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August 17, 2012

VOR Weekly News Update

News and views for VOR advocates

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QUOTABLE by Helen Keller

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STATE NEWS

- 1. NEW MEXICO:** Judge Slashes Rape Damages Award; calls ResCare's conduct "reckless," but not intentional or malicious

***Albuquerque Journal* * February 23, 2010 ***
Excerpts

Larry Selk, who cannot speak or perform daily functions on his own, was raped in 2004 while living in College House, a group home operated by a ResCare's subsidiary in Roswell, New Mexico. The likely perpetrator was a group home employee who had been hastily hired after much of the College House staff was fired for using drugs and there was an urgent need for replacement staff. The man was hired with virtually no background check, which could have discovered problems in his past, and put on the job essentially untrained, according to trial evidence.

A lawsuit was brought on Selk's behalf by his sister and legal guardian, Rani Rubio, resulted in a jury award of \$48 million in punitive damages. Res-Care appealed, resulting in the judge slicing away a significant chunk of a jury's historically high punitive damages award. The punitive damages award was reduced from \$48 million to \$9.6 million in an order that also denied the company, ResCare Inc., a new trial.

Second Judicial District Judge Nan Nash found that the punitive damage award was "unreasonable." "While (ResCare's) conduct was reckless, it was not intentional or malicious," Nash wrote in an order filed Friday. Nash left intact the compensatory damages — nearly \$1.5 million against ResCare New Mexico and \$3.2 million against ResCare Inc.

[Read more](#)

Read **[The Arc-New Mexico's Amicus brief](#)** in support of punitive awards for abusive providers, arguing that "Individuals With Disabilities Suffer Significant Sexual Abuse And Assault, Most Often At The Hands Of Their Caregivers, That Frequently Goes Unreported And Unpunished"

Read VOR's, "**[Widespread Abuse, Neglect and Death in Small Settings Serving People with Intellectual Disabilities](#)**" (Rev. August 2012)

2. KENTUCKY: Ex-group home employee sentence to 20 years

Associated Press * July 22, 2012

A former group home employee has been sentenced to 20 years in prison in the beating death of one of the home's residents. Tyler Brock, who is 22, pleaded guilty in June to second-degree manslaughter in the 2011 death of 35-year-old Shawn K. Akridge, a disabled resident at a group home. Judge Hunter Daugherty called the attack "heinous" and said it "defies explanation" on Friday before issuing the sentence.

[Read More](#)

Read VOR's, "[Widespread Abuse, Neglect and Death in Small Settings Serving People with Intellectual Disabilities](#)" (Rev. August 2012)

3. CONNECTICUT: Are DDS group home staffing regulations adequate?

STS Blog * David Kassel * August 15, 2012 Excerpts

As we've previously noted here, recent allegations of substandard care and other problems in privately run, state-funded group homes have raised our concern about the safety of the state's community-based system of care.

In our view, all of these cases raise questions about the policies of group home providers in Connecticut regarding staffing of their residences. They also raise the question whether Department of Developmental Services regulations and policies regarding group home staffing are adequate.

An online guide to state inspectors of Intermediate Care Facilities for the developmentally disabled (ICFs) such as STS states that "there is often a relationship between the adequacy of facility staffing and staff treatment of individuals."

We examined staffing regulations governing both the

DDS group home system in Connecticut and ICFs and found some differences that are concerning.

[Read More](#)

4. ALABAMA: Former Partlow Center gazebo rededicated at Tuscaloosa Regional Airport

***The Birmingham News* * August 10, 2012 * [Story and Photos](#)**

Family members of former patients of the W.D. Partlow Developmental Center and local officials dedicated the relocation of a Partlow gazebo to the Tuscaloosa Regional Airport Friday.

David McRae, president of the Patrons for Partlow advocacy group that opposed the closing of the facility, said the group originally built the wooden gazebo on the center's quad in 2005 along with upgrades to sidewalks and landscaping.

The gazebo now stands next to the airport terminal with a plaque dedicated to his father, Herbert, and a marker that reads "God, Watch over all the children who lived at Partlow and the dedicated workers who loved them. The Patrons."

His mother, Louise McRae, said she received permission from former mental health commissioner Zelia Baugh to remove the structure and then contacted Tuscaloosa Mayor Walt Maddox to find a place to relocate it.

"It couldn't be a better place for this gazebo. It's beautiful," McRae said.

Maddox said the gazebo and accompanying angel statue seem appropriate for the location and honor the former center residents and workers. "I think it's very important that we honor both the legacy of those who were at Partlow, those who worked at Partlow and what Partlow has meant for Tuscaloosa," Maddox said.

Louise McRae, from Meridian, Miss., said she first brought her son John Michael, now 61, to Partlow in 1973 and became involved with Patrons for Partlow.

She served as secretary and then president of the group from 1979-1980.

McRae said that she and her family immediately moved to oppose the closing of Partlow when the state made those plans last year. A lawsuit filed to request an injunction against the closing was thrown out in November, and she took John Michael out of the center in December.

McRae said the workers were like family and praised Tuscaloosa residents for being kind and accepting of Partlow residents when they were in the community. She said she has found a great community home for her son in Tuscaloosa, but other families have not been as fortunate.

After the gazebo dedication, Patrons of Partlow met for the first time since the facility closed. "We hope to keep it going for a while anyway, because we need each other," McRae said. "We've got to have someone to talk to. You just don't realize that when you've got a special child, they need so much attention."

ADVOCACY TOOLBOX

5. VOR [Family](#) and [Legislature](#) Advocacy Toolboxes

[VOR Website](#)

6. Know Your "Influencees": Lobbying your Decision Maker-making it work

Stephanie Vance * June 18, 2012 * [The Influence Game](#)

Successful lobbyists knows how to pre-qualify a decision maker. They never start a conversation with "what does the Congressman (or woman) care about?" They already know the answer to that question and many more. "Knowing the influence" is essential to effective persuasion. Here are four questions you should be able to answer about your audience before you walk in the actual or proverbial door.

What gets the decision maker up in the morning:

Everybody has something that gets them up in the morning. For me, it's usually my dog. He lies on his bed and sighs heavily until I make a movement. Then he'll come over and stare at me unblinkingly until I surrender. He's very influential. But besides those things that physically get them up in the morning, it's good to know what the decision maker is emotionally or mentally connected to as well. In D.C. that's often some sort of policy issue, but it could be their family, a hobby, their overall mission in life, making money, a charity they love or glamour and power (if it's that last one there are frankly better things they could be doing). For legislators, the best way to figure this out is to go to www.congress.gov to see what bills they've introduced. For real people (and legislators as well), read their bios, check who they're connected to on social media sites like Facebook or LinkedIn or simply ask around.

What keeps them up at night: Most people also have things that keep them up at night (in my case, once again, the dog). But for normal people it might be personal money concerns, the economy overall, their health, repairs that need to be made on the house, what the heck their kids are up to or, well, the list goes on and on. The answer to this question can be harder to figure out. One way to do it is to simply put yourself in their shoes. If you were living their life, what would you be worried about?

What they need from you: It's tempting to give decision makers all the materials you think they might need to say "yes" to your proposal. But what you want to give them isn't always what they need. For example, on Capitol Hill, special interests tend to err toward providing way too much information, whereas members of Congress and their staff simply need to know the information exists – and where they can get their hands on it when needed. Likewise in the business, fundraising or even "getting your kids to clean up their room" worlds, people rarely say enough about benefits to the audience they're trying to reach. The most effective way to figure out what the "influencees" need is to ask.

Alternatively, you can check out what others in a

similar situation (like your competitors) are providing. For the policy world, that means going to the websites of other successful special interests and taking a look at their advocacy or policy pages. In business, that might mean reviewing the “about us” section of another company’s site and/or taking a look at how they present their services.

Who do you know who knows them? Personal connections are some of the most important things to know about your audience. Imagine the power of reaching a decision maker through someone they already know and trust. In general, in using this technique you can cut your relationship-building time in half. There are at least two ways to figure this out – first, ask your existing network: you may be surprised at what you find. Second, use social media tools to find connections through your online network. At LinkedIn, for example, you can search on the decision maker and find 2nd and 3rd degree connections who may help you reach your goal.

Finally, all this information won’t do you any good if you don’t keep track of it. Good news! You can use my [Legislator Intel Worksheet](#) for legislative audience and my [Audience Intel Worksheet](#) for the world at large.

Quotable

“The test of a democracy is not the magnificence of buildings or the speed of automobiles or the efficiency of air transportation, but rather the care given to the welfare of all the people.” ~ Helen Keller (1880-1968)

Tel: (605) 399-1624
Toll Free: (877) 399-4867
Fax: (605) 399-1631
Email: info@vor.net

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836 S. Arlington Heights Rd.
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