

March 2, 2012



Speaking out for people  
with intellectual disabilities

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## Breaking News: Virginia Families Unite to Save Centers, Ask Federal Judge for Voice In Court

*VOR Weekly News Update  
News and views for VOR advocates*

### **Breaking News \* Press Release**

## **Virginia Families Unite to Save Training Centers, Ask Federal Judge for Voice in Court**

#### **Member Notes:**

1. **Member Survey!** Deadline extended for five more days only. Please respond. Your voice really does matter!
2. **VOR's Annual Conference:** Expanding VOR's Horizon's Through Vision and Mission: Online Registration Now Available! Please Join Us!
3. **Coming Next Week:** Stephanie Vance's Advocacy Course 5: Persistence!

### **Breaking News**

[Click here for a PDF version of this press release, the court filings and more. Distribute widely.](#)

**For Immediate Release  
March 2, 2012**

## **Families Unite to Save Virginia Training Centers, Ask Federal Judge for a Voice in Court**

Families have taken a stand in Virginia, today calling on a federal court to allow them to participate in an action they believe violates the rights of their family members with profound intellectual disabilities and will cause irrevocable harm.

The dispute centers on the legality of a case filed by the U.S. Department of Justice ("DOJ") against the Commonwealth of Virginia on January 26, 2012, and a proposed settlement agreement submitted the same day. The proposed settlement, which is pending federal court

review, would result in the closure of four of the five Virginia Training Centers for persons with profound and other significant intellectual disabilities, by 2021. The fifth is expected to be downsized to accommodate 75 residents at a time for short-term (30 day) stays.

Families and legal guardians, on behalf of residents from each of the five Virginia Training Centers, filed a motion to intervene as parties in the action so they have a legal voice in the outcome of the case. A second, separate motion seeks to dismiss the case, arguing that DOJ did not have standing to bring suit.

“The families’ voice should matter most, yet neither the Justice Department nor the Commonwealth sought our input with regard to the specific terms of the agreement,” said Peter Kinzler, whose son is a resident at Northern Virginia Training Center. “The parties will tell you that they talked to parents. Meeting with us to tell us what will happen is not the same as negotiating about the wellbeing of our family members with profound needs. Intervention, if granted, would put us on equal footing with the DOJ and Virginia, which have very different interests, and allow us to be in charge of our family members’ futures, as it should be.”

In their argument to the court, the families maintain their family members have a right to be parties in this action because the proposed settlement directly impacts legally-protected rights. “If the settlement agreement were to be approved, the Proposed Intervenors would be transferred or discharged from the training centers without regard for the rights afforded them by the ADA, the decision in *Olmstead v. L.C.*, and other relevant law,” states the Motion for Intervention.

“The Justice Department and State officials have overlooked the personal choice of the residents who would be moved from the training centers, which is an *Olmstead* requirement,” said Kinzler. “We’re optimistic that the federal court will agree that families have an important voice and deserve to be involved as parties and not sideline observers.”

A summary of the motions by the York Legal Group, which

filed the motions on behalf of the families of individual residents of all five training centers, is available on VOR's website, along with the families' court filings.

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