

# **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

<b>UNITED STATES OF AMERICA,</b>	:	
<b>Plaintiff,</b>	:	
	:	
<b>and</b>	:	
	:	<b>CIVIL ACTION NO: 3:12-cv-059</b>
<b>COMMONWEALTH OF VIRGINIA,</b>	:	
<b>Defendant,</b>	:	
	:	
<b>against</b>	:	
	:	
<b>PEGGY WOOD, by and through her</b>	:	
<b>father, Wriley Wood, et al.</b>	:	
<b>Intervenors.</b>	:	

**DECLARATION OF JULIE M. HUSO  
IN SUPPORT OF PROPOSED INTERVENORS**

I, JULIE M. HUSO, declare as follows:

1. I am the Executive Director of VOR, Inc., a national advocacy organization representing individuals with intellectual disabilities and their families. I am over the age of eighteen, competent to testify about the matters stated herein, and make this declaration based on my own personal knowledge.
2. I make this declaration in support of the Proposed Intervenors, residents who will be directly impacted by proposed settlement if approved by the court.
3. I have served as VOR’s Executive Director since June 2009. From June 2008 – 2009, I was VOR’s Director of Development.
4. Founded in 1983, VOR, Inc., is a national, nonprofit 501(c)(3) advocacy organization representing thousands of individuals with intellectual disabilities and their families

from around the country. Our national membership includes families of Virginia's Training Center residents and Virginia-based family advocacy organizations.

5. VOR is the *only* national advocacy organization that supports the provision of a full spectrum of care options for individuals with ID/DD, from own home and smaller homes to federally-licensed larger residential homes (ICFs/MR), including Virginia's Training Centers. VOR's position in support of a full array of residential options to meet the diverse needs of individuals with intellectual and developmental disabilities drives our strong support for individual and families as primary decision-makers regarding services, supports and policies. We recognize that families of individuals with profound intellectual disabilities – people whose lifelong cognitive limitations are so significant that they function at the level of a newborn or an infant – have unique and unmatched insights into the level of care needed by their loved ones:

“ . . . close relatives and guardians, both of whom likely have intimate knowledge of a mentally retarded person's abilities and experiences, have valuable insights which should be considered during the involuntary commitment process.” *Heller v. Doe*, 509 U.S. 312 (1993) (see also, Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. 15001(c)(3)(2000): “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.”)

6. For individuals who are best served in ICFs/MR, including Virginia's Training Centers, VOR is their only national advocacy voice. All other national advocacy organizations and many Virginia-based organizations seek to eliminate completely the ICF/MR option ("deinstitutionalization"). Only VOR supports legitimate choice, to include community-based and Training Center (ICF/MR) supports, as required by the Americans with Disabilities Act (ADA):

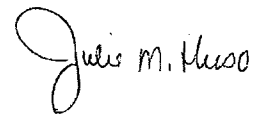
**"Thus, the argument made by ARC and the United States [DOJ] regarding risk of institutionalization fails to account for a key principle in the Olmstead decision: personal choice.** And here, where more residents desire to remain in institutional care than the new facility can provide for, there is little to no risk of institutionalization for those whose needs do not require it and who do not desire it." (*Arc of Virginia v. Kaine* (December 17, 2009) (emphasis added) (*see also, Stanley Ligas, et al. v. Barry S. Maram, et al.*, 05 C 4331 (N.D. Illinois, July 7, 2009) (denying proposed settlement and decertifying class on finding that the named plaintiffs failed to meet the criteria set forth in *Olmstead* because class definition was not restricted to individuals who were eligible for, and desired, community placement)."

7. VOR's advocacy endeavors to maintain and expand choices, and not artificially narrow choices based on ideology (*cf.*, The Arc of the United States : "The Arc believes that people with intellectual and developmental disabilities belong in the community and have fundamental moral, civil, and constitutional rights to be fully included and actively participate in all aspects of society"), Brief of *Amici Curiae* on

behalf of The Arc of Virginia, et al., In Opposition to Motion to Intervene (Appendix A).

8. Not all people with intellectual disabilities have the same condition. There is a spectrum of severity that varies greatly among them. Depending upon each disabled person's unique condition, his or her appropriate care environment could be in community placement or in an ICF/MR. VOR speaks on behalf of all individuals who are intellectually disabled to insure that they receive the appropriate care they require.
9. Therefore, on behalf of the thousands of individuals with intellectual disabilities and their families whose membership in VOR reflects their support for a full array of residential options, from community-based options to ICF/MR homes, including Virginia's Training Centers, VOR supports the Proposed Intervenors' request for intervention. VOR recognizes that their interest in receiving training center supports is directly impacted by the terms of the proposed settlement. In contrast, no organization, including any organization requesting Amicus status, have rights so personally and directly implicated as compared to the Proposed Intervenors, whose life-sustaining supports at their current ICF/MR homes are directly at risk.

Submitted March 28, 2012



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Julie M. Huso  
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