



The COFAR VOICE

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COFAR's April 17, 2003 rally at the Fernald Developmental Center attracted more than 100 supporters of COFAR's fight to keep the remaining state facilities for the mentally retarded open.

Fight begins to save Fernald, other facilities

Romney administration targeting remaining state network for the retarded.

With a mix of petitions, rallies, press releases, and personal lobbying, COFAR members have begun the fight to stop the Romney administration from continuing a decades-long destruction of the institutional network of

comprehensive care for the mentally retarded in Massachusetts.

As he submitted his budget for the upcoming fiscal year, the Governor announced in February that he intended to close the 155-year-old Fernald

Developmental Center in Waltham and the five other remaining intermediate care facilities for the mentally retarded in the state. The closures and the potential sale of Fernald's 187 acres of land are part of the administration's strategy for closing a projected \$3 billion budget gap in the coming fiscal year without raising taxes.

The move, however, has jolted COFAR and other advocates for the retarded into action in what promises to be one of the most critical and intensive campaigns of COFAR's 20-year history. COFAR's efforts last week culminated in the delivery of petitions to the Governor's Office containing more than 10,000 signatures in opposition to the facility closures.

Budget language seen critical to saving Fernald and other state facilities

Language in the Fiscal Year 2004 budget may well be critical in determining the fate of the Fernald Developmental Center and the five other remaining state facilities for the retarded in Massachusetts.

As *The Cofar Voice* went to press this week, COFAR members were working with State Representative Thomas Stanley (D-Waltham) to draft language that would provide real protection for the facilities.

Amendment 793 to the House budget bill would require approval by the Legislature before any of the remaining state facilities could be closed. The amendment was drafted to supplement earlier budget language, which would require that a determination be made that the cost of providing services in the community be lower than in the state facilities. The House budget language (Line Item 5930-1000) also requires a determination that the community has adequate resources to provide equal or better services to residents transferred from the state facilities.

COFAR urges members to contact their representatives in the House to urge them to support Amendment 793.

COFAR's response to the administration has been simple and consistent: The closures of Fernald and the other facilities will not save the state money and will not result in equal or better care for the hundreds of severely and profoundly retarded people currently residing in

them. On the contrary, the closures will result in a declining level of care for the retarded, more medical and behavioral problems, and, in many cases, deaths.

COFAR maintains that it would be more humane and cost effective to develop a plan that would allow the current Fernald residents to remain there and to put the remainder of the property to alternative uses such as housing other state agencies and building affordable housing.

Fernald, which has served the mentally retarded since 1848, is one of six remaining large, state-run ICF/MR facilities for the retarded in Massachusetts. The others are the Glavin Center in Shrewsbury, the Hogan Regional Center in Hathorne, the Monson Developmental Center, the Templeton Developmental Center and the Wrentham Developmental Center. Roughly 1,300 residents remain in those facilities.

A significant portion of the 309 residents of the Fernald Center are among the most severely retarded in the state, many are elderly, and many have acute medical needs.

The administration originally projected a \$5 million saving in closing Fernald, but that savings is now in doubt. COFAR and other advocates for residents of state-run facilities for the mentally retarded have continued to question the projection of any savings. They argue that the cost of providing comparable care in the community may well be more expensive than at Fernald and that the administration has yet to articulate a plan for transferring residents from Fernald and the other facilities into the community. Further, the closures make little sense in light of the administration's own estimate that thousands of mentally retarded persons in Massachusetts are currently on waiting lists for community-based care.

In addition to the Fernald Development Center, a number of other facilities on the Fernald grounds will be closed under the governor's budget plan, including a skilled nursing facility for 27 people with mental retardation, two state-operated group homes housing 12 people, and a shelter for homeless women. In addition, the Shriver Center, which provides medical services to the Fernald residents and a Tufts dental clinic will be evicted.

COFAR targets Legislature

In their April 1 Board meeting, COFAR members agreed that the Legislature would be likely to be a major battleground in the fight to keep the state facilities open. Board President Tom Frain and COFAR Executive

Director Colleen Lutkevich urged those attending to begin contacting state lawmakers by phone to press the case to keep Fernald open.

Those efforts received an initial setback when a House budget task force recommended in early April that the state facilities be closed.



COFAR member Diane Booher speaks at April 17 rally at Fernald Center. Representative Thomas Stanley is at left. COFAR President Tom Frain is directly behind Booher.

The health and human services task force did state that the administration's proposal did not allow for a responsible amount of time to transition Fernald residents into the community. The task force recommended that a plan be developed to make that transition within two years, contending it would uphold Ricci v. Okin, the landmark federal court case that resulted in a consent decree requiring equal or better care.

COFAR issued a four-page position paper in response to the task force recommendations and delivered the response to lawmakers during last week's State House lobbying day. Among the points made by the position paper were that the decision to close these facilities is based on the false premise that Fernald and the other state facilities are stereotypical "warehouses" for the retarded of years gone by. Today, these facilities provide state-of-the-art care for the most severely and profoundly retarded residents of the state.

COFAR holds April 17 rally at Fernald

Under sunny skies but amidst windy and chilly conditions, Fernald supporters held a curbside rally at the Trapello Road entrance to the Fernald grounds on the morning of April 17. The speakers who included state

Senator Susan Fargo (D-Lincoln), Representative Stanley, a Waltham City Council member, family members of the Fernald residents, and staff and union officials.

Fargo maintained that the Governor's projected savings don't exist. "If there isn't a savings, why are we doing it?" she asked, drawing cheers from the crowd that numbered more than 100.

"There is no other place in the Commonwealth where your tax dollars are being better spent," Stanley said. He echoed the sentiments of many in the crowd when he remarked that "I'm afraid the real reason [for the planned closure of Fernald] is a power grab for the land."

Cars and trucks repeatedly honked in support of the rally as they drove by on Trapello Road.

Catherine Gover, whose sister, Patricia, has been a resident there for more than 30 years, said her sister's afflictions were considered so serious when she was born that she wasn't expected to live past the age of 12.

"Patty is 38 and pushing 39, and it's a testament to the fine level of care at Fernald," Gover said. "This is the only large facility for the mentally retarded in the greater Boston area. If it closes, all the professional services there will be scattered to the wind."

Frain, President of COFAR, referred to a "continuum of care," of which Fernald and the other state facilities "hold a legitimate place." Frain maintained that the state will realize no savings in closing the facilities because the cost of care there "rises and falls with the person's disability," and will follow the residents when and if they are transferred into the community.

Kathleen McMenimen, Waltham City Councilor at Large and Dean of the City Council, said the entire City Council had unanimously passed a resolution opposing the closure of Fernald. "We are not NIMBY people," she said, referring to the Not-in-My-Back-Yard appellation. "We want Fernald to stay here."

April 23 lobbying day at State House

As the House released its budget for the upcoming fiscal year last Wednesday (April 23), some 40 COFAR volunteers were roaming the halls of the State House, buttonholing legislators and their staff members in their offices and handing out COFAR's position paper and other information in opposition to the facility closings. (see related story on next page).

COFAR's lobbying effort at the State House culminated just after 11 a.m. with a presentation to the Governor's Office of the petitions opposing the facility closures.

"What we heard from people across the state was that Governor Romney's budget proposals go too far," said Diane Booher, who coordinated the collection by COFAR volunteers, of petitions containing approximately 10,000 signatures. Booher said signatures were still continuing to come in. Booher handed the petitions to two aides to Romney at the entrance to the Governor's State House office.

For COFAR volunteers, lobbying comes naturally

The Dohertys and Hugheses wear out some shoe leather at State House

BOSTON—At 9:15 a.m. on April 23, Larry Harding got down to business with the 40 or so COFAR members who had come to the State House to buttonhole legislators and enlist their votes in keeping the Fernald Developmental Center open.

Among the volunteer lobbyists were Peggy and Joe Hughes of Weymouth and Fred and Joan Doherty of Reading.

"You're going to be down in the basement and up on the roof," Harding said. "Just remember, don't jump off it. Just a joke. And remember, this building is where the power is."

The orders to the assembled volunteers were to deliver packets of informational materials that Harding, COFAR's legislative liaison, had assembled in white envelopes. Each envelope contained the name of a state Representative or a Senator and his or her room number. Among the contents of each envelope was a detailed position paper explaining COFAR's opposition to the Governor's plans to close Fernald and the other state facilities for the mentally retarded.

Harding also told the group members that they should tell their stories to everyone they could find, lawmakers and staff alike, and explain in their own words why the facilities should stay open.

At 9:30, the members split up into small groups of two, three, and four, and headed off in different directions, although none went to the roof.

Peggy and Joe Hughes and Fred and Joan Doherty were traveling together, and their first stop was room 444, the offices of Reps. Smitty Pignatelli, (D-Lenox) and Mary Grant (D-Beverly). They were accompanied by a reporter for *The COFAR Voice*.

The office looked empty except for a receptionist, and one of the four COFAR volunteers handed her some envelopes and asked whether the lawmakers were around. Then, it seemed, they hit the jackpot. Representative Pignatelli appeared from his inner office. After some introductions, the newly minted lobbyists went to work.

"We're here to make sure Fernald stays open," said Peggy Hughes. "We'd really appreciate your help."

"We're going to be learning more about it in a half hour," Pignatelli said. "The budget is being released." (See story on p. 2 on House budget language regarding Fernald).

"These facilities house the kids that couldn't make it," Joe Hughes said to him. "They have all kinds of mental and medical problems."

"Our son has come a long way at Fernald," Peggy Hughes said.

"We'll do the best we can," Pignatelli responded. "We're facing tough times overall."

The encounter went on. Joan Doherty maintained that the closures wouldn't solve the state's budget problems.

"You have to go see these people," Fred Doherty said. "Their bodies are disfigured. They're fed through tubes. They can't make it in the community. What are the families going to do?"

"These people are going to die," Joe Hughes said.

"We'll do what we can for you," Pignatelli said.

During much of the conversation, Joan Doherty was talking with Dale Earl, an aide to Representative Grant, who had quietly appeared in the office.

After that, it was on down the hallway to Room 446. Joe Hughes mentioned to Fred Doherty as they walked that he'd heard from his grandson, who was with the American forces in Iraq and that his grandson was doing okay. "He's got two people to worry about," Doherty told a reporter. "His grandson and his son."

In Representative Marie Parente's office, an aide took one of the packets offered her and listened to the group. "She's on your side on this one," the aide said, referring to Parente. "She's writing letters to the Governor and to (Representative) John Rogers (chairman of the House Ways and Means Committee)."

It was on down the hall to the offices of Representative Daniel Bosley (D- North Adams),

chairman of the Government Regulations Committee. The Dohertys and the Hugheses were met at the office entrance by an aide to Bosley, who said her name was Beth Ann, and an aide to Representative Garrett Bradley (D-Hingham), who introduced himself as Steve Brown.

"We want your representative's vote to keep Fernald open," said Peggy Hughes. "If we have to keep moving these people, it will be a death sentence."

"We don't know if the language is in the House budget," said Beth Ann. "Is there any plan for where the residents will go?"

"Gerry Morrissey (the Commissioner of Mental Retardation) has said repeatedly he doesn't have a plan," Fred Doherty responded. "Our son was there at Fernald for 28 years before he died. The care there was absolutely wonderful. The kids have medical issues there."

"I'll make sure the Representative is aware you came around today," Beth Ann said.

Then it was up to the fifth (and top) floor. The group proceeded down a long side corridor and came to an office with a plaque next to the door that read: "State House Children's Caucus." One of the four had a packet for Representative Stephen LeDuc (D-Marlborough). They were in luck because LeDuc was standing in the reception area as they entered. They recited their stories again.

"Where is the Fernald School?" LeDuc asked.

"In Waltham," Fred Doherty said. "It's the oldest school for the retarded in the U.S."

LeDuc asked what was going to become of the residents if the school closed.

Peggy Doherty explained that some residents would be transferred to other state facilities, but that they would have to be moved yet again once those facilities closed. "It's going to become a merry-go-round," she said.

"It's keep your bags packed," LeDuc said sympathetically. He promised to contact Representative Thomas Stanley (D-Waltham) and other area lawmakers to "see what the story is."

It was 10:30 a.m., and time to go downstairs to the second floor for a COFAR news conference. At 11, the group was scheduled to help present petitions opposing Fernald's closure to the Governor's Office. By 10:30, the Hugheses and the Dohertys had visited half a dozen offices, talked to two lawmakers and about half a dozen aides and a couple of receptionists and delivered numerous packets of information. After the delivery of

the petitions, they planned to continue their lobbying efforts in the State House until 1 p.m.

As they waited for the elevator on the fifth floor to go down to the press conference, a reporter asked Fred Doherty about his and his wife's continuing commitment to the Fernald cause even though his son had died five years before. "We're here for the other kids," he said. "Our son received fantastic care there. We don't want to see the facility go."

"That's the way he (Fred Doherty) is," Joe Hughes said. "He's always going to stay involved."



COFAR members Joe and Peggy Hughes (at left) and Fred Doherty (at right) conclude their Fernald lobbying session with Representative Smitty Pignatelli (center).

COFAR membership is up

COFAR's fight to save Fernald and the other state facilities for the mentally retarded is resonating around the state. COFAR Executive Director Colleen Lutkevich said that since February, the organization has signed up 224 new members.

"Our new membership, combined with the fantastic response we've gotten in our petition drive—over 10,000 signatures—tells me that the public is behind us in the fight to save these facilities," Lutkevich said.

COFAR welcomes new members and is committed to hearing the voices of all families of the mentally retarded, whether their loved ones reside at home, in foster care, in community group homes or in facility settings. (For more information, see next page.)

COFAR is a family support, education and advocacy organization funded by member families.

Become a COFAR member and receive your monthly issues of *The COFAR Voice*. For membership information, write to:

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***JOIN COFAR IN OUR ADVOCACY EFFORTS TO PROVIDE
COMPREHENSIVE CARE The COFAR VOICE***

FOR ALL PERSONS WITH MENTAL RETARDATION