

Have you signed the VOR Choice Petition yet? More than 2,500 individuals from across the country have. Join them, sign the online petition, show strong and growing support for CHOICE. Visit, <http://www.vor.net> and click on the **Petition** link on the home page.

VOR Weekly E-Mail Update
July 3, 2009

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ACTION ALERT

1. VOR DISTRICT INITIATIVE: H.R. 1255 COSPONSOR OPPORTUNITY: Meet with your U.S. Representative in August.

VOR and YOU

2. VOR, 26 years and You: Speakers available for your next event

STATE NEWS

3. **ILLINOIS:** Mentally disabled in housing fight; Lawsuit seeks choice for adults; some fear any change would hurt larger facilities

4. **PENNSYLVANIA's** P&A seeks COMMUNITY INTEGRATION for 1,200 people

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ACTION ALERT

1. VOR DISTRICT INITIATIVE: H.R. 1255 COSPONSOR OPPORTUNITY: Meet with your U.S. Representative in August.

Following the VOR Washington Initiative in June, VOR secured an amazing 17 more cosponsors to H.R. 1255. These amazing results point to the effectiveness of constituent contact, especially face-to-face meetings.

Not everyone can travel to Washington, D.C.

Nearly everyone can travel a few miles (or less).

In August, you will have that opportunity.

From August 3 - September 4, Members of the U.S. House of Representatives will be working from their District offices near your home. This is an incredible opportunity for you to share information about H.R. 1255 with your U.S. Representative and to ask him/her directly to COSPONSOR H.R. 1255.

EASY ACTION STEPS

1. Identify your U.S. Representative and find his/her District office locations and contact information.

* Go to <http://www.congress.org>.

* At the top right of the screen there is a window for you to type your zip code ("Enter your zip code").

* Information about your elected officials will come up (note: some of you may have to enter a street address if your Congressional District spans more than one zip code).

* Click on the name of your Representative, and choose "Contact" from the tabs above his/her picture.

The D.C. office location will come up and usually one District office location, with a link here to "more district offices."

2. TODAY, call the Washington, D.C. office number and ask to speak to the Health LA (Legislative Assistant). Share information about H.R. 1255 and ask that Rep. _____ COSPONSOR H.R. 1255.

3. TODAY (it is NOT too early) call the District office closest to your home and ask to speak with the scheduler. Request a meeting!

BACKGROUND INFORMATION ABOUT H.R. 1255

See, <http://vor.net/HR1255positions.htm>.

Contact, Tamie327@hotmail.com for questions or position papers for your meetings or to email to the Health LA. Materials can also be sent for your meetings in August.

TEMPLATE MESSAGE

(The following can be sent "as is," however, personalizing the letter makes the message far more effective. Consider adding a paragraph about your loved one with mental retardation/developmental disabilities and his/her significant needs).

I am your constituent and am writing to ask that you cosponsor H.R. 1255.

H.R. 1255 was introduced on March 3, 2009 by Rep. Barney Frank (D-MA) and as of July 3, had 45 cosponsors, 23 Democrats and 22 Republicans.

H.R. 1255 would require that before federally-financed class action lawsuits against certified ICFs/MR can proceed, residents and their legal representatives must receive notice of the

proposed class action and be given a time-limited opportunity to opt out of it, or do nothing and become part of a consenting class.

H.R. 1255 addresses the serious infringement on the civil rights of individuals displaced from their homes by federally-financed class action lawsuits filed typically for the sole purpose of "community integration." The attorneys filing these actions have never met the majority of class members, do not know their individual needs, disregard the reality that facility residents are very much involved and integrated in the happenings in and around the community in which the facility is located, and consider families/guardians as "clueless" (as written in a letter to Congress in opposition to H.R. 1255).

The injustice and resulting tragedies will be addressed by passage of H.R. 1255. Please contact Pilar Faló, Legislative Counsel to Rep. Barney Frank at 225-5931 to support H.R. 1255 as a COSPONSOR. Thank you very much for your prompt consideration and action.

Sincerely,
NAME, CONTACT INFO

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VOR and YOU

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2. VOR, 26 years and You: Speakers available for your next event

Sharing the excitement of VOR's accomplishments over the past 26 years is exciting and we would welcome an opportunity to speak at one of your events or meetings. Please contact Julie Huso at husoj@sio.midco.net or at 605-370-4652. We look forward to hearing from you!!

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WHY H.R. 1255 IS NEEDED: FOCUS ON TWO P&A INTEGRATION LAWSUITS

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3. ILLINOIS: Mentally disabled in housing fight; Lawsuit seeks choice for adults; some fear any change would hurt larger facilities

Background: Residents of Illinois' private facilities for persons with developmental disabilities and their families learned about Ligas v. Maram, a case filed by Illinois' Protection & Advocacy after it was filed and the vast majority objected, but could do little to stop the train in motion. The case was filed in 2005 on behalf of a class of 6,000 people. The parties (plaintiffs and the state) proposed a settlement in December 2008. Notice was sent to class members and their representatives this Spring with written objections due in mid-June. Nearly 2,500 objections were submitted and more than 200 people showed up in court earlier this week.

**By Lisa Black
Chicago Tribune
July 2, 2009**

Samuel Golden admits he wants to keep his 53-year-old daughter, who functions at the level of a 2-year-old, in what some critics would label a large "institution." Her life, he said, would deteriorate if she were forced to move into a smaller group home that couldn't provide adequate therapy and daily activities.

But Stanley Ligas, 41, who has Down syndrome and can hold a job and balance a checkbook, wants to do just that -- leave a 96-bed facility in favor of a residential home with two or three other people and live closer to his sister.

The two men vividly represent both sides of a federal lawsuit filed by Ligas and six other plaintiffs that aims to move thousands of Illinois adults with mental disabilities into community-based group homes.

After four years in court, the case on Wednesday inched closer to a settlement despite concerns raised by hundreds of opponents who fear the proposed agreement will jeopardize the future of larger facilities.

U.S. District Judge James Holderman, who has not indicated when he will rule on the issue, on Wednesday listened to dozens of relatives speak on behalf of loved ones during a fairness hearing that drew at least 200 people.

Advocates and opponents of the proposed settlement, called a consent decree, agreed that the disabled should be allowed a choice of living arrangements. But because the settlement would force the State of Illinois to give priority to group home placements, opponents fear that the move would come at the expense of others if funding is diverted from larger facilities.

The state does not adequately fund the group home placements, critics say, forcing some people to remain in "intermediate care facilities" or so-called institutions, defined in the civil lawsuit as a facility that houses nine or more residents.

"We want to make sure that those who haven't had a choice in the past have a choice," said Barry Taylor, a lawyer from Equip for Equality, which along with the American Civil Liberties Union and two other groups represents the plaintiffs.

Ligas filed the class action lawsuit in 2005, alleging that the state is not doing enough to help him and others live among the general population, as a 1999 U.S. Supreme Court ruling requires.

Ligas lives at Sheltered Village in Woodstock, a campus where residents share rooms and adhere to a regular schedule. The state will pay only if he remains there, despite agreement from staff members that he has been ready since 2004 to move into a more independent community-based home.

"I know how to use money," Ligas told the judge. "I work at Popeye's chicken. I want to live in an apartment with someone else. I would like to live by my sister. I don't have a choice right now."

Among other things, the decree calls for all adults who live in institutional settings to be evaluated annually, to see if they are deemed eligible to move into a group home.

Opponents fear that if the consent decree is approved, the state with its already inadequate budget will divert money from institutional facilities such as Misericordia Heart of Mercy in Chicago to pay for more group homes.

About 6,250 people live in 246 private facilities with nine or more residents, including Misericordia, Clearbrook Center in Arlington Heights and Trinity Services in Joliet, according to the lawsuit.

"When they say they seek to expand choice, I say that's great, but to increase choice for some shouldn't come at the expense of the choice of someone else," said William Choslovsky, a lawyer working on behalf of Misericordia.

4. PENNSYLVANIA's P&A seeks COMMUNITY INTEGRATION for 1,200 people

Summary: Families did NOT know about this lawsuit before it was filed, yet their loved ones are at the heart of the case.

Harrisburg, PA (June 22, 2009) - A class action lawsuit has been filed today in the United States District Court against the Pennsylvania Department of Public Welfare (DPW) for violating the rights of over 1,200 Pennsylvanians with mental retardation and intellectual disabilities. The suit, Benjamin v. Department of Public Welfare, seeks relief for the residents of five large state-operated institutions who have not been offered the opportunity to move to appropriate community living arrangements.

Disability Rights Network of Pennsylvania (Pennsylvania's Protection & Advocacy agency) seeks injunctive relief in the Benjamin case to assure that all residents of Pennsylvania's state mental retardation institutions are properly evaluated to assess their need for community services and, if they are not opposed to discharged, are offered community alternatives in accordance with the integration mandates of federal law. Complaint available at www.drnpa.org/File/bencomplaint.pdf.

Editor: Tamie Hopp, VOR Director of Government Relations & Advocacy

THANK YOU FOR YOUR SUPPORT!

TO JOIN OR CONTRIBUTE: \$25 per individual, \$150 per family organization, or \$200 per provider/professional organization. Extra donations are welcome!

You may pay by check or credit card
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Elk Grove Village, IL 60007
847-253-0675 fax (for referrals or credit card payments)
Tamie327@hotmail.com (for referrals or credit card payments)

Name

Address (if paying by credit card, use billing address). All forms must include complete address including zip code)

City St Zip

Phone Fax

E-Mail

Family/Professional Organization Affiliation (if applicable)

If paying by credit card, please provide the following information:

Amount to charge to card: \$ _____

Card Type: ____ Mastercard ____ Visa

Card Number: _____

Expiration Date: _____

Cardholder's Signature: _____

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