

Disability Advocacy Alliance

November 3, 2016

Re: Lawsuit filed by Disability Rights Ohio
Phyllis Ball, et al. v. John Kasich, Governor of Ohio, et al.,
Case No. 2:16-cv-282 (S.D. Ohio)

Dear Parent and Guardian:

We are parents, family members and guardians of individuals with intellectual and developmental disabilities (I/DD) who reside in an Intermediate Care Facility (“ICF”) in Ohio and also support sheltered workshops and facility-based day programs. We are members of the Disability Advocacy Alliance (DAA), a volunteer advocacy organization which protects the rights of individuals with I/DD.

We are writing to share our concerns about a lawsuit filed by Disability Rights Ohio (DRO). The lawsuit seeks to impose substantial changes to Ohio’s system for caring for persons with I/DD. The lawsuit, Ball v. Kasich, was filed on behalf of seven plaintiffs who are seeking to have the court allow a class action lawsuit on behalf of approximately 27,800 people, including approximately 5,800 residents of ICFs in Ohio. The plaintiffs in the lawsuit assert that “with appropriate services and supports even individuals with complex conditions can be safely and effectively served in integrated, community-based settings.” The lawsuit attacks the disability care model involving ICFs, sheltered workshops and facility-based day programs and asserts that “virtually any person institutionalized or at serious [risk of] institutionalization in a large ICF can be served safely and successfully in an integrated, home and community-based setting.”

We fully support the full continuum of care for individuals with I/DD, including community settings. However, parents and guardians know that there is a diverse range of disabilities and the funding to provide care for individuals with disabilities is limited. We believe that the clear intent of the current lawsuit is to take away substantial funding from ICFs, sheltered workshops and facility-based day programs and to shift that funding to programs in community-based settings. We further believe that, if such an effort is successful, the result would be that individuals who require and choose more intensive care, at present or in the future, will not be able to obtain the services and support they need, because ICFs, sheltered workshops and facility-based day programs that care for them will have little to no funding.

We want to ensure that the rights of our family members and others receiving facility-based care at present or who may choose this care-level in the future are not diminished simply because we don’t have a seat at the table in this litigation. We want to ensure that someone is involved in the proceedings who represents our interests, and the interests of our loved ones, in preserving ICFs, sheltered workshops, facility-based day programs and the level of care they

provide. Accordingly, we are reaching-out to concerned parents, guardians and caregivers to raise funds for legal counsel who can participate in the lawsuit. Through such participation, we seek to ensure that the needs of our loved ones are represented in the lawsuit, and to make sure the court accounts for the interests of the most disabled citizens of Ohio.

A similar lawsuit was filed in Illinois a number of years ago. An organized effort by an attorney who is also the guardian of his severely disabled sister was successful in presenting the Illinois court with the complete picture regarding residential disability services and the desires of those who receive them. Faced with overwhelming support for the services of ICFs, the Illinois court de-certified the class in that case, which paved the way for a resolution designed to ensure sufficient funding for ICFs in Illinois, while protecting the rights of individuals desiring more community-based services. Based upon this model, our goal is to retain an attorney who will: (1) seek to intervene in the lawsuit or to file an amicus brief supporting the concerns of individuals who rely on higher levels of care; (2) attempt to defeat class certification; and (3) advocate to ensure the availability of an ongoing, adequately funded, system of ICF, sheltered workshop and facility-based day programs to continue to serve severely disabled Ohioans. We need your help to accomplish these goals.

VOR, a national organization which advocates for high quality care and human rights for individuals with intellectual and developmental disabilities, has established a fund to receive donations from Ohio families and guardians to effect a legal defense in the lawsuit filed by DRO. DAA member Caroline Lahrman serves on the Board of Directors of VOR. VOR's involvement with this effort is solely as the administrator of the account. Funds collected will be used for legal fees relating to representation in connection with the lawsuit.

We urgently ask for your financial help in protecting the legal rights of individuals with I/DD who require higher levels of care. Any amount that you can contribute would be greatly appreciated. Please complete the attached donation form and return it with your check to the address provided on the form.

Additionally, we are organizing the filing of affidavits with the court from parents and guardians wishing to express the reasons your loved one needs and thrives in the facility-based care models you and your loved ones with disabilities have chosen. We also welcome affidavits from families who want to ensure this care-level is available for possible future needs. It is important for the court to hear from families directly in order to understand the vast array of needs and circumstances which lead us to the care decisions we, as family members, make. Please send an email to info@DisabilityAdvocacyAlliance.org if you can participate in this effort.

Our efforts in this matter are time sensitive. Please do not hesitate to contact Caroline Lahrman if you should have any questions by email at the address above or by phone at 614-359-9323.

Put quite simply, we will not be able to move forward without your generous support. Please consider giving today so that a proper legal defense can begin.

To learn more about Disability Advocacy Alliance and VOR, please visit their websites at DisabilityAdvocacyAlliance.org and VOR.net.

Very sincerely,

A handwritten signature in cursive script, appearing to read "Caroline Lahrman".

Caroline Lahrman
Peter Tamborski
Dan Jones

Attachment: Donation Form

Ball v. Kasich Legal Defense Fund

VOR has established a fund to receive contributions from Ohioans who wish to donate to a legal defense of individuals with intellectual and developmental disabilities (I/DD) whose individual rights, interests and wishes are at risk as a result of claims asserted in the class action suit filed by Disability Rights Ohio (DRO). Monies collected will be used for legal fees relating to representation in connection with the lawsuit.

VOR is not involved in the selection, retention or direction of legal counsel or representation. VOR is acting purely as an administrator of the fund. VOR's responsibility for payment of legal fees is limited solely to administration of the Fund.

Any unused funds will be returned to donors on a pro rata basis at the conclusion of any legal involvement by the guardians who have retained counsel in order to represent the interests of individuals with intellectual and developmental disabilities (I/DD) requiring and choosing higher levels of care in Ohio.

To make a donation to support the efforts of guardians seeking legal representation, please complete the form below. Checks should be made out to VOR - Ball v. Kasich Legal Defense Fund and mailed to the following address. Please include a copy of this completed form with your check.

VOR
836 S. Arlington Heights Road, #351
Elk Grove Village, Illinois 60007

Donation amount: \$5,000 _____ \$1,000 _____ \$500 _____ \$250 _____ Other _____

Name _____

Address _____

Email _____

Phone Number _____

Please consider signing up for a membership in VOR or making a donation in gratitude of their support of Disability Advocacy Alliance's efforts in this initiative. To do so, please go to www.VOR.net/get-involved.

Contributions are tax-deductible to the fullest extent of the law, as no goods or services are provided in consideration of a contribution.