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The Honorable Jennifer Flanagan
Senate Chair
Joint Committee on Children, Families, and Persons with Disabilities
State House
Room 208
Boston, MA 02133

February 3, 2015

Dear Senator Flanagan:

We are writing to urge your support for an independent clinical evaluation of Andrew McDonald, a 47-year-old developmentally disabled man who currently lives in a group home in Westborough and has been prevented by a probate court order since 1996 from making visits to his parents' home in Sherborn.

Our investigation of this case indicates that the prohibition on Andy's return to Sherborn is based on questionable and in some cases erroneous information that he has posed a danger to his community.

We have called for a new and independent clinical evaluation of Andy that takes into account his current record of behavior and includes input from his family and others with knowledge of him. We hope you will support such an evaluation and urge the Department of Developmental Services to support it as well.

While Andy's father, Stan, and his stepmother, Ellen, are permitted to visit Andy in his group home and take him out to a limited number of locations, we are concerned about what might happen when Stan and Ellen are no longer able to visit Andy. Stan is 79 years old.

Not only is Andy forbidden from ever visiting Sherborn, even under supervision, he is not even permitted to discuss such a visit with anyone, including Stan and Ellen. These draconian restrictions are based on a record in this case that is replete with misinformation and contradictions.

In a 2006 ruling in which he denied Stan's bid for guardianship of Andy, Middlesex County Probate Court Judge Edward Rockett stated that Andy had been arrested in 1990 for sexual assaults of three young girls who lived across the street in Sherborn. That was not true, however. Two arrest reports from that year tell a much different story.

Andy was arrested in May 1990 for threatening an unidentified person during a telephone call, according to the district court record. The nature of the threats was not disclosed. In July of that

year, he was charged with disturbing the peace in downtown Sherborn. There is no indication in the police reports that Andy ever sexually assaulted anyone. Immediately after the July 1990 incidents, Stan McDonald had Andy committed to McLean Hospital in Belmont.

In 1995 and 1996, Andy was allowed three supervised visits to Stan and Ellen in their Sherborn home, and those visits took place without incident, according to Stan. After that time, however, the visits were prohibited for no clear reason, Stan says. Andy's behavior over the past decade has been virtually incident-free.

Stan notes that a clinical team report or assessment was done of Andy's level of disability in 2012 for the probate court, but neither Stan nor Ellen were interviewed for that assessment. The probate court's instructions for completing clinical team reports, however, state that clinicians should interview the individual "**and** persons who know him/her well" (emphasis in the original) in conducting those assessments. Neither Stan nor Ellen were provided with a copy of the report or informed of its conclusions.

As noted, we think a new *and independent* clinical evaluation should be done that takes into account Andy's current record of behavior and includes input from his family and others with knowledge of Andy. We would also hope that such a report would be provided to Stan and Ellen for their review and comment.

Thank you for your consideration.

Sincerely,

Colleen M. Lutkevich
Executive Director

Thomas J. Frain, Esq.
President

Edward Orzechowski
President, Advocacy Network