

MESSAGE FROM JIM HARDMAN, PRESIDENT , FoF

Dear Friends of Fircrest,

The DSHS Task Force on DD services is winding down and will have a report for legislative and gubernatorial consumption in December.

This effort was born in **highly dubious** legislative fashion. The bill creating the Task Force was introduced early in the 2011 session and the hearing for it was done with sufficient notice for interested people to respond. The opposition to the bill, which included the closure of the Morgan Center and a freeze on Yakima Valley School admissions, generated **fierce opposition**. In the face of this opposition the bill was withdrawn before a vote. The **bill appeared dead**, and no doubt was meant to play dead. Then, in the waning moments of the session, it was reintroduced without legitimate notice and without notice to the known interested parties. This **gaming of the system** is reprehensible and represents the **worst of politics**. Those involved should be deeply ashamed of themselves. But having no shame the bill was represented to our friends in the legislature as having been redone so as to satisfy those who had objections to it and who had forced its earlier withdrawal. Thus it was born in **infamy and deceit**.

The Task Force was stacked with anti RHC ideologues. The continuum of care advocate was meant to be ineffective as a history of advocacy for RHCs was a disqualifying condition for appointment to the Force. Further, this member had to be from eastern Washington. Task Force meetings were all held in Olympia and no travel or any other expenses would be provided. This member would also be the only non paid participant. All others would participate as employees of various entities. Unfortunately for the originators of the infamous bill, the continuum of care advocate, **Bonnie Sullivan, proved effective despite every disadvantage**. Bonnie Sullivan deserves our respect and thanks. She is **smart and curious**. She brought some much needed context to the claims of the anti RHC ideologues.

At the most recent Task Force meeting, the fifth of six meetings over a two year span, some **positive leadership** came forth. Senator Kline acknowledged the **importance of home** for RHC residents and talked about RHC **consolidation in terms of excess real estate** rather than RHC homes. Task Force chair. Rep. Tami Green, advocated the development of **three or four recommendations** to the legislature that would have the **unanimous support** of Task Force members. This could only be achieved **without RHC closures or evictions**. The Task Force also seemed to favor asking the legislature to reauthorize the Task Force for another biennium.

Among top concerns for recommendations are: more **respite services**, greater and **more stable funding** for DD services, creating ways of providing RHC **professional services** for non RHC residents and **assessing the needs** of currently **un-served** families.

There are more issues to be sure but the legislator members of the Task Force agreed that the government needs a **start that does not overwhelm** it and that proceeds with **consensus**.

Optimism has been crushed before and these **encouraging developments** may evaporate before our eyes. We need to remain vigilante and active in supporting these constructive ideas. I am surprised to find myself giving the Task Force **kudos** for its current direction.

J.R. Hardman J.D., CPG

Law & Ethics in RHC Evictions

Submitted by James R. Hardman J.D., C.P.G.

The DD Services Task Force appears keen to **close** RHCs. Yakima Valley School and either Fircrest or Rainier.

To accomplish this it will be necessary to **dislodge** people from their campus facility **homes**. In the real world this process is referred to as **eviction**.

Yes there will be some choices along the way, but staying home will not be among those choices.

If you haven't read Father Boyles' essay on **HOME in an RHC** please do. Some RHC foes refuse to recognize that RHC residents consider themselves to be Home where they live. The campus home is no accident. RHCs were designed to be homes. **Cottages/duplexes replaced barracks** to create a homey environment. It worked, [even if barracks had been thought of as "home" by prior residents].

It's interesting how **people love their homes**. Even those homes you or I would rather not occupy as our own home. As humans we have an innate need for home. We protect our homes. Our homes are our **castles** in that we can keep the public out. The government may only come in by invitation or approved public need. Homes provide us with **security** and they **orient us to the world**. Homes are where our families are. **Families** which may or may not be related by blood.

There is something **sacred** about our **homes**. RHCs are sacred in our State **Constitution** where the state accepted a sacred duty to **"support"** and to **"foster"** RHCs. The **Abuse of Vulnerable Adults Act** includes a **presumption of harm** when a non verbal person with vulnerability is taken from their home. Guardians have no authority to take anyone from their home. By law this authority [**removal from home**] can only be done by the **public prosecutor** upon a showing by **"clear, cogent, and convincing evidence"** that the person getting taken from home is in **immediate danger** to him/her self or others.

It is **unethical for professional guardians** to take a client from their home unless the guardian can identify a specific and significant harm to the client that cannot be resolved otherwise. And even then the prosecutor must get court approval if the client objects.

The guardian prohibition of removing clients from home is a **national standard**. In Washington the State **Supreme Court** adopted this rule for professional guardians as a **mandatory minimum standard**. The practice doesn't gain ethical status by virtue of having DSHS do the evicting. Or by having the legislature authorize such evictions. It remains unethical because it **hurts people**. It can even result in premature **deaths** as it did for 4 - 6 former Fircrest residents caught up in the 2003/4 "downsizing".

DSHS does not consider itself subject to these rules.

DSHS is subject to the Abuse of Vulnerable Adults Act and was not able to "downsize" Fircrest without considerable harm to those evicted.

DSHS was fortunate that only 5 of 60 sued for damages done to them by the evictions. Three of those 5 cost DSHS more than \$300,000.00 And each would have been better off with no damages and no money. Money does not adequately make up for the harm they suffered, not even close.

If RHC residents looked as young as their **developmental ages** the community would never allow them to be evicted from their homes and families.

My RHC clients have developmental ages of **toddlers**. Its like removing a three year old from his/her family and expecting them to be fine because their new family is a nice family. Who among us would have been fine with leaving our family as a three year old?

The DSHS evictions of residents from RHCs has resulted in **deaths and suffering** short of death for many, perhaps most, of those evicted. The breakup of a family, a change of residence, job loss, severing ties to trusted friends or trusted caregivers are **all stress producing events**. What responsible authority would advocate stressing medically and/or behaviorally fragile people?

Legally competent people might find some solace by being involved in the decision making, or having counseling, or even being consulted along the way. The worst scenario is having those decisions made and actions taken without our knowledge, understanding or personal participation. For my clients, personal participation is impossible. None of my clients in RHCs can comprehend conversation. Their brain development stopped before their brains could adapt to language and language acquisition.

In child **change of custody** cases the court may not simply decide who the better parent is. The court must recognize the **trauma** for the child that we know occurs when a child is removed from the home and custodial parent they know. Thus the danger to the child by remaining at home must be carefully examined. The danger to the child posed by the custodial parent must be examined. The improvement inherent in the new home and new custodial parent must clearly overcome the child's trauma and stress inherent in the change. The **resident point of view** has been astoundingly **absent** from the Task Force deliberations. No evidence solicited or provided. **No analysis.**

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Law & Ethics in RHC Evictions *continued from page 2*

Every new "placement", every eviction is an experiment. Success is hoped for but cannot be predicted. **Human experiments require the informed consent** of the test subject. Informed consent means that the test subject **understand the risks**. This means that the risks must be disclosed in advance. DSHS does not do this. DSHS has no stated intention of ever doing so for an RHC resident. A guardian cannot authorize experiments on clients. Not without exceptional circumstances and a court's approval. In 30 years I've never seen or heard of it.

Task Force will likely take the path of unethical conduct because the **ideological imperative** is too strong the ideologues to resist.

Our constitution, the laws protecting vulnerable adults, and experimental test subjects, child custody laws, laws of civil commitment [removing someone from their home], and the **ethical standards** for guardians all **dictate against evicting** people from their RHC campus homes.

What will the Task Force report?

James R. Hardman J.D., C.P.G.

Letter to the RHC Task Force	Michael Johnson, J.D., C.P.G.
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Comments to the Task Force....

I am writing you today to urge the Task Force to consider recommending a vulnerability analysis of residential habilitation center (RHC) residents, prior to recommending a policy of consolidation / closure. I also urge that provision be made for a minority report to be included in the Task Force's report.

There is a growing awareness that vulnerabilities of young people, older people, and people with disability – those who might be "legally disabled" – should be included in any policy-making decisions concerning their own well-being.

Point 1. A study of vulnerabilities should be undertaken before any recommendation from the Task Force. Ignoring vulnerabilities will no doubt invite more death and emotional damage to discharged residents. Tommy's death, and the death of the six following the Fircrest "downsizing" in 2004, has (amazingly) not refocused policy analysis on an aggregate evaluation of vulnerabilities to prevent future death and harm.

What is needed – before making a recommendation of closure or consolidation – is a vulnerability analysis. A vulnerability analysis would at both the individual and aggregate levels (a) evaluate advantages / disadvantages to residents in the context of vulnerabilities, be they physical, intellectual, or emotional (b) caused from changes brought about by closure or consolidation, including but not limited to adaptability and stress caused by changing environments and caregivers, (c) relying primarily on data from caregivers, families/guardians, and others most familiar with those vulnerabilities, (d) for the purpose of identifying remedial measures both individually and as a group. Such a vulnerability study is critical before any recommendation by the Task Force. A failure to do such an analysis invites more death and emotional injury to RHC residents.

Analysis in terms of the formal right of autonomy fails to account for those too vulnerable in the real world to meaningfully exercise that right. Past SIS Assessments are methodologically biased towards autonomy and fail to capture the depth and scope of vulnerabilities of each resident.

Point 2. A minority report should be included in the Task Force report. RHC residents do not have equal status before the Task Force and therefore cannot participate equally in the outcome. Residents were excluded from participation in the creation of the Task Force. Resident participation on the Task Force is marginalized – only one member out of many represents residents of RHCs. Residents have no meaningful access to resources to participate equally.

This ongoing exclusion should be re-evaluated and reconsidered by the Task Force to prevent creation of public policy based on paternalism rather than the realities of individualized and aggregate vulnerabilities of residents. A minority report should be permitted.

In my prior e-mailed comments to the Task Force, I alluded to this by referring to a law review article by Martha Fineman, professor of law at Emory University Law School and the Director of the Vulnerability and Human Condition Initiative. A more current article: Martha Albertson Fineman, *The Vulnerable Subject and the Responsive State*, 60 Emory L.J. 251, 255-56 (2010).

COMMITTEE REPORTS

OUTREACH –CAMPUS ACTIVITIES SUPPORTED BY FoF SUMMER 2012

Thanks to the generosity of many donors, Friends of Fircrest participated with projects on campus for the benefit of our Fircrest residents. Friends of Fircrest delivered 275 informational pamphlets to “Autism Day” for distribution at their conference.

The Funfest themed “Summer of Love” was held on July 28. The parade delighted the residents with pirates and drill teams and high school bands. The symbols of peace from the ‘60’s were all around. Our “recreation” group served hot dogs, cotton candy, juices and water while Friends of Fircrest provided healthy snacks from our market tent in the “Commons Area”. Large boxes of food appropriate for the clients and staff were delivered to the ‘Y’ building residents. Summer of Love themed favors were included for their enjoyment.

Some areas of the campus have initiated container gardening. Hickory Unit has two raised planter boxes accessible for persons in wheelchairs. They expanded their planters on the ground, both in the front yard and on the edge of the patio. They are utilizing the gardening projects as a program enhancement for their residents. The raised beds in the Therapy Garden are also being used by the residents for lettuce, onions and other plantings. An additional garden project is shared on another page of this newsletter.

This year Friends of Fircrest did not have an entry in the Shoreline Parade. There appeared to be no interest in this activity. We did however participate in the Shoreline Festival at Ridgecrest Elementary. Our booth displayed scenes from our Fircrest Campus and some of the activities with clients on a “picture board”. People stopped and asked questions, took a trifold that we handed out. We gave out funny “COOL” glasses, peace symbol necklaces, armbands and bracelets. It was fun but it would have been nice if more persons could have participated with donated time at the booth.

If any one would like to enhance their life and become a participant in our outreach activities, please call or email Maria Walsh 206 718 1761 or mwalsh1240@earthlink.net

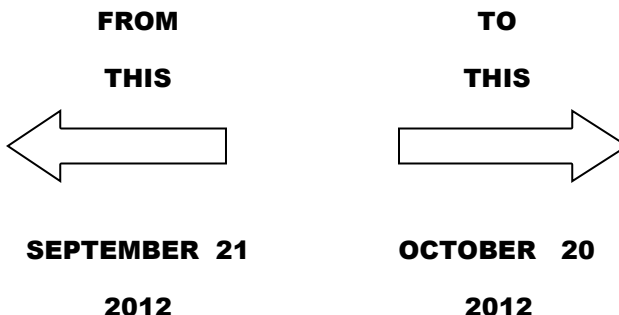
HOME UNIT REPRESENTATIVES

At the October 16th HUR meeting we discussed The Special Needs Trust, a way for guardians to provide for the long term care of their ward after parent/guardian dies. We also discussed the nature of contributions from SSI and SSA and other organizations to Resident Accounts and how they are and can be used.

More work will be done on the Fircrest Parent/Guardian Handbook at the Nov. 20th meeting. In- put from long time Fircrest families as well as new comers is needed for this effort.

See you November 20, 1pm in the Admin. Building, Fircrest Betty Cantrell, Chair HUR

The Just Garden Project was a huge success! Check out the slide show on the Friends of Fircrest website at www.fircrestfriends.org



Please register with eScrip to help Fircrest earn money for Campus programs. The merchants donate a percentage of your purchases to our program. **Register your Safeway Club Card or go on line to find many participating merchants. Probably ones you regularly patronize. It's' easy and we need more of you to get with the program.**

www.escrip.com Fircrest School-Friends of Fircrest eScrip Group ID –500029884

COMMITTEE REPORTS

Social Media? A great way to stay connected – Cheryl Felak

A mother of a resident who lives out of state and had no contact with Friends of Fircrest found the Facebook page and contacted me. Her son lives in my son's duplex and it has been wonderful connecting with her. We met in person this past summer when she was able to come to Seattle.

Check out these social media groups to stay connected with family, friends, community and Fircrest advocates:

Facebook – Fircrest School - Friends and Family

Google Groups - Fircrest Family Friends <https://groups.google.com/d/forum/fircrestfamily>

or send email to Fircrestfamily@googlegroups.com

and request to join in with the discussions and updates.

NEWS YOU CAN USE.....AND SHARE

This newsletter is provided to all advocates and supporters of keeping a full range of care options for our ID/DD citizens, of all ages. Our newsletter is a key part of our mission to educate and keep informed our officials as well as our neighbors peers and friends. We encourage you to share it with others. Past newsletters are available on our web site. www.fircrestfriends.org

Please continue to sign up for e-delivery of the news to save our modest funds for client support programs. Use the form on page 7.

Another source of relevant news is available on Cheryl Felak's website www.becausewecare1.com. Cheryl writes extensively on issues regarding not only Fircrest but on developmental disabilities. Do check out this site, the FoF site and the Action for DD site at **AC-TIONDD.org**. *Keep informed. Be a knowledgeable advocate & "spread the word" as our FoF president always intones.*

To accommodate some very important articles we ran short of space for past meeting highlights. Minutes and treasurers' reports are available by request. Maria 206 718 1761 or Candy 206 527 1125.

FRIENDS OF FIRCREST REGULAR MEETING SCHEDULE

All meetings, Board and Membership, unless otherwise notified, are held in the Staff Training room of the ATP (Adult Training Program) Building, northeast corner Fircrest Campus. All are welcome to any FoF meeting.

Home Unit Representatives
Third Tuesday of the month at 1 PM
Fircrest, Admin Bldg.
Ad Hoc Meetings
Called as needed

Membership Meetings
Nov.11 2012-Annual meeting,
Jan.13, 2013

Board Working Meetings
Dec. 9, 2012 (Annual Planning),
Feb. 10, 2013

Officers:

- President: Jim Hardman, J.D., C.P.G
- *Vice President: Paul Strand
- Secretary: Candace Braley, (temp)
- Treasurer: Maria Walsh

Directors:

- Terri Anderson
- Jo Bousman
- Betty Cantrell, RN, BSN
- Saskia Davis
- Kristin Ellison-Oslin, Rev. Min. Div.

Emeritus: Dot Brenchley,

- Ruth Durkan, Jean Huntley,
- Phil Scheier
- Advisory: David Baker, Ph. D.**
- Maureen Durkan, Bonny Oborn,
- Michael Johnson J.D., C.P.G.
- Emilio Gambacorta
- Alice Hardman, MSW, CPG
- Liz Patterson
- Cynthia Willman, O.T.

ANNUAL MEETING NOVEMBER 11, 2012 Fircrest Campus, ATP Training Room 1pm

2012 Service Award Recipient: JO BOUSMAN

Each year the Friends of Fircrest nomination committee selects a person who has provided time, enthusiasm and participation to enhance and support our organization to achieve its mission. This year we honor Jo Bousman, an original founding FoF member and dedicated advocate.

*Jo has served on the Friends of Fircrest board for more than five years, served as secretary and adds the perspective of a long time parent of an RHC resident. Jo has been diligent in attendance, regardless of a long commute. Jo has volunteered and participated in community events, like the Shoreline Parade and Festival, served at the Funfest hospitality booth and trekked to Olympia over the years. Jo brings Michael to campus activities when she is able to. Jo is great and generous providing meeting sustenance and doesn't disappoint even if it is not her turn. Jo is a caring mother and diligent guardian, she is someone who helps sustain us and expresses our mission in thought, word and deed. **Friends of Fircrest are proud to acknowledge her years of service.***

SLATE OF OFFICERS AND BOARD OF DIRECTORS FOR SERVICE IN 2013 AND BEYOND.....

The following executive committee members have agreed to serve another 1 year term: President Jim Hardman, Vice President Paul Strand & Treasurer Maria Walsh. Standing Secretary, Candace Braley has offered to serve next year if no one steps up to fill the position vacated by Cheryl Felak.

Board of Directors who have agreed to another three year term are: Teri Anderson, Jo Bousman, Candy Braley, Betty Cantrell, Saskia Davis, Jim Hardman, Kristin Ellison-Oslin, Liz Patterson, Cynthia Willman. Board members Alice Hardman requested to retire from the active board. She has been nominated for placement as Emeritus status. Board member Emilio Gambacorta has been nominated for emeritus status. Advisory member Maureen Durkan has agreed to rejoin the active board.

New nominee who has agreed to serve is Karen McNerney, parent of Fircrest resident.

All the above positions need general membership approval at the annual meeting. Please add to the nominations. Contact committee: Candy: cbraley@Q.com 206 527 1125, Liz: liz.pat1958@gmail.com 425 418 2962 or Maria: mw Walsh1240@earthlink.net 206 7181761

Agenda for Annual Meeting:

November 11, 2012

- 1:00pm Board meeting
- 1:45 Adjourn to greet FoF members
- 2:00 Membership meeting
- Brief reports.
- Election of officers & directors
- 2:30 Adjourn
- Greet special guests
- 2:40 Annual Service Award Presentation
- Guest Speakers
- Social & refreshments

Board Member Basic Responsibilities

1. Meetings: Preparation, attendance and participation in regular meetings.
2. Fiscal overview: Input into our annual budget /financial process and decisions as well as safe guarding internal controls.
3. Mission: Carry out our mission through participation in the defining and reviews of our purpose, programs, strategy plans, fundraising goals and needs.
4. Fundraising: Participate in giving, personally, as well as in the fundraising activities of the organization and making available your network of contacts who may contribute. *Add to our list of donors.*
5. Advocacy: Be well versed in our messages and mission in order to educate your legislators, community, personal colleagues and other groups and individuals of the importance of Fircrest and of the need for RHCs to remain open. *Add to our membership and mailing list of supporters.*
6. Service: Chair or serve on at least one committee and volunteer for ad hoc or task force jobs as they arise.
7. Building and maintaining an effective board: Have a clear understanding of the strengths and weaknesses of the overall organization and of its goals in order to be present for evaluations and recommendations to keep the board thriving. This includes recommending new board candidates.
8. Work together as a team. Keep in communication with your board members.

Excerpts from: F. Howe, *Welcome to the Board* (San Francisco: Jossy-Bass, 1995).

Dear Friends of Fircrest,

DO YOU NEED FIRCREST?? DO OUR RESIDENTS NEED FIRCREST ??

If your answer is YES then **YOU** need to sign up to participate by;

- 1. Attending our general meetings every other month on Sunday, and /or
- 2. the HUR meetings on the 3rd Tuesday of each month
- 3. Help with one or more campus & outreach activities
- 4. Get involved with one or more of our committees and
- 5. Keep in touch with your local, state & federal officials who must be educated of the need for RHCs.

OUR AIM FOR 2013 IS TO; RECRUIT BOARD MEMBERS WHO ARE WILLING TO SERVE, TO KEEP OUR ORGANIZATION STRONG, TO BRING FRESH IDEAS AND STRATEGIES TO THE CAUSE & TO REVIEW AND DEFINE OUR GOALS.

YOU ARE NEEDED SO THAT MANY HANDS CAN LIGHTEN THE LOAD. WILL YOU REACH OUT AND JOIN US?? Please contact: Candy- cbbrale@Q.com or Maria -mwalsh1240@earthlink.net

November is the last General Meeting of the year. Please be there.

Now is the time to make end of year **tax deductible** donations to support our mission. FoF has not sent out fundraising letters for three years. We hope you will respond with as generous donation as you can make so separate letters won't be necessary. We need the resources to support our cause and to prepare for the 2013 Legislative session.

Please use reply form below. **THANK YOU!** Maria Walsh, Treasurer

FRIENDS OF FIRCREST YEAR END DONATION FORM, 2012

NAME: _____ LEGISLATIVE DIST: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

TEL: _____ E-MAIL*: _____ CELL: _____

*Please check Yes ___ or No ___ to receive newsletters and other notices by e-mail.

MAKE CHECKS PAYABLE TO FRIENDS OF FIRCREST

ANNUAL DONATION \$ _____ TRIBUTE DONATION \$ _____ (info requested below)

TRIBUTE / MEMORIAL DONATIONS: Please provide the following information.

In Memory of ___ Honor of ___ Anniversary ___ Birthday ___ Congratulatory ___ Get Well ___ Other _____

Name of honoree: _____ Send Acknowledgements to: (attach list with name and address)

May Friends of Fircrest announce, in our newsletter, your memorial /tribute donation in name only? Yes ___ No ___

Thank you for mailing this form with your correspondence to Friends of Fircrest

Attn. Maria Walsh, Treasurer, c/o Fircrest School RHC, 15230 15th Avenue NE, Shoreline, WA 98155

Your donations are tax deductible. Be sure to keep a record. Direct questions to Maria at 206 718 1761

We welcome comments and suggestions.

Friends of Fircrest ♡

c/o Fircrest School, RHC
15230 15th. Ave. N. E.
Shoreline, WA 98155

*We Wish All of Our
Fircrest Families a
Healthy, Happy Holiday
Season!*

FRIENDS OF FIRCREST IS A VOLUNTEER 501(C) (3), NON-PROFIT ORGANIZATION, ADVOCATING FOR THE RIGHT TO QUALITY LIVING AND CARE CHOICES FOR ALL CITIZENS WITH DEVELOPMENTAL DISABILITIES

Save the date:

FoF annual meeting: Sun. Nov 11. Board 1 pm, Membership 2pm.

ATP training room, Fircrest Campus

Legislative Forum: Mon. Nov. 19 6-9pm. Doubletree Inn , Tukwila

Home Unit Reps meeting: Tues Nov. 20 1 pm Admin Bldg.

Annual FOF Board Planning Pot Luck lunch Dec. 9. Venue TBA

Washington Ferry Holiday Cruise: Sat. Dec. 15. 2-3:30

Board at 1pm Coleman Dock. Contact Bob Colley

Fircrest Rec. Specialist to sign up. *Don't Delay reservations go fast.*

FoF Meeting: Sun. Jan. 13, 2013. Board 1pm, Members 2pm

VOR Awareness Month

If at all possible, **please send a donation**. The national group has been a vital source of information, inspiration and assistance in fighting the national trend of "community only". They continue to track what is going on throughout the nation- both the positive and negative happenings.

We continue to need their assistance in fighting local battles to maintain the supports & services needed by our loved ones.

**VOR: 836 S Arlington Heights Rd #351
Elk Grove Village, IL 60007**

Message for our Legislative Chair Terri Anderson, WinchesterWillie@comcast.net or 425.788.4529

It seems like a long time coming, but the ballots are beginning to appear in our mailboxes. Please **DO NOT** set them aside and get to them later. Take your ballot (and the beverage of your choice) and **MAKE YOUR VOICE HEARD**.

Once you have cast your ballot and sent it in, be proactive. When the votes are counted and you know who your elected officials are, contact them. Send them a congratulations note. Tell them you will be in contact regarding developmental disabilities issues. Become a familiar face and voice to those who are going to Olympia.

The only way to affect change is to insert yourself into the action. At this time we need to be at the head of the line in order to safeguard the RHCs and the safety net for the entire DD community.

Our Shoreline Community Lifelong Learning PTSA is now official! We (Fircrest) are part of the Washington State and National PTA Organizations.

Our meetings will be the 3rd Sunday of every month from 10am until Noon. Most of the meetings will be held at Shoreline Library or another local community meeting place.

If you are interested, please contact the Shoreline CLL PTSA at

shorelinecll.ptsa@gmail.com.

Cheryl Felak cherylfelak@msn.com



PTSA®