

NJCDD

NJ Council on Developmental Disabilities

the **Council**

A publication of the New Jersey Council on Developmental Disabilities

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**Family Advocacy Program
& Self-Advocacy Project
Call Attention to Waiting List**



*Advocates meet with
Assemblyman Joseph Malone,
R-30.*

The Arc of New Jersey’s Family Advocacy Program and Self-Advocacy Project held an event at the New Jersey Statehouse designed to call attention to the critical waiting list for community residential supports for individuals with developmental disabilities. Advocates met with legislators

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**Advocates Weigh in
on State Budget**



In the early spring, the New Jersey State Senate and General Assembly held budget hearings throughout the state, listening to hours of testimony from the public on Governor Jon Corzine’s proposed \$29.8B budget proposal for 2010.

Family members, self-advocates and community providers concerned with services for people with developmental disabilities attended the hearings.

Most focused their comments on the proposed state Department of Human Services budget. They called on lawmakers to address proposed cuts to Medicaid, improve community infrastructure, provide increases to community providers to meet the rising cost of care, expand family support services and funding, address reductions to early intervention services for infants, toddlers and their families, and increase funds for medical day services.

On March 31, The New Jersey Council on Developmental Disabilities (Council) submitted written testimony explaining options for the legislature to consider as it makes decisions about the state budget that will determine whether thousands of people with

“We recognize the current fiscal restraints, but families and self-advocates cannot remember a year when our calls for change were not met with concerns about other budgetary demands and limits.”

*- Elaine Buchsmaum,
Chairperson, NJCDD*

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Advocates Weigh in on State Budget *continued from cover*

developmental disabilities can obtain safe, effective and self-determined services and supports in their homes and communities.

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support community-based supports for people with developmental disabilities.

“In light of this financial crisis it is hard to ignore the fact that a significant portion of the Division of Developmental Disabilities budget is funding less than 10 percent of its caseload—those individuals living in the state’s seven developmental centers,” said Dr. Alison Lozano, executive director of the Council. “The remaining funds are intended to serve the more than 90-plus percent of individuals with developmental disabilities who are choosing to live in the community.

“Even if we ignore the moral and ethical arguments regarding institutional versus community living, there is obviously a discrepancy in the way in which services are allocated in the state of New Jersey,” she added.

This year the Council stressed that without immediate action the state’s community infrastructure—which includes housing, health care, direct care and transportation as well as behavioral, recreational, educational and vocational supports—would likely experience significant deterioration. According to the Council’s testimony, as well as that of other advocates, a significant funding source for action in shoring up the infrastructure could be realized by ensuring all federal Medicaid waiver funds be reinvested into community-

Last year the Council called on Governor Corzine and the legislature to begin discussions on restructuring New Jersey’s disability service system so that much needed resources tied up in New Jersey’s extensive institutional system could be redirected to

based services rather than being allocated to the general treasury or used to reduce state appropriations.

“The time has long past where it is possible to wait yet another year for a genuine commitment to meet the needs of the thousands of people and families who each year are denied services despite being eligible and in dire need of assistance,” said Elaine Buchsbaum, chair of the Council. “We recognize the current fiscal restraints, but families and self-advocates cannot remember a year when our calls for change were not met with concerns about other budgetary demands and limits.”

“In 1945, New Jersey became the first in the country to outlaw racial discrimination. We should not be the last in the country to address disability discrimination by failing to design and fund a system that allows people with developmental disabilities to be valued and welcomed into our communities,” said Buchsbaum.

Calling Attention to the Waiting List *continued from cover*

and asked them to say “no” to cuts to services for individuals with developmental disabilities. Dozens of self-advocates and families came to the daylong event, which included a trip to the Assembly and Senate chambers to meet and greet legislators in the halls. A small group also got the opportunity to meet Treasurer David Rousseau and thank him for keeping people with developmental disabilities in mind while crafting the FY 2010 budget.

The Arc called the day “a tremendous success.” News coverage included stories on NJN and WMBC. *The Star Ledger* also interviewed families for an upcoming series on the waiting list.

Los abogados evalúan el presupuesto del estado



A principios de la primavera, el Senado del Estado de Nueva Jersey y la Asamblea General realizaron audiencias en todo el estado para tratar el presupuesto y escucharon horas de testimonios del público respecto de la propuesta del Gobernador Jon Corzine para el presupuesto del año 2010 en 29.800 millones de dólares.

A las audiencias asistieron miembros de familias, auto-defendidos y proveedores de la comunidad preocupados por los servicios a las personas con discapacidades de desarrollo. La mayoría de los asistentes centraron sus comentarios en el presupuesto estatal del Departamento de Servicios Humanos. Convocaron a legisladores para debatir los recortes a Medicaid, mejorar la infraestructura de la comunidad, brindar aumentos a los proveedores de la comunidad para cubrir los costos de la atención cada vez más elevados, expandir los servicios de apoyo familiar y financiación, debatir las reducciones a los servicios de intervención temprana para bebés, niños pequeños y sus familias y aumentar los fondos destinados a servicios médicos de día.

El 31 de marzo, el New Jersey Council on Developmental Disabilities (Consejo de Nueva Jersey sobre discapacidades en el desarrollo), o el Consejo, envió un testimonio escrito en el que explicaba opciones que puede tener en cuenta la legislatura al tomar decisiones respecto del presupuesto del estado que determinará si miles de personas con discapacidades de desarrollo pueden obtener servicios y apoyo seguros, efectivos y autodeterminados en sus hogares y comunidades.

El año pasado el Consejo convocó al Gobernador Corzine y a la legislatura para comenzar a debatir la

reestructuración del sistema de servicios a discapacitados de Nueva Jersey de modo tal que los recursos tan necesitados que se encuentran destinados al sistema institucional extensivo de Nueva Jersey se puedan redireccionar a apoyos comunitarios para personas con discapacidades de desarrollo.

«En virtud de la presente crisis financiera, es difícil ignorar el hecho de que una porción importante del presupuesto para la División de Discapacidades de Desarrollo se encuentra financiando menos del 10 por ciento de sus casos—aquellas personas que viven en los siete centros de desarrollo del estado» dijo la Dra. Alison Lozano, directora ejecutiva del Consejo. «El resto de los fondos tiene la finalidad de cubrir más del 90 por ciento restante de las personas con discapacidades de desarrollo que elijen vivir en la comunidad».

«Incluso si ignoramos los argumentos éticos y morales respecto de lo institucional versus la vida en la comunidad, es obvio que existe una discrepancia en el modo en que los servicios se distribuyen en el estado de Nueva Jersey», agregó.

Este año, el Consejo remarcó el hecho de que sin una acción inmediata a la infraestructura de la comunidad estatal, incluyendo viviendas, atención médica, atención directa y transporte así como apoyo del comportamiento, recreativo, educativo y vocacional, tiene muchas posibilidades de experimentar un deterioro importante. Según el testimonio del Consejo, así como él de otros abogados, una fuente importante de financiamiento

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*- Elaine Buchsmaum,
Presidente, NJCDD*

para la acción de apuntalar la infraestructura podría concretarse al garantizar que los fondos federales de renuncia a Medicaid se reinviertan en servicios comunitarios en lugar de destinarlos a la tesorería general o utilizarlos para reducir las apropiaciones del estado.

«Hace ya tiempo que dejó de ser posible esperar otro año más para obtener un compromiso genuino para cubrir las necesidades de miles de personas y familias a las que cada año se les niegan servicios a pesar de reunir los requisitos y tener reales necesidades de asistencia», afirmó Elaine Buchsbaum, presidenta del Consejo. «Reconocemos las actuales restricciones fiscales, pero las familias y los auto-defendidos no pueden recordar un año en el que nuestros pedidos de cambio no se encontraran con preocupaciones acerca de las demandas y límites presupuestarios».

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*-Elaine Buchsbaum,
Presidente, NJCDD*

estado del país que penó la discriminación racial. No seremos los últimos del país en debatir la discriminación por discapacidad al no poder diseñar y financiar un sistema que permita a las personas con discapacidades en el desarrollo ser valoradas y acogidas en nuestras comunidades», afirmó Buchsbaum.

El programa de defensa familiar y el proyecto de auto-defensa prestan atención a la lista de espera

El Arc of New Jersey's Family Advocacy Program (Programa de defensa familiar de Nueva Jersey) y el Self-Advocacy Project (Proyecto de auto-defensa) realizaron un evento en el capitolio de Nueva Jersey con el fin de que se preste atención a la importante lista de espera para apoyos residenciales en la comunidad para personas con discapacidades en el desarrollo. Los abogados se reunieron con los legisladores y les solicitaron que dijeran «no» a los recortes efectuados a los servicios para personas con discapacidades en su desarrollo. Docenas de auto-defendidos y familias asistieron al evento de un día de duración que incluyó una visita a las Cámaras de Senadores y de la Asamblea para dar la bienvenida y saludar a legisladores en las salas. Un pequeño grupo también tuvo la oportunidad de reunirse

con el Tesorero David Rousseau y le agradeció tener presentes a las personas con discapacidades en el desarrollo mientras se delineaba el presupuesto para el año fiscal 2010.



Defensores se reúnen con Joseph malone, miembro de la Asamblea, R-30.

El Arc definió el día como un «éxito tremendo». La cobertura de las noticias incluyó historias en NJN y WMBC. El Star Ledger también entrevistó a familias para una serie próxima en la lista de espera.

CLASS Act Introduced

In late March, U.S. Senator Ted Kennedy (D-MA) and Congressman Frank Pallone (D-NJ) introduced the Community Living Assistance Services and Supports Act (CLASS Act). The CLASS Act would create a new national insurance program to help adults who have or develop functional impairments, to remain independent, employed, and stay a part of their community.

The bill would create a national insurance trust to provide a cash benefit for services and supports. That cash benefit would allow those with disabilities to have more choices and opportunities in how and where they choose to live.

“As America continues to age, we are faced with an impending crisis in long-term care that has been ignored for too long,” Pallone said in a release. “As we work to reform our health care system, we must not forget those Americans in need of community services. The bill will give those with functional disabilities the means to maintain their lifestyles, to stay with their families and to remain productive members of their communities.”

The insurance trust would be financed by voluntary payroll deductions. Under the measure, all working

adults would be automatically enrolled in the program, unless they choose to opt out.

Bill Would Limit Work of Protection and Advocacy Systems

In early March, Congressman Barney Frank (D-MA) reintroduced a bill (H.R. 1255) that would limit the ability of state Protection and Advocacy systems to protect individuals with developmental disabilities in institutions.

The bill limits the ability of federally funded advocates to protect people with disabilities living in ICF/MRs from abuse and neglect. Specifically, the bill says that: “no entity that receives funds from the Federal Government may use such funds to file a class action lawsuit against an intermediate care facility for the mentally retarded on behalf of any resident of such facility unless the resident (or the resident’s legal representative), after receiving notice of the proposed class action lawsuit, has the opportunity to elect not to have the action apply to the resident.”

Under such a limitation, an individual whose guardian opts them out of a class action seeking to end the use of harmful restraints and seclusion could be denied the benefit of banning these harmful techniques if the class action is successful.

The National Association of Councils on Developmental Disabilities has opposed the bill, saying that it is essential that Protection and Advocacy systems continue to have the broadest authority possible to ensure the protection of the rights of people with disabilities. Current Federal Rules of Civil Procedure already provide class members with a number of protections, including appropriate notice, class certification requirements, the right to intervene, and a fairness hearing on the final outcome.



Community Calendar



May

- 20 30th Annual NJ Governor's Conference on Recreation for Individuals with Disabilities. Monroe, NJ, sponsored by The NJ Department of Community Affairs. For more information, visit <http://www.state.nj.us/dca/divisions/dhcr/rec>.
- 21 NJ State Special Education Advisory Council, hosted by the Office of Special Education Programs. Public meeting begins at 9:30 a.m. National Conference Center, East Windsor, NJ.
- 27 NJ Council on Developmental Disabilities Consumer Caucus, 6:30 p.m. - 8:30 p.m., Trenton, NJ. For more information, visit www.njcdd.org.
- 29 20th Annual Conference on Medical Care for Persons with Developmental Disabilities, sponsored by the Arc of NJ, Princeton, NJ. Call 732-246-2525 or visit <http://www.arcnj.org/>.

June

- 3 SPAN's Health Advocacy Program, 10 a.m. - 3 p.m., Camden, NJ Call 856-520-4443 or email njpc Camden10@aol.com.

July

- 8 & 9 7th Annual Summer Inclusion Conference, sponsored by the New Jersey Coalition for Inclusive Education, Ewing NJ. Call 732-613-0400 or visit <http://njcie.net>.

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