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1993

**The Developmental Disabilities Assistance and Bill of Rights Act**

“Individuals with developmental disabilities and their families are the **primary decisionmakers** regarding the services and supports such individuals and their families receive and play decisionmaking roles in policies and programs that affect the lives of such individuals and their families.” DD Act, 42 U.S.C. 15001(c)(3)(1993) (*Findings, Purposes and Policies*) (**emphasis added**).

1999

**Olmstead v. L.C., 119 St. Ct. 2176**

“We emphasize that nothing in the ADA [Americans with Disabilities Act] or its implementing regulations condones termination of institutional settings for persons unable to handle or benefit from community settings...Nor is there any federal requirement that community-based treatment be imposed on patients who do not desire it.” 119 S. Ct. 2176, 2187 (1999).

2000

**DD Act Amendment**

“Individuals with developmental disabilities and their families are the primary decisionmakers regarding the services and supports such individuals and their families receive, **including regarding choosing where the individuals live from available options**, and play decisionmaking roles in policies and programs that affect the lives of such individuals and their families.” DD Act, 42 U.S.C. 15001(c)(3)(2000) (**amended language**).

## Residential Choice: It's The Law

Congress in the Developmental Disabilities Assistance and Bill of Rights Act (DD Act) and the U.S. Supreme Court in its landmark *Olmstead* decision have confronted the same questions of community integration, individual needs and residential choice for people with severe intellectual and other disabilities. In each case, they have reached the same conclusion: *While community integration is preferred for most individuals, some individuals have needs that are so great that they require facility-based care. The ultimate decision whether to leave a facility resides with the individual and his/her family/legal guardians, not with “professionals.”*

**Both the DD Act and *Olmstead* embrace individuality – recognizing that people with disabilities have very diverse needs.** Yet, time and again, federally-funded organizations charged with upholding the rights of all individuals with intellectual and developmental disabilities, work in the media, legislatures and the courts to eliminate one of those choices – Medicaid-certified and funded Intermediate Care Facilities for Persons with Intellectual Disabilities (ICFs/MR).

These practices have forced the transfer of thousands of individuals, against individual and family choice, from ICFs/MR that specialize in meeting their extreme needs. In far too many cases, the results have been unnecessary abuse and even death (see, <http://vor.net/resources/general/abuse-and-neglect-document>).

### Reform and Reauthorization of the DD Act

The DD Act was last reauthorized in 2000. Congressional scrutiny is long overdue.

Across the country, individuals with profound intellectual disabilities receive highly specialized, 24/7 quality care in our nation's ICFs. Their families/legal guardians call on Congress to reauthorize the DD Act *with reforms* to ensure adherence to the Act's requirement - and *Olmstead's* mandate - to **respect family decisionmaking regarding residential choice.**

VOR is a national association of families, friends, professionals and providers concerned about the well-being of individuals with intellectual and developmental disabilities. VOR supports the expansion of community-based options, while also maintaining highly specialized and federally licensed facility-based residential care (“ICFs/MR”). For more information, visit [www.vor.net](http://www.vor.net).