

Assault Trial Postponed Again

The trial of a man charged with assaulting the developmentally disabled brother of Advocacy Network’s president has been postponed again, for the fourth time. In a previous newsletter, we published Sheila Paquette’s account of her pursuit of justice for her brother, John (Jack) Burns, who returned from a weekend on Cape Cod with two black eyes and other injuries in June of 2010. Now, more than two years later, the defendant, John Saunders, a former employee of The Center for Human Development house in West Springfield, Massachusetts, who was assigned to care for Jack on that weekend in East Falmouth, is scheduled for trial by jury on July 30, 2012, in Falmouth District Court.

When Jack returned from that trip, he had two black eyes. “I later also learned that Jack was up all night, moaning and crying,” Paquette said, following the incident. Jack’s roommate, another developmentally disabled resident of the CHD home who was on the same trip, witnessed the attack, and is again scheduled to testify. Jack was reportedly assaulted while he was being toileted by Saunders in a house on the Cape. Jack’s regular CHD staff person, who was also on the trip, was reportedly in another room when the attack occurred.

The case has been a continuing nightmare for Paquette, her brother, and her now 89-year-old mother. “The whole experience has been a terrible drain on our family,” Paquette wrote in *Advocacy Network News* in the fall of 2010.

“This has become a travesty,” Paquette stated in a COFAR blog posted by David Kassell on June 5 of this year. (Advocacy Network is affiliated with COFAR, the Massachusetts Coalition of Family and Advocates, another nonprofit organization.) “It’s gotten to the point where I don’t believe anything anybody is telling me about this case.”

On June 11, Kassell stated on the COFAR blog that Kerry Whalen, the assistant district attorney in Falmouth District Court who is prosecuting the case against Saunders, attributed three of the four postponements to scheduling mistakes made by herself and the court clerk’s office.

In the meantime, Saunders is free after reportedly being arrested by police and posting \$1,000 bond following his failure to show up in court on January 9 of this year.

What Does It Take?

The Sixth Amendment to the U.S. Constitution guarantees defendants the “Right to a Fair and Speedy Trial.” What about the rights of the victim and the victim’s family? The alleged assault on Jack Burns described above occurred more than two years ago.

John Saunders, appropriately, was fired from his job at The Center for Human Development, soon after Sheila Paquette, Jack’s guardian, took the initiative to bring criminal charges against

Saunders. In order to do so, she has dealt with a myriad of agencies in her quest for justice, including:

- the West Springfield Police Department
- the Falmouth Police Department
- the Massachusetts State Police
- the Center for Human Development
- the Department of Developmental Services
- the Disabled Persons Protection Commission
- the District Attorney of Cape Cod and the Islands
- Falmouth District Court.

Each time Sheila has traveled across the state expecting a trial, there has been none. Why not? Each time, some reason, including scheduling mistakes, has been blamed for the continuing delay. After four postponements, “reasons” take on the

smell of “excuses.”

This is an unusual court case. We believe it to be one of very few of its kind statewide, perhaps across the country. That’s because incidents of this type are normally kept under the umbrella of The Massachusetts Department of Developmental Services and its own investigative agency, the Disabled Persons Protection Commission. They never make it to court. Usually, the individual charged is fired from his or her position, and that’s it. But Sheila Paquette has persisted in seeking justice by filing a criminal complaint.

The Board of Advocacy Network supports Sheila in this challenge, and we hope that this case finally sees its day in Falmouth District Court this July 30.

Threat to ISP

The Department of Developmental Services is considering several changes in its regulations, many of which could affect your loved one’s Individual Service Plan. [The wording of the proposed changes is available on the DDS website: www.mass.gov/eohhs/gov/departments/dds/

Click on the “Notice of Public Hearing” link on the far right side of the page.]

These proposals to peck away at the Individual Service Plan leave us with the distinct image of Ben Ricci turning over in his grave, while Department of Developmental Services officials dance on it. Ben was the primary architect of the ISP, his vision to remedy the neglect, abuse, and shortcomings for care of the developmentally disabled in *Ricci v. Greenblatt* in 1973. In his federal court, Judge Joseph L. Tauro issued the Consent Decree that led to the ISP becoming part of the then Department of Mental Retardation regulations in 1975.

We first learned of the current proposed ISP changes when we began receiving phone calls from worried parents and guardians who had gotten wind of them through their own Service Coordinators. Then, in a chance meeting, Robin Harmatz, Area Director of the Holyoke/Chicopee office, confirmed that the Department is considering changes.

Ms. Harmatz gave us the impression that this would be little more than a “streamlining” of the ISP to eliminate redundancies.

Is it redundant to require that families and guardians be informed that they have a “right” to meet with the Service Coordinator to have the ISP explained to them within ten days of its receipt? We don’t think so. It is not uncommon for parents and guardians to be overwhelmed by the number of experts at the table during ISP planning, by their acronyms, and their jargon. Many questions arise in the days following.

Is it redundant to require that the Service Coordinator inform parents and guardians about their rights to appeal? We don’t think so.

Is it redundant to allow family members to participate in an ISP even if they are not the guardian? We don’t think so.

Is it redundant to require that an individual’s needs, *not the availability of existing services*, be the guideline for inclusion in his or her ISP? We don’t think so.

The Board of Advocacy Network stands united with COFAR and the Wrentham Association in opposing changes in ISP regulations which dilute or eliminate the hard-won rights of *Ricci Class* members.

Advocacy Network Lobbies Congress in D.C.

Advocacy Network this June again sent a delegation to participate in the annual VOR (formerly Voice of the Retarded) conference in Washington, D.C. This year marks the fifth time that Advocacy Network has attended the event, which is a time for meeting members of similar family support organizations from across the United States.

The challenges of providing and securing care for our developmentally disabled family members and friends are much the same across the country, with proper facilities, staff, and budgeting always a challenge.



Advocacy Network board member Gail Orzechowski, President Sheila Paquette, and Vice-President Donald Vitkus discuss agenda items during VOR's annual conference in Washington, D.C.

The conference includes an update on federal legislation that affects our loved ones, specifically H.R. 2032, a bill which is currently gaining co-sponsors in the House of Representatives. Originally sponsored by Massachusetts Congressman Barney Frank, the primary purpose of this legislation is to provide parents and guardians with a voice in deciding where their loved ones will receive their care. Among those already signed on as co-sponsors are Massachusetts Representatives Michael Capuano of Cambridge, Jim McGovern of Worcester, and Richard Neal of Springfield.

Following the VOR conference sessions, four members of the Advocacy Network Board of Directors visited more than a dozen Congressional

offices on Capitol Hill to urge our representatives and senators to support this initiative. More information is available online at www.vor.net or by clicking on the VOR link on our Advocacy Network website, www.theadvocacynetwork.org.

DDS Retirements

Two long-time DDS area directors have retired. Terry O'Hare, Central/West Regional Director in Monson, and Bill Zimmer, Franklin/Hampshire Regional Director in Northampton, both stepped down in May, after decades of service. We wish them the best in their retirement. Permanent replacements are yet to be named. Serving in interim capacities are Michelle Harris in Central/West, and Susan Banks in Franklin/Hampshire.

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Passing of Former Residents of Belchertown State School Observed

An intimate gathering of friends and dignitaries observed the passing of 21 former residents of Belchertown State School on May 25 at the Warner Pine Grove Memorial Cemetery in Belchertown.

Each year since the 1998 re-dedication of the burial ground in memory of former Belchertown State School resident Al Warner, the Central/West Regional Office of the Department of Developmental Services has arranged a service at the site on the weekend before Memorial Day.

Al Warner, with the assistance of Ben Ricci, was instrumental in seeing that the once abandoned and neglected resting place known as “Turkey Hill” was restored to a place of dignity.

The cemetery, which once had only poured cement markers displaying the resident’s institutional number at each resting place, now features individual granite markers with names and dates, along with a large monument containing all of the names. Al and his wife Agnes were the last to be buried here.



Cristen Lenard-De Tour strikes a bell as the name of each former resident of Belchertown State School who passed away during the last year is announced at Warner Pine Grove Memorial Cemetery.

Michelle Harris, Interim Director of the DDS Central/West Region, provided opening remarks, quoting passages she had delivered years ago in a re-dedication ceremony at the Glavin Center cemetery in Shrewsbury, where Al Warner was able to visit his mother’s grave. Harris said we are all story tellers, and the 21 former residents of Belchertown State School who passed away during the previous year all had their own stories.

“Stories like Donald’s are meant to be shared, so they don’t disappear like this cemetery almost did.”
— ***Michelle Harris, Interim Director, DDS Central/West Region***

Although he wasn’t able to attend this year, Harris credited Advocacy Network Vice-President Donald Vitkus with speaking at several previous ceremonies. “Stories like Donald’s are meant to be shared, so they don’t disappear like this cemetery almost did,” Harris said. She also credited Ben Ricci for his passionate dedication toward improving the lives of the developmentally disabled.

State Representative Thomas Petrolati of Ludlow said it is government’s responsibility to be a human authority that considers the rights of others. “I feel obligated, compelled to attend this ceremony every Memorial Day,” Petrolati said.

MaryLee Daniels, of the DDS Berkshire Area Office, gave personal remembrances of Ralph, Patty, Ed, and Claire, “fiercely independent individuals who transitioned from Belchertown State School to group homes and independent living.” Daniels likened their stories to the experience of immigrants

first coming to America.

Martin Rachels, of the DDS Human Rights Office, recited the traditional Jewish Mourner's Kaddish. Monsignor Gregg Shumway of Bethany Charismatic Catholic Church in Brimfield gave the invocation and closing benediction.

As in previous years, a moving musical tribute, including the song *Forever Young*, was performed by singer/guitarist Cristen Lendar-De Tour of DDS's Commonwealth Community Services.

While a bell sounded, the names of the following former BSS residents who passed away since May 1 of 2011 were slowly announced, one by one.

In Memoriam

Ralph Barnes
Richard Bennett
Ida Clifford
Viola Crandall

Francis Craven
Janice Cronje
Linda Duesel
Edward Frampton
Thomas Gallagher
Norma Jean
Phillip Johnson
Lorin LaPlante
Roberta McDonald
James Patterson
Stephen Pogoda
Pauline Proulx
Hyman Rosenberg
Kim Seeley
Claire Stack
Patricia Walker
Dianne Waller

Ricci Scholarship Awarded To UMass Students

Two students from the University of Massachusetts in Amherst received the Dr. Benjamin Ricci Scholarship at a May graduation ceremony. Ben, who was the long-time leader of Advocacy Network, was a faculty member at UMass. The scholarship, awarded by the Department of Developmental Disabilities, was presented by Bill Zimmer, Franklin/Hampshire Area Director. Margaret Ricci, Ben's daughter-in-law, offered the family's congratulations.

Zimmer, who also teaches classes in Developmental Disabilities at UMass, provided the following information about the recipients.

Amanda Ziino graduated UMass in 2012 with a degree in Psychology and a Specialization in Developmental Disabilities and Human Services. While maintaining an almost perfect 3.95 GPA, Amanda has been involved in supporting individuals with disabilities throughout her whole college career, a continuation of her volunteer work in high school with both Best Buddies and Special Olympics.

Amanda has worked in three separate settings sponsored by the Boltwood Project - the Fun Club, The Hollow (a state-operated residential program in Amherst) and the Berkshire Hills Music Academy. She has worked herself up from a volunteer, to an Assistant Supervisor, to a Supervisor, as people immediately recognized her passion for supporting individuals with disabilities, her talent in working with individuals in manner that communicates the utmost respect and sensitivity, and her leadership skills. In her senior year, she did an internship with Nonotuck Resource Associates, working with both residential and clinical staff. In all these settings, professionals recognized Amanda's special gifts, and the potential she has to contribute to the field of disabilities in the future. Amanda's commitment to individuals with disabilities can be best seen in quoting her own words from the scholarship application:

"I believe that every person has strengths and a gift in life. The gift that I have been given is my voice, and my strengths are the power and determination to make myself heard. I plan to use these gifts to speak for a population that cannot always be heard, but who so greatly deserve to be listened to."



UMass graduates Amanda Ziino (left) and Keira O'Donovan (right) receive Ricci Scholarship; others from left: Richard Gowen, Advocacy Network Board of Directors; Bill Zimmer, DDS Area Director and UMass instructor; Diana Duff and Erni Booth, Advocacy Network Board of Directors

Keira O'Donovan also graduated UMass in 2012 with a degree in Psychology and a Specialization in Developmental Disabilities and Human Services. In addition to maintaining an exceptional 3.86 GPA, Keira has been deeply involved in advocacy and support for individuals with disabilities throughout both her high school and college careers. In addition to volunteer work with Best Buddies and the Peer Mentor Program in high school, Keira has completed two agency-based internships as part of the DDHS Specialization Program, one at the Early Intervention Program of the May Institutes in West Springfield and the other at Behavioral Health Network in Northampton and Amherst. She received rave reviews at both agencies, who recognized how strongly she was committed to this field and to supporting individuals with dignity and respect. Keira has developed a special attachment to Anchor to Windward, a small, private non-profit organization in her home town of Marblehead which provides social, recreational, and independent living services to adults with

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— *Keira O'Donovan*

UMass Class of 2012

intellectual and other disabilities. Keira first worked at Anchor to Windward in the summer of 2011 as the Activities Director, and worked part-time there during her winter break this past year. She possesses a maturity and wisdom far beyond her years, has a great intuitive knack for balancing emotional support with limits and boundaries, and so impressed the Board of the agency that they offered her a full-time position as Program Director upon her graduation from UMass. As she said her scholarship application,

“After reading the details of determination, courage and compassion that Dr. Benjamin Ricci so pervasively demonstrated, I am both inspired and proud. Inspired to carry out the work he pioneered, inspired to be brave and initiate change whenever necessary...”

Carousel Fund Grants Awarded

The Belchertown State School Carousel Trust Fund Board this year awarded approximately \$2,500 in grants. According to Advocacy Network Board member Richard Gowen, who also serves on the Carousel Trust Fund Board, 29 applications were received for this round of funding. Because



the interest available in the account was so low, each applicant received from \$100 to \$150.

Money for the trust is generated through interest gleaned from investments since the fund was originally established, prior to the closing of the state school.

The grants pay for items not otherwise covered by the Department of Developmental Services or provider agencies, such as vacations or trips to visit family members, memberships to YMCA's, Weight Watchers, and classes in computer training, martial arts, and swimming.

The Carousel Trust Fund Board will again be accepting applications later this year. Please contact your loved one's Service Coordinator or DDS Area Office for specifics. And, of course, if you have questions, you may call the Advocacy Network Help-Line at 413-289-9030.

Visit Our New Website!

www.theadvocacynetwork.org

Our new website is up and running! Please visit www.theadvocacynetwork.org on your computer, tablet, or Internet phone. Here you'll find direct links to:

- the Massachusetts Department of Developmental Services
- DDS Regulations and Human Rights Offices
- VOR, COFAR and its excellent Advocacy Guide
- the Massachusetts Commission Against Discrimination
- *Exceptional Parent* magazine
- information about Benjamin Ricci's book, *Crimes Against Humanity*
- past issues of *Advocacy Network News*
- ways to contribute to Advocacy Network
- our mission statement, services, and how to contact us

Your dues dollars have helped to make development of this website possible. Thank you! We hope it provides you with the services and information you need. (Our former site, www.adnetweb.googlepages.com is still operational, but all of its information has been transferred to the new web address.) If you have any comments or suggestions, please email them to adnetnews@comcast.net or send them via U.S. mail to: Advocacy Network, Box 2071, Amherst MA 01004. Of course, you can also reach us by phone at 413-289-9030. As always, we deeply appreciate your support of Advocacy Network!

New Mailing Service

In order to comply with postal regulations and to facilitate handling, we are using a new mailing service, effective with this issue of *Advocacy Network News*. If you have any problems or questions, please be sure to let us know.

Please Renew Today

Your dues dollars help us remain a strong voice for services for your relatives and friends with developmental disabilities.

We have not increased *Advocacy Network* dues. And it is essential that we stay vigilant. Help us continue to be your advocacy group by renewing your membership now, becoming a new member, or making a donation. We are now accepting payments for 2012. Please mail the form on page 8, along with your check, today.

Thank you!

