



GREEN BROOK REGIONAL CENTER
Family and Friends Association
275 Greenbrook Road
Green Brook, New Jersey 08812

To: Chairman Steve King
U.S. House Committee on Judiciary Subcommittee on Constitutional and Civil Justice

Re: March 6, 2018 Hearing – Examining Class Actions against Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IDD)

We request that Protection and Advocacy organizations and the U.S Department of Justice not use Federal funds to bring a lawsuit against a private or public ICF when no resident, resident's family or guardian has joined in the claims, nor when the ICF's residents do not have an option to opt out of the lawsuit.

I am the sister and guardian of a profoundly intellectually disabled woman, Rosemary. Rosemary has the cognitive ability of a 3 month old. She is small in stature, incontinent, cannot talk, walk or feed herself. She needs to be lifted and moved and will stay where you put her. She cannot cry out when she needs help or is sick. She needs help with every aspect of daily living.

I am also the president of the Green Brook Regional Center Family Association in NJ. GBRC is federally licensed Intermediate Care Facility (ICF). Due to a settlement agreement between the state of NJ and NJ Protection and Advocacy, the state of NJ agreed to move 600 residents from NJ's ICFs in 5 years resulting in the closure of Woodbridge Developmental Center, my sister's ICF. We were the lucky ones and my sister was transferred to another ICF close to me in NJ and was able to adjust to her new home. Many others were not so lucky and succumbed to the trauma of a transfer.

As president of the GBRC Family and Friends Association, I ask the Committee to take two steps to protect the choice of families and guardians and improve the quality of care:

- (1) Require DOJ to Initiate a comprehensive investigation into the cause of the unspeakable number of deaths occurring across the country and suspend activities aimed at displacing fragile Americans from licensed ICFs/IDD in good standing, (see Chairman Goodlatte letter to AG Sessions, 12-6-17) and

(2) Require DOJ, under its authority and P&A advocacy attorneys, in Rule 23(b) (2) class actions, to respect the right of choice under *Olmstead* by surveying the wishes of the families of ICF residents *before* deciding whether to bring a class action and, if they do bring a case, respect the wishes of the families as to whether they want their loved ones to be part of the action.

ICFs/IID play a vital role in providing life-sustaining services to America's most intellectually disabled citizens and vindicate the choices of the families and guardians with I/DD in class action suits, as clearly required by ADA and *Olmstead*, and encourage the administration to work with the states to put an end to the systemic problems in group homes that threaten serious harm.

Thank you for this opportunity to submit comments and requests on federal policies which affect our families.

Respectfully submitted,

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Sam Friedman, Vice President
Janet Perroneau, Secretary
Greg Payne, Treasurer

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