of the options among which one was "choosing." That VOR, the Intervenor-Guardians, the Plaintiffs, or anyone else would actually have to ask the Court to confirm this self-evident fact (or that State Defendants would resort to such linguistic gymnastics to avoid it) is deeply troubling. Whatever else happens in this case, the right of the developmentally disabled and their families to be made aware of all the potential services and alternatives available to them should be clearly and vigorously affirmed."

The amicus may be viewed at:

<http://www.vor.net/images/stories/2018-2019/VOR-Amicus-in-Support-of-Claims-12-07-18.pdf>

We encourage fellow guardians throughout the country to read VOR's amicus that excellently lays out the law that supports the ICF entitlement and the right of individuals and their guardians to be informed of it.

VOR would like to thank Attorney Mike Rato for generously donating his time and expertise in crafting this brief.

*If you should wish to support the families' legal defense in Ohio, please go to:*

<http://www.vor.net/images/stories/2018-2019/Final-BallvKasichDonationForm.pdf>