

VOR Annual Conference and Washington Initiative

June 10 - 14, 2011

Updated Agenda available at VOR's [website](#).

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VOR Weekly E-Mail Update

May 1, 2011

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VOR Annual Conference and Initiatives

1. Registration and Initiative Deadlines Approaching Fast: Conference fee increases considerably after May 1

THANKS to all of you who have already registered for VOR's Annual Conference and Initiative. The numbers indicate the realization by many that the 2011 VOR Conference will be one of the best VOR conferences ever!

Conference Registration Fees to Increase After May 1!

If have not yet registered, you are encouraged to do so THIS WEEKEND. After May 1, registration fees will increase by \$25!

Complete details about the June 11, 2011 VOR Annual Conference are available on VOR's [website](#).

[You can register by mail, fax or email](#) or [online](#).

Hotel Reservation Deadline: May 9 - space and VOR group rate guaranteed until May 9

Hotel reservations can be made by phone or online. See <http://www.vor.net/images/2011Hotel.pdf> for details.

Questions?

Feel free to send me an email or give me a call.
Tamie Hopp - 605-399-1624 or thopp@vor.net.

THANK YOU!

We have a really outstanding agenda this year and numbers really do count when it comes to our Annual Conference and (especially) our Washington Initiative. We need to impress upon Congress the urgency of our issues. We own the moral high ground, but we need numbers to make our case. Thanks! *Hope to see you in Washington, D.C.*

Featuring Your VOR Website

2. NEW: VOR positions papers on ICFs/MR and Guardianship Rights now online

[Intermediate Care Facilities \(ICFs/MR\): Inclusive Communities and Good Neighbors](#)

Related Resource: [ICFs/MR as Permanent Homes](#)

Legal Briefs

3. High Court Bolsters Disability Protections

Summary: The Supreme Court rules in favor of P&As, upholding their right to sue states for access to records.

By Michelle Diament
April 27, 2011
Disability Scoop

The U.S. Supreme Court made it easier for state protection and advocacy [P&A] organizations to ensure the rights of individuals with disabilities in two separate actions this month.

In cases brought before the high court, justices were asked to weigh whether or not the federally-mandated organizations in each state have the right to sue if they are denied access to records while investigating possible abuse or other wrongdoing.

Last week the high court ruled in favor of the Virginia Office of Protection and Advocacy and now the court is declining to hear a similar case out of Indiana, which will allow a lower court ruling in the advocates' favor to stand.

In both cases the advocacy groups sued after they were refused access to records related to residents who died while living in or shortly after leaving state-run institutions.

The court actions are a major win for the disability rights community since access to records is "essential to fully investigate instances of abuse and neglect," says Curt Decker, executive director of the National Disability Rights Network, an umbrella group for the protection and advocacy organizations in each state.

State News

4. FLORIDA: Governor Scott Lifts Emergency Rule for the Agency for Persons with Disabilities; Reaches deal with House and Senate to release funds for services

Governor's Press Office
April 14, 2011

Tallahassee, Fla. - Governor Rick Scott today announced an agreement with the House

and Senate that would provide an infusion of cash that will prevent the Agency for Persons with Disabilities from discontinuing services.

“I thank Senate President Mike Haridopolos and House Speaker Dean Cannon for joining me to protect the community APD serves, and I applaud the hard work of the staff at APD for finding a solution to this problem,” Governor Scott stated. “After years of deficit spending that put these services at risk, I’m glad that we’re taking steps to finally bring responsible financial management to this agency and the people they serve.”

After an Inspector General report disclosed that the agency would likely run out of cash to pay for needed services in early May due to an unprecedented \$174 million budget shortfall, Governor Scott issued an emergency order stretching funds through the end of the fiscal year to avoid any cutoff of services.

The Governor’s Office worked closely with the Legislature to find a way to provide immediate funding so that the Emergency Order could be lifted and to find a long term solution to the problem. Governor Scott also continues to work with the Legislature and members of the disability community to develop strategies to prevent future shortfalls in APD's budget.

Today’s deal lifts a hold on approximately \$30 million that will cover the agency’s provider costs through the end of the fiscal year.

5. MASSACHUSETTS: Justice elusive in assaults of the intellectually disabled

Summary: Sheila Paquette’s brother, John Burns, was allegedly assaulted by John Saunders, a group home staff worker, who allegedly poked his fingers in both of Burns’ eyes. Paquette wrote that she took the unusual step some three weeks after the alleged assault of personally filing a felony charge against Saunders of Assault and Battery on a Disabled Person. “Until I filed the charge myself, the situation wasn’t taken seriously by the law enforcement authorities,” Paquette contends. COFAR and Advocacy Network, both VOR affiliates, have also taken an interest in this case, but regional mainstream media attention has been elusive. According to the article, “We all know that the media is facing its own financial issues and is cutting back on its coverage of issues in all facets of society. Yet, in New York and Ohio, newspapers have recognized the importance of the problem of abuse of the disabled.” Paquette said her goal isn’t “to put someone in jail for 30 days, it’s to have a jury hear this case, to let people know about this problem (of abuse of the intellectually disabled), and to make sure agencies check on their employees and make sure they can fire them if they are causing these types of problems.”

Massachusetts: Justice elusive in assaults of the intellectually disabled

March 14, 2011

David Kassel

COFAR Blog

When Sheila Paquette found out her intellectually disabled brother had apparently been viciously assaulted while on an outing from his group home last June, she had no idea of the long road she would be traveling to seek justice in the case.

What she — and we at COFAR as well — have learned is that there often isn't a lot of interest among law enforcement authorities in prosecuting cases of abuse of the disabled, or in the mainstream media in reporting on it. Paquette is a COFAR member and president of the Advocacy Network, a COFAR affiliate, which advocates on behalf of persons with intellectual disabilities in Massachusetts.

Paquette's brother, John Burns, was allegedly assaulted by John Saunders, a group home staff worker, who allegedly poked his fingers in both of Burns' eyes while he was toileting Burns. The alleged incident occurred in the late morning at a vacation house on Cape Cod that was rented by the Center for Human Development, a state contractor operating Burns' West Springfield-based group home.

Burns was not examined by a doctor until the following day, when he was taken, at Paquette's insistence, to Noble Hospital in Westfield. Paquette said she was told by the medical staff there that Burns' black eyes "were consistent with somebody taking their fingers and shoving them right into his eyes with sufficient force to cause blood to pool."

In an article in the Advocacy Network's Fall 2010 newsletter, Paquette wrote that she took the unusual step some three weeks after the alleged assault of personally filing a felony charge against Saunders of Assault and Battery on a Disabled Person. "Until I filed the charge myself, the situation wasn't taken seriously by the law enforcement authorities," Paquette contends.

Paquette isn't alone in questioning our society's commitment to ensuring justice or safety for persons with intellectual disabilities. The New York Times reported yesterday that an inquiry by the paper found that New York State's group home system of care "operates with scant oversight and few consequences for employees who abuse the vulnerable population."

An investigation by The Cincinnati Enquirer described "a statewide law enforcement system (in Ohio) that routinely fails to investigate and punish those who abuse and neglect mentally retarded citizens." There's not much reason to assume the situation is any different in Massachusetts.

Paquette said the alleged assault of her brother was witnessed by his roommate, who said the incident was entirely unprovoked. Later in the day, Burns and his roommate were driven back to West Springfield by another staff member of the group home. Paquette said her brother had to sit in the back seat with Saunders, the alleged perpetrator, the whole way.

Paquette wrote that she was later told informally by an investigator that her brother spent the night in his group home moaning and crying. But it wasn't until he was sent the

following day to his regular day program that someone from the program called Paquette's other brother, Jim, who shares guardianship with her. The caller said John Burns had two black eyes and was being sent back to his residence.

That was the first Paquette had heard about the injury to her brother. She said she gathered her camera and a notebook and went to the group home to find her brother indeed with two big black eyes. It was then that she began to experience the first of many frustrations with the state's system for responding to reports of abuse of the intellectually disabled.

After examining her brother, she asked the house manager to report the injury to the police and the Disabled Persons Protection Commission. But when a police officer arrived at the house, he said he couldn't investigate the incident because it had occurred in another town, outside his jurisdiction.

The DPPC was called immediately to investigate. But the chronically under-funded agency handed the investigation over to the Department of Developmental Services (which funds the contractor running the group home).

Fortunately, Paquette said, the management of the group home did take the situation seriously. Both the house manager and his supervisor questioned Burns' roommate on separate occasions about what he saw, and were convinced his description of the event was consistent and credible. Burns' roommate is intellectually disabled, but is able to communicate. CHD fired Saunders immediately, based on the assault allegation.

Nevertheless, the system has been slow and inefficient in tracking Saunders down. Saunders failed to show up in Falmouth District Court for a pre-trial hearing that had been scheduled in October. He is currently free on bail and is currently scheduled to appear in court on March 28.

In the meantime, Paquette has gotten little information about the case, she says, from the investigating authorities. The DPPC, for instance, will not release the report done on the incident by DDS even to her because the matter is under criminal investigation.

"I've gotten nothing in writing from DPPC and nothing from CHD," Paquette says. "The DPPC says they can't release anything to me because it's in criminal court, but it's in court only because I happened to file the charges.

"What did the DDS find out about this case?" Paquette adds. "What did CHD write up? If everyone in those agencies has seen those reports, why not the victim, or at least why not me, who is the victim's voice? It's almost surreal. It's just like fog. I'm trying to stay calm, but I find myself getting more and more irritated."

At COFAR, we've also been frustrated in trying to get media coverage of this case. Although we notified the media around the state prior to a pre-trial hearing for Saunders

that was scheduled for March 3, no one showed up to cover the hearing, and nothing appeared in any media publication about it.

Paquette said her goal isn't "to put someone in jail for 30 days, it's to have a jury hear this case, to let people know about this problem (of abuse of the intellectually disabled), and to make sure agencies check on their employees and make sure they can fire them if they are causing these types of problems."

We all know that the media is facing its own financial issues and is cutting back on its coverage of issues in all facets of society. Yet, in New York and Ohio, newspapers have recognized the importance of the problem of abuse of the disabled.

After we sent follow-up emails to some local newspapers in the Cape Cod (location of the pre-trial hearing) and Springfield areas (location of Burns' group home), we heard back from the editors of The Cape Cod Times and The Daily Hampshire Gazette. We were told by the Cape Cod paper's editor that their news editor is "considering" a story about the incident that would run around the time of the next court date. The editor of The Gazette said somewhat apologetically that West Springfield is outside of that paper's circulation area, but otherwise, "we would have covered this type of story."

The Springfield Republican initially assigned a reporter to the story, but nothing has appeared in the paper, and neither the reporter nor the executive editor has responded to our follow-up emails about the matter.

Paquette noted, by the way, that 15 years ago, her brother was badly injured by a house manager in a different residence in Westfield. At that time, The Boston Globe sent a reporter all the way out to Westfield to interview her, and Geraldo Rivera sent a television reporter as well. Times have apparently changed.

Among the issues Paquette would like to find out is why the firm running the day program, in particular, didn't bring her brother to the hospital immediately, but rather just sent him home after observing his black eyes.

She also wants to know whether a State Police unit attached to the DPPC is conducting its own investigation of the case, separate from the Falmouth District Attorney's Office.

It was only after she filed the charge that the DPPC sent a Massachusetts State Trooper to her home to interview her, Paquette says.

Paquette believes her decision to personally file the charge took many people by surprise.

"I don't think it occurred to anyone I would go and file charges myself," she says. "I believe everyone was waiting around for DPPC and DDS to go do whatever they do."

She said she was told by a DDS investigator that had she left the matter entirely in that agency's hands, "this more than likely would have taken two years for this to get to the criminal court. I short circuited the process, she says."

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Tamie Hopp, Director of Government Relations & Advocacy

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