



## Brendan O'Toole Assists The Arc of Virginia with Securing Important Agreement

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*Press release from The Arc of Virginia:*

Case results depend upon a variety of factors unique to each case. Case results do not predict similar results in any future case.

**"A New Day for Virginia"**

***Statement of The Arc of Virginia on the U.S. v. Virginia Consent Decree***

On August 23, Federal Judge John A. Gibney signed the U.S. v Virginia Settlement, approving the agreement as an order of the court. The order follows seven months of legal action. The historic consent decree is being celebrated by people with intellectual and developmental disabilities and their families because it will transform Virginia's service system from one that is reliant on large, segregated institutions to one that is focused on safe, integrated community-based services.

"We applaud the United States and the Commonwealth of Virginia for their diligent work on behalf of people with intellectual and developmental disabilities," said Howard Cullum, President of The Arc of Virginia, a statewide organization for people with intellectual and developmental disabilities and their families. "Both parties presented a very strong case for why Virginia can and must move to a true, community-based system of support. The settlement agreement has provided a solid framework for a safe and successful transition to such a system."

"The settlement agreement addresses pressing needs," Judge Gibney wrote in his opinion and order. He particularly noted that "Virginia currently has over 2900 people on an 'urgent wait list' for Medicaid waivers. Those citizens and their families must fend for themselves in dealing with disability. Many of them will receive benefits under the decree. The decree, thus, balances the needs of these citizens."

The court order also points out that moving towards a community-based system will enable the Commonwealth to not only serve more people, but to serve them better. "In this case, the Court need not look beyond the number of people receiving greater, more beneficial services. In Training Centers, fewer than one thousand Virginians receive services. When the waivers are fully funded,

over 4000 people will be able to afford the services they need."

"This Consent Decree helps thousands of people with intellectual and developmental disabilities have the chance to live 'A Life Like Yours' - the chance to have a home, a job and a life in the community, " said Jamie Liban, Executive Director of The Arc of Virginia. Liban said "The settlement incorporates the mandates of the American With Disabilities Act by ensuring that people with intellectual and developmental disabilities, including those with the most complex needs, have access to supports and services in integrated, community-based settings. We look forward to working with all stakeholders to help ensure transitions to the community are safe and person-centered."

Judge Gibney noted that he received a number of letters and amicus briefs about the settlement agreement, which he took into consideration. It has been reported that the court received more than 800 letters of support from people with disabilities, family members, providers and concerned citizens. A statement of support was also submitted by a coalition of 70 stakeholder organizations, represented by the Bazelon Center for Mental Health Law and Richmond-based law firm Williams Mullen. The Center for Public Representation also submitted amicus briefs on behalf of family groups like The Arc of Virginia, Autism Society Chapters and the Virginia Down Syndrome Alliance, as well as a number of other state and local organizations.

"The Arc of Virginia thanks all of the individuals and families who shared their personal stories with the court, said Mr. Cullum. "We also thank the Center for Public Representation, the Bazelon Center for Mental Health Law and Williams Mullen who provided invaluable assistance to The Arc of Virginia and other Virginia stakeholder organizations throughout this effort."

Yesterday's decision marks another significant milestone in Virginia's long overdue journey towards a community-based system. The Arc of Virginia has long advocated for Virginia to ensure that people with disabilities live in more integrated settings and provide access to services for those on waiting lists. In stark contrast to national trends, Virginia has lagged behind other states in its commitment to community-based services. Thirteen states have closed all state operated institutions for people with intellectual and developmental disabilities and an additional nine states have a statewide census of 150 people or fewer. Many of these states cite moral and financial reasons for transition to a community-system. In Virginia, the cost per person in a state institution (\$225,000) is more than double what is for people in the community (\$69,000).

A timeline of events related to the U.S. v. Virginia Consent Decree can be found at [www.thearcofva.org](http://www.thearcofva.org)

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About The Arc of Virginia:

Established in 1955, The Arc of Virginia is a statewide advocacy organization for people with intellectual and developmental disabilities and their families. The Arc of Virginia is a state chapter of The Arc, the nation's oldest and largest organization for people with ID/DD, and is comprised of twenty-five local chapters from around the Commonwealth. More information about The Arc of

Virginia can be found at [www.thearcofva.org](http://www.thearcofva.org)

## **Related People**

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