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VOR ACTION ALERT

\*\*VOR Secures Introduction of Legislation

\*\*CO-SPONSORS TO H.R. 2839 NEEDED

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1. VOR secures introduction of H.R. 2839
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At VORs request, Rep. Barney Frank (D-MA) introduced H.R. 2839 on June 22, 2007. This legislation, if passed, will require that state Protection and Advocacy (P&A) agencies give notice to, and obtain the authorization of, an individual (or the individuals legal representative) before pursuing remedies, including lawsuits, on behalf of the individual.

You can get the actual bill at <http://thomas.loc.gov> (enter 2839 in the search window).

Thats what is at the heart of H.R. 2839: Giving legal guardians, often the families of the residents of a targeted facility, the right to decide whether the facility is providing good care and whether a lawsuit is needed. Passage of H.R. 2839 will mean that P&A must get permission from YOU before pursuing a lawsuit.

This Bill is Needed!!

In 19 states, with 28 lawsuits, P&A has filed class action lawsuits directed at the care received in Intermediate Care Facilities for Persons with Mental Retardation (ICFs/MR) (see, <http://www.vor.net/classactions.htm>). Many of these cases, pursued despite known family/guardian opposition, have led to the downsizing and closure of public and private ICFs/MR and the displacement of thousands of individuals with severe and profound mental retardation, sometimes with tragic consequences.

Visit <http://www.vor.net/DDAct2007.html> for more information and resources.

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## 2. ACTION NEEDED - COSPONSORS

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It is urgent that we get co-sponsors for H.R. 2839. IMMEDIATELY, call and/or write your Representative today and ask them to call Rep. Barney Frank and sign on to H.R. 2839 as a co-sponsor. Template messages follow.

Rep. Barney Frank 202-225-5931 Contact: Joe Ralcalto

FORWARD THIS MESSAGE TO EVERYONE YOU KNOW. ACT TODAY. NUMBERS COUNT!!

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## 3. Our adversaries are already hard at work!

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Our adversaries are already at work opposing this Bill. Our adversaries are telling Congress that H.R. 2839 is a bad bill because P&As communication with parents and guardians regarding lawsuits is consistent with federal law.

Thats true -- federal law does not NOW require that P&A to give families and guardians notice, much less seek their approval. That is exactly what H.R. 2839 aims to address and why it is so desperately needed.

It is important that Members of Congress understand that H.R. 2939 is about putting the family/guardian voice ahead of paid attorneys. While P&A and other will argue that passage of H.R. 2839 will "tie the hands of Protection and Advocacy Systems (P&As)," all it is really seeking is what P&As should have been doing all along: Including families/guardians in critical decisions impacting the care of their loved ones.

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## 4. Congressional Contact Information

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To identify your Representative, visit <http://www.congress.org>. The Capitol Switchboard can also identify your Representative and connect you to their offices: 1-202-224-3121.

At <http://www.congress.org>, you can also get direct phone and fax numbers.

If would like the name and contact information for the staff person in charge of this issue in your Representatives office, ask for the "Health LA" when you contact your Reps office, or contact Tamie Hopp at 605-399-1624; [Tamie327@hotmail.com](mailto:Tamie327@hotmail.com).

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5. Template Phone Message  
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Note: In some states, Protection and Advocacy goes by a different name. To find out what this agency is called in your state, visit: <http://www.acf.hhs.gov/programs/add/states/pas.html>  
Phone Message - Template

I am your constituent and a member of VOR (Voice of the Retarded). I am writing to ask that Rep. \_\_\_\_\_ co-sponsor H.R. 2839, introduced by Rep. Barney Frank (D-MA).

This legislation, if passed, will require that our Protection and Advocacy (P&A) obtain my authorization, as the legal guardian of my family member with mental retardation, before representing my family member in a lawsuit. Right now, P&A doesnt have to even tell me they will be filing a lawsuit and representing my loved one. As a guardian, I think I should be the one to decide, not a federally-paid attorney. H.R. 2839 will address this inequity. Please ask Rep. \_\_\_\_\_ to co-sponsor H.R. 2839. The contact to call in Rep. Franks office is Joe Ralcalto (225-5931).

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6. Template Written Message  
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July 2007 PLEASE CO-SPONSOR H.R. 2839

Dear Rep \_\_\_\_\_:

I am your constituent and a member of VOR (Voice of the Retarded). I am writing to ask that you co-sponsor H.R. 2839, introduced by Rep. Barney Frank (D-MA) on June 22, 2007.

This legislation, if passed, will require that state Protection and Advocacy (P&A) agencies give notice to, and obtain the authorization of, an individual with developmental disabilities (or the individuals legal representative) before pursuing remedies, including lawsuits, on behalf of the individual.

I support H.R. 2839 because if our state P&A ever decides to pursue a lawsuit on behalf of my family member with profound mental retardation, I want to be notified. I also want the right to decide whether or not P&A represents my family member and whether a lawsuit is needed. These decisions are best left to families/guardians, not federally-funded attorneys.

This law is desperately needed. Under the current law, federally-funded P&A lawyers can trump guardian wishes, and they often do. In 19 states, with 28 lawsuits, P&A has filed class action lawsuits directed at the care received in Intermediate Care Facilities for Persons with Mental Retardation (ICFs/MR) (see, <http://www.vor.net/classactions.htm>). Many of these cases, despite known family/guardian objections, have led to the downsizing and closure of public and private ICFs/MR and the displacement of thousands of individuals with severe and

profound mental retardation, sometimes with tragic consequences (see, <http://www.vor.net/DDAct2007.html>, for more information, including family testimonials).

Please contact Joe Racalto on Rep. Barney Franks office (225-5931) and let him know you will co-sponsor H.R. 2839. Passage will mean that P&A can only pursue lawsuits on behalf of individuals who they have permission from the guardians to represent. Thats just good common sense.

Sincerely,

Name, Address, Phone, Fax, E-Mail

P.S. P&As authorizing statute, the Developmental Disabilities Assistance and Bill of Rights Act is scheduled to be reauthorized this year. The timing is right to amend the DD Act by passing H.R. 2839. Thank you in advance for co-sponsoring this legislation.

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7. Next Step: Senate Sponsor -- your help needed!  
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VOR is looking for a Senate sponsor. If you think your Senator may like to sponsor this legislation, and you have a strong contact with his/her office, please contact Tamie Hopp at 605-399-1624 or [Tamie327@hotmail.com](mailto:Tamie327@hotmail.com), with your suggestion(s).

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8. Keep VOR informed  
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Contact Tamie Hopp with updates on your progress and let her know if any follow-up by VOR is needed or desired. 605-399-1624; [Tamie327@hotmail.com](mailto:Tamie327@hotmail.com)

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SEND YOUR LETTER OR MAKE YOUR CALLS TODAY!! THANK YOU FOR YOUR  
PARTICIPATION!!  
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