



**COFAR, Inc.**

**THE MASSACHUSETTS COALITION  
OF FAMILIES AND ADVOCATES**

3 Hodges Street, Mansfield, MA 02048  
Telephone: (508) 339-3379 \* [www.cofar.org](http://www.cofar.org)

**CCMR, Inc.**  
**David Hart, President**

Advocating for People  
with Developmental and Intellectual Disabilities  
P O Box 252, Malden, MA 02148 \* 781-322-0852  
[info@ccmradvocates.org](mailto:info@ccmradvocates.org)  
[www.ccmr-advocates.org](http://www.ccmr-advocates.org)



*Speaking out for people with  
intellectual & developmental disabilities*

877-399-4867 \* [info@vor.net](mailto:info@vor.net) \* [www.vor.net](http://www.vor.net)

**“Real Lives” Bill misses its own mark  
by putting financial planning and control in the hands of strangers.  
Advocates call on Legislature to make necessary changes to protect individuals**

The Massachusetts “Real Lives” bill passed the legislature and was signed into law by Governor Deval Patrick on August 6, 2014.

The Real Lives law purports to improve the delivery of individualized services to people with intellectual and developmental disabilities by affording them the opportunity to “self-direct” individual budgets and service plans.

While we wholeheartedly support the provision of truly person-centered services and supports, based on individual need and choice, we find serious shortcomings with the Real Lives law.

Real Lives attempts to detangle individual budgets from Department of Developmental Services’ (DDS) control, however it simply moves that control to a new layer of “financial management services” and “independent facilitators,” requiring these new entities (not the individual or her guardian) to negotiate with DDS.

Furthermore, the new law potentially undermines the legal authority and duty of guardians appointed by courts of law to assist their wards in decision-making by allowing their involvement only “when appropriate,” but not defining how “when appropriate” is determined. As stated by the Massachusetts Coalition of Families and Advocates (COFAR): “[T]he vague language [“when appropriate”] in the bill could leave incapacitated individuals even more vulnerable to financial exploitation by persons other than their guardians or family members who seek to make decisions about their care or financial affairs.” (August 7, 2014)

A legal guardian must be allowed to participate on behalf of the individual, taking into account the legal guardian’s duty to act in the individual’s best interest, according to the individual’s wishes and service needs.

Finally, the law should provide individuals and their guardians with an explicit choice among all available options for care, including state-operated facilities and group homes, provider-operated homes, shared living arrangements, and home-based care. State-operated care is often not presented as an option to people seeking DDS residential care. Those persons are instead presented only with the option of corporate provider-operated residential services.

**We respectfully call on the legislature to return its focus to the Real Lives law and make necessary amendments.** The Legislature must ensure that vulnerable individuals with intellectual and developmental disabilities have the support of legal guardians, when appointed, rather than financial managers or independent facilitators, to self-determine their individualized supports from a full range of care options.

**For more information, please contact David Hart, President of CCMR, VOR Board Member, and Chair, VOR Legislative Committee and VOR Board Member at 781-718-7799 cell; [djhartd@verizon.net](mailto:djhartd@verizon.net)**

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