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Step one in journey to protect rights

Federal judge allows families to intervene in federal-state settlement for disabled

"Petitioners have a significant, protectable
interest in receiving appropriate care of their
choice and protecting their rights under the ADA.
*See [Olmstead v. L.C.](#)" ~ [Order Granting
Intervention, May 9, 2012](#)*

Source: [News & Advance, May 11, 2012](#)

A federal judge said Wednesday parents and guardians of Virginia's training-center residents can intervene in a case that could lead to the closing of the Central Virginia Training Center in Madison Heights and three others.

The families of 11 training-center residents want their profoundly disabled relatives to continue receiving care in a state training center instead of the smaller, community-based housing called for in a pending agreement between Virginia and the U.S. Department of Justice.

Almost 1,000 intellectually disabled residents live in training centers.

The other centers are regionally located in Madison Heights, Northern Virginia, Chesapeake, Petersburg and Hillsville.

The residents have a federally protected right "to receive the appropriate care of their choice," Judge John Gibney of U.S. District Court in Richmond wrote in a [six-page order](#).

The agreement between Virginia and the Justice Department "represents a tangible threat to the petitioners' right to receive the

appropriate level of care,” Gibney’s order said.

Martha Bryant of AmherstCounty, who has two sons at Central Virginia Training Center in Madison Heights, said Gibney’s order “recognizes voiceless, vulnerable individuals” who have been left out of the state’s decision making.

“Waiting has been difficult and this renews hope,” Bryant said.

Neither the Americans With Disabilities Act nor a court ruling known as the Olmstead case provides a basis for denying the relatives and guardians a voice in the agreement’s ultimate resolution, Gibney said.

“In short, the petitioners have a federally protected right, under Olmstead and the ADA, to receive the appropriate care of their choice,” the judge wrote.

Gibney’s order Wednesday means attorneys representing the parents and guardians will be allowed to participate as parties in the case, on equal footing with the Department of Justice (Plaintiffs) and Virginia (Defendants), including participation in a hearing that will evaluate the agreement between Virginia and the Justice Department.

The York Legal Group of Harrisburg, Pennsylvania represents Intervenors. The families' legal filings on behalf of Training Center residents is available on VOR's [website](#).

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