



## Resolution for constitutional amendment passed by assembly committee

The New Jersey General Assembly's State Government Committee approved two measures that would eliminate offensive language from the state's constitution and statute. The committee held a public hearing on March 12 and heard moving testimony from people with disabilities.

Assembly Concurrent Resolution 240 calls for an amendment to remove the phrase "No idiot or insane person shall enjoy the right of suffrage" from Article II, Section I, of the state constitution. The amendment would deny the right to vote only to a "person who has been adjudicated by a court of competent jurisdiction to lack the capacity to understand the act of voting." Assembly bill A-4030 would similarly change the State Statute.

"It's time for New Jersey to move forward," said Assemblyman Joseph Cryan (D-Union),

co-sponsor of ACR-240 and A-4030. "The words 'idiot' and 'insane' should not be part of our vocabulary any longer. Frankly, we need to move New Jersey to a more progressive age. It's time we grew up."

The resolution and bill are also co-sponsored by Assemblyman James Whelan (D-Atlantic). Both measures will move to the floor of the assembly for a full vote. If passed, the resolution will go to Governor Corzine for his signature and will then be placed on the statewide ballot in November as a public question.

In February, the State Senate passed an identical resolution (SCR-134) by a vote of 36-0. A bill that would change the language in the State Statute, S-2476, has yet to go to the senate floor for a vote.

"It is imperative that ACR-240 is passed so that the belittling terms of "idiot" and "in-



**Assemblyman Joseph Cryan (D-Union), co-sponsor of ACR-240 and A-4030.**

sane" are permanently purged from our Constitution," said Colleen O'Dell-Multer in her testimony to the panel. O'Dell-Multer is the Monday Morning Ocean County facilitator and is also a poll worker in her district in Brick, NJ.

"There is a perception that if a person has a disability they can not fully function and be useful in the community," she said. "I have shown my community that they are wrong and I don't want other people with disabilities to have to prove their right to vote."



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## State Supreme Court overturns DDD regulation

The state Supreme Court recently overturned a Division of Developmental Disabilities regulation that barred people with developmental disabilities from getting state services if they were unable to prove that at least three specific conditions, such as speech problems or an inability to care for themselves, had existed before they turned 22.

The Department of the Public Advocate filed a "friend-of-the-court" brief in the case and argued before the Supreme Court that the division's regulations violated state law.

The unanimous ruling is particularly important because the medical community now recognizes certain developmental disabilities that were unknown as little as 10 years ago. It would be virtually impossible to document the existence of these disabilities.

That was the case with T.H., a 55-year-old man who is at the center of the Supreme Court ruling. T.H. has a disorder known as Asperger's Syn-

drome, which only became recognized in the 1990s – long after T.H. had passed the 22-year cutoff age. When his mother died in 2000, his siblings sought help from the state to care for him.

In denying services, the Division said T.H.'s relatives failed to provide medical or other professional evidence that the disability existed during his youth. The Division discounted the testimony of his family members as anecdotal.

"Because T.H. was an adult long before Asperger's was a recognized disorder, medical, educational and psychological documentation of his symptoms and treatment before age 22 was simply not available," the ruling said. "The observations of his family...should have been considered an adequate substitute."

The high court also ruled the Division's regulation overstepped the provisions of the law governing the delivery of services to people with developmental disabilities by placing more restrictions on the type of conditions that must be documented before age 22 than are required under the law.

## Assistive technology recycling program

The Assistive Technology Advocacy Center (ATAC) of NJ Protection and Advocacy, Inc., has launched an upgraded, online system for Back In Action, New Jersey's assistive device recycling exchange program.

Since Back In Action has started, the program has helped thousands of New Jersey residents find alternative homes for assistive technology. The Back In Action website provides an opportunity for individuals to list assistive technology devices they want to sell or donate, or post an inquiry about items they are interested in acquiring.

Individuals can log onto Back in Action at <http://backinaction.njpanda.org>.

Individuals without computer access can contact ATAC at 1-800-922-7233 for assistance in navigating up-to-date Back In Action listings.

The Assistive Technology Advocacy Center (ATAC) serves as New Jersey's federally funded assistive technology project through a sub-contract with New Jersey's Department of Labor and Workforce Devel-

## NJCDD New Jersey Council on Developmental Disabilities

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**Vice Chair:** Lorraine D'Sylva-Lee **Executive Director:** Alison M. Lozano, PhD., M.P.A. **Editor/Writer:** Greg Mizanin

**ADDRESS:** PO Box 700, 20 West State Street, Trenton, NJ 08625-0700. **INFORMATION:** 1.800.216.1199

**OFFICE:** 609.292.3745 **TDD:** 609.777.3238 **FAX:** 609.292.7114 **INTERNET:** [www.njcdd.org](http://www.njcdd.org) **EMAIL:** [njddc@njddc.org](mailto:njddc@njddc.org)

*NJCDD's Monday Morning* is a compilation of news from various sources, organized to inform people with disabilities about policies, programs, laws, trainings and events. The purpose of the New Jersey Council on Developmental Disabilities is to apply its unique resources for culturally competent advocacy, capacity building and systemic change activity, to build leadership in self-advocates and their families, and to assure that individuals with developmental disabilities and their families are full participants in the design of and have access to needed community services, individual supports, and other forms of assistance that support self-determination, independence, productivity, integration and inclusion in all facets of community life.

opment. Its purpose is to assist individuals in overcoming barriers in the system and making assistive technology more accessible to individuals with disabilities throughout the state.

## ADA Best Practices Tool Kit

The Civil Rights Division of the U.S. Department of Justice recently issued installments of a new technical assistance document designed to assist state and local officials to improve compliance with Title II of the Americans with Disabilities Act (ADA) in their programs, services, activities, and facilities. The new technical assistance document, which will be released in several installments over the next 10 months, is entitled "The ADA Best Practices Tool Kit for State and Local Governments."

The Tool Kit is designed to teach state and local government officials how to identify and fix problems that prevent people with disabilities from gaining equal access to state and local government programs, services, and activities. It will also teach state and local officials how to conduct accessibility surveys of their buildings and facilities to identify and remove architectural barriers to access.

The first and second installments of the ADA Tool Kit, issued December 5, 2006, include:

- ADA Basics: Statutes and Regulations
- ADA Coordinator: Notice and

Grievance Procedure

### ■ Title II Checklist

The third and fourth installments, issued February 27, 2007, include:

- General Effective Communication Requirements Under Title II of the ADA
- 9-1-1 and Emergency Communications Services

While state and local governments are not required to use the ADA Best Practices Tool Kit, the Department encourages its use as one effective means of complying with the requirements of Title II of the ADA.

### New appointments at DDD

Kenneth Ritchey, formerly Ohio's director of developmental disabilities, was appointed Assistant Commissioner of the New Jersey Division of Developmental Disabilities. He will oversee seven institutions and services for 35,000 people.

While working for Ohio since 1999, Ritchey said he able to ferret out federal funding to expand community programs, including those that enabled people with developmental disabilities to remain with their families.

Carol Grant, acting chief of staff since July 2006, was named Assistant Commissioner for Administration and Operations, which includes the Human Services Police, Emergency Management, facilities, Real Estate and Office of Program Integrity and Accountability.

Deputy Commissioner Jim Smith will supervise the divisions of Family Development, Addiction Services and Deaf

and Hard of Hearing, and the Commission for the Blind and Visually Impaired.

## Voting bills introduced in Congress

Representative Rush Holt (D-NJ) and Senator Bill Nelson (D-FL) have introduced bills that would amend the Help America Vote Act of 2002 (HAVA). Rep. Holt's bill, the Voter Confidence and Increased Access of 2007 Act (H.R. 811), contains specific provisions regarding accessibility and ballot verification for people with disabilities. Sen. Nelson's bill, the Voter Integrity and Verification Act (S. 559), would ban conflicts of interest on the part of election officials.

Both bills require:

- ballot verification and mandatory paper record audit capacity;
- accessibility and ballot verification of results for individuals with disabilities;
- the Director of the National Institute of Standards and Technology to study, test, and develop best practices to enhance the accessibility of ballot verification mechanisms for individuals with disabilities, and outline additional voting system requirements and prohibitions;
- extension of the authorization of the Election Assistance Commission (EAC);
- provisions for filing complaints with the Attorney General by persons aggrieved by violations of HAVA; and
- additional funding to enable states to meet the costs of the new requirements.

# COMMUNITY CALENDER

<p><b>April 3</b>  <b>Section 811 Supportive Housing for Persons with Disabilities</b>                  HUD Webcast,                  11 AM to 1:30 PM                  Contact: Frank Toliver,                  202.402.3821</p> <p><b>April 18</b>  <b>“Transition from Early Intervention to Preschool”</b>                  10:30 AM to 12:30 PM                  Ocean County Public Library                  Toms River Branch                  101 Washington St.                  Toms River, NJ 08753                  Contact: 732.937.5437</p>	<p><b>April 27</b>  <b>Statewide Clinical Consultation &amp; Training Program of Trinitas Hospital</b>  <b>“Communication Techniques That Reduce Adult Problem Behaviors”</b>                  10 AM to 1 PM                  Clark-McWright Auditorium,                  St. Clare’s Hospital, Boonton Campus                  Contact: Fatu Bangura,                  908.497.9636 or e-mail                  fbangura_sccat@hotmail.com</p>	<p><b>April 27</b>  <b>“Conference on Housing Discrimination”</b>                  9 AM - 3 PM                  New Jersey Law Center                  1 Constitution Square,                  New Brunswick, NJ 08901                  Contact: NJ Division on Civil Rights, 609.292.4605</p> <p><b>April 27-29</b>  <b>Abilities Expo, New York Metro</b>                  NJ Convention Center at Raritan,                  Edison, NJ  <a href="http://www.abilitiesexpo.com">www.abilitiesexpo.com</a>                  For a free admission coupon:  <a href="http://www.njcdd.org">www.njcdd.org</a>                  or call: 609.984.4511</p>
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