

## President Files Assault Charges On Brother's Behalf

*[Recently, the brother of Advocacy Network's president, Sheila Paquette, was the victim of an assault. The following is her account of what happened.]*

In late June my brother Jack, who lives in a West Springfield home operated by The Center for Human Development (CHD), spent a weekend at a rented house on Cape Cod. This mini-vacation in East Falmouth was for both Jack and his developmentally disabled roommate, whom I will call "Mike."

Accompanying them to see after their needs were Jack's longtime assigned staff, and another male staff. The four men returned to West Springfield on Sunday night. I've since been told that the house night staff on duty sensed that "something wasn't right" upon their return, and called the house manager. (I later also learned that Jack was up all night, moaning and crying.)

The next morning, Jack, who is non-verbal, was sent to his regular day program at Sunshine Village. On Monday late afternoon, my brother Jim, who shares guardianship with me, told me he had received a call from Sunshine Village. The caller said Jack had two black eyes, and was being sent home.

So I gathered my camera and notebook and

went to the house, sure enough, to find Jack with two big black eyes. I immediately told the house manager to call West Springfield Police and the Disabled Persons Protection Commission (DPPC) to report the injury. When an officer arrived, he said he could not investigate the incident since it had apparently occurred in another town, outside his jurisdiction. Nonetheless, I wanted the staff to see a police officer in the house, and I wanted the officer at least to witness the injury.

Later that day, the house manager questioned Jack's roommate Mike, who had witnessed what had happened in East Falmouth. Although he is developmentally disabled, unlike Jack, Mike is able to communicate. Mike said that while Jack's regular staff person was occupied in another room, the other staff (I'll call him "Bill"), who was toileting my brother, suddenly poked Jack in the eyes. Mike said Jack hadn't been doing anything wrong, that the assault was entirely unprovoked (although he didn't use that word).

On a separate occasion, the house director's supervisor also talked to Mike to see if his description of the event remained consistent, and it did. Convinced that Mike's story was credible, CHD fired Bill immediately, based on the assault allegation.

I have come to know Mike over several

years, and I consider him not only credible, but also courageous to tell others what he had seen. I'm sure this whole experience has been very difficult for him, too.

### **Medical Attention**

Following the police visit, I said we've got to get Jack to the hospital. When he was examined at Noble Hospital in Westfield, the medical staff said Jack's black eyes were consistent with somebody taking their fingers and shoving them right into his eyes, with sufficient force to cause blood to pool. It had taken several hours for the bruising to show, which explains why it wasn't noticed earlier.

After Jack got returned to his house, my sister (who has a background as a home health aide) called and asked, "What if Jack was sexually assaulted, and we don't know it?" So I took him back to the hospital the next day for a full exam, which, thankfully, showed no evidence of sexual assault.

After the initial incident and reporting, I called

the Center for Human Development every day to find out how they were proceeding with their investigation. Yes, they had called DPPC, but it appeared to me that once the incident was reported, the agency felt they had done all they had to do.

### **Filed Charges Myself**

When three weeks passed and I hadn't heard anything, I returned to the Cape with photos of Jack's injuries, a copy of the hospital report, documentation of Mike's witness statement, names, phone numbers, etc., and filed charges myself through the East Falmouth Police Department—Assault and Battery on a Disabled Person—a felony.

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## ***Until I filed charges myself, I wasn't taken seriously.***

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Subsequently, the DPPC sent a Massachusetts State Trooper to my house to investigate. But until I had filed charges myself, I wasn't taken seriously. In November I learned that Bill had been subpoenaed for an October 12 court appearance in Barnstable County, but was a no-show. The court-appointed Victim Witness Advocate had earlier mailed a letter to inform us about the pending court date, but sent it to Jack ... Jack, who cannot speak, let alone read ... instead of to me, his co-guardian.

As of this writing, Bill is still out there somewhere. CHD and DDS say that Bill will never work in the system again. But who's to say he won't turn up somewhere else, perhaps in a nursing home? Until he is actually arraigned, nothing will appear if a potential employer runs a CORI (Criminal Offender Record Information) check on him. Because he failed to appear in court, Bill's driver's license has been automatically suspended. That means if he *happens* to get stopped for a motor vehicle violation, the arresting officer will then learn that there is an outstanding warrant on him. That's how the system works.

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### Emotional Toll on Family

This whole experience has been a terrible drain on our family, most seriously our 87-year-old mother. The process is overwhelming. Not only was my brother attacked and injured, but we've also had to deal with the bureaucracy of the Department of Developmental Services, two of its service provider agencies, the Disabled Persons Protection Commission, two local police departments, the State

Police, court, and a string of investigators seeking documentation. Communication within and among all these agencies is slow and inefficient.

At this point, the investigation is on-going. I'm told it may take a year to get resolved.

—*Sheila Paquette, President*

## What to Do If You Suspect Abuse

What happened to Sheila Paquette's brother can happen to anyone served by the Department of Developmental Services—even in what seem to be otherwise good placements—whether privately contracted or state operated.

Jack is just one of many developmentally disabled persons who are frequent victims of assault, abuse, or neglect. Because many like Jack

cannot communicate, they are a vulnerable population. And it certainly doesn't matter whether the individual happens to be related to the president of **Advocacy Network**.

So what can you do if you suspect that your loved one has been the target of abuse or neglect? Arm yourself with all the information that you can. And fight.

- Find out who may have witnessed the event. Take down names and phone numbers.
- If possible, take photographs.
- Insist—don't assume—that your loved one receives proper medical and/or psychological attention.
- Ask your Service Coordinator or agency for copies of all reports. DDS has an elaborate reporting mechanism called the Home and Community Services Information System (HCSIS) to track the health and safety of individuals they serve. There is no reason why you shouldn't have access to all HCSIS Incident Reports involving your loved one. In fact, it's a good idea to make this a requirement in your Individual Service Plan (ISP).
- Contact the Disabled Persons Protection Commission (DPPC) at **1-800-426-9009** yourself to find out if the incident has been reported. DDS employees and staff employed by their contracted agencies are mandatory reporters, subject to fines if they fail to report. DPPC is responsible for investigating complaints of abuse, and assigns Massachusetts State Troopers to criminal cases.
- If necessary, contact the police yourself.

This event is one of the reasons why organizations like **Advocacy Network** exist. Your membership allows us to advocate for persons afflicted with mental retardation, and we support group their families and guardians.

If you believe that your loved one may have been subjected to abuse or neglect, please do not hesitate to contact us. Use the **Advocacy Network Helpline**. Call us at **413-289-9030**. We will help.

## Resources for Reporting Abuse

### Disabled Persons Protection Commission (DPPC)

300 Granite Street  
Suite 404  
Braintree, MA 02184  
Hotline: (800) 426-9009 V/TTY  
[www.mass.gov/DPPC](http://www.mass.gov/DPPC)

### Department of Developmental Services (DDS)

Central Office  
500 Harrison Avenue  
Boston, MA 02118  
Voice: (617) 727-5608  
TTY: (617) 624-7783  
After Hours Emergency Phone Number  
(781) 894-3600  
[www.mass.gov/DDS](http://www.mass.gov/DDS)

## Advocacy Network Website Upgrade

We are in the process of upgrading the **Advocacy Network** website to make it easier to use, more attractive and more accessible through Google and other Internet search engines. In the meantime, our current website is still available at:

<http://sites.google.com/site/adnetweb/home>

If you haven't yet visited our current webpage, please check it out. We have posted lots of helpful information, including our Mission Statement, services that we provide, and our contact information.

As soon as our new webpage is available, we'll announce it both here in *Advocacy Network News*, and on our existing site.

## Let Advocacy Network Help You

*Advocacy Network* maintains a telephone help line, U.S. Post Office box, e-mail address, and Internet website. If you need assistance with care problems, help with an ISP (Individual Service Plan), navigating DMR regulations, or any other needs, please don't hesitate to contact us.

*We're here to help you!*

**You Can Reach Us At:**

***Advocacy Network***

**P.O. Box 2071**

**Amherst MA 01004-2071**

**[adnetnews@comcast.net](mailto:adnetnews@comcast.net)**

**[www.adnetweb.googlepages.com](http://www.adnetweb.googlepages.com)**

**413-289-9030**

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# Vice-President Reflects on Veterans' Day

[Editor's Note: Donald Vitkus is Vice-President of **Advocacy Network**. He is also my friend. We are working on an upcoming book about his life.

Donald spent his youth in the custody of the Massachusetts Department of Mental Retardation (now the Department of Developmental Services). As patient #23-3394 at Belchertown State School, Donald acquired behaviors that would shape and scar his adult life. Diagnosed in 1948 with an I.Q. of 41, Donald was labeled a "moron." Defying that label, he worked in industry for 30 years, received his high school diploma, got married, had two children, earned a college degree in human services, and is now a caregiver in the system that once "imprisoned" him.

Donald is also a Vietnam veteran. With Veterans' Day recently passed, he has researched information about the Massachusetts Veterans' Memorial Cemetery in Agawam, and passes along the following thoughts, in his own words.]

I am a former patient of Belchertown State School. Now that I am getting up there in age I started to prepare for how I wanted to be buried. At first I wanted to be buried at Al Warner Cemetery. Al Warner Cemetery is where the patient was buried in graves that were numbered. I take pride in the fact that the patient survived such terrible conditions and I wanted to be buried with them. These patient's were the only family I had.

DMR told me that I could not be buried there. Al Warner and his wife Agnes were the last two patient buried. Al Warner discovered the Cemetery and fought to change the conditions of numbered and destroyed graves. He is the reason why the patient graves have names and dates on stones.

Ben Ricci was offer the chance to be buried there and he refused to be buried there. Ben Decided to donate his remains to medical school. Upon the completion of medical student study, Ben's remains were cremated. He was buried at the veteran's cemetery in Agawam.

My Children and grandchildren did not want me to be buried at Belchertown State School. I looked to the state veteran cemetery. There I saw Ben Ricci entombed. It will be an honor to be buried near Ben.

—Donald Vitkus,  
Vice-President, **Advocacy Network**



*Donald Vitkus, Vice-President of **Advocacy Network**, speaks at the annual Memorial Day service at Warner-Pine Grove Cemetery, on the grounds of the former Belchertown State School.*

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# Our Year in Review

This has been a busy year for **Advocacy Network**. Your Board of Directors (please see page 2) meets in the President's Meeting Room in the Frost Building on the campus of Holyoke Community College at 6:00 pm on the first Wednesday of the month, September through June. All **Advocacy Network** members are always welcome to attend—whether to bring issues before the Board, to ask questions, or just to meet us.

Continuing in the tradition that Ben Ricci

established, we are a pure advocacy organization—all volunteers dedicated to supporting our loved ones with developmental disabilities, their families, and guardians. Your dues dollars sustain our efforts, and we sincerely appreciate your contributions. You may wonder exactly what activities your donations make possible. Below is a list of just some of the accomplishments we were able to achieve in 2010 through your membership dues and other contributions. Thank you!

- June attendance at annual VOR conference in Washington, D.C., networking with advocacy groups from across the United States, and lobbying members of the U.S. Congress.
- Representation on the Board of Directors of COFAR, the Massachusetts Coalition of Families and Advocates.
- Participation in the State House Stroll, COFAR's annual lobbying effort on Beacon Hill with Massachusetts legislators.
- Publication of *Advocacy Network News* for all members.
- Attendance and participation in Memorial Day Service at Warner-Pine Grove Cemetery on the grounds of the former Belchertown State School.
- Individual Service Plan (ISP) assistance requested by several **Advocacy Network** members for *Ricci Class* members.
- Contact with guardians of *Ricci Class* members.
- Support for Cape Cod Cape Abilities.
- Responding to requests for assistance on the **Advocacy Network Helpline (413-289-9030)**.
- **Advocacy Network** website development.
- Meeting in Boston with Department of Developmental Services Commissioner Elin Howe and Deputy Commissioner Larry Tummino regarding Advocacy Network issues.
- Membership on the Belchertown State School Carousel Trust Fund to award grants to deserving applicants.
- Acquiring information pertaining to DDS's Home and Community Information System (HCSIS).
- Reporting abuse to the Massachusetts Disabled Persons Protection Commission (DPPC).

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## In Memoriam

*October 8, 2009*

*Joseph Willard of Rutland, Massachusetts  
Beloved Son of Rita Willard*

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# Membership and Dues Update

We have received a few calls from **Advocacy Network** members inquiring about the status of dues payments. In past years, your mailing label included a notation about your membership—either a reminder that it was time to make your annual payment, or a message that you are a Lifetime Member. Because we are currently in the process of updating our membership information from an outdated computer program, the mailing labels on recent newsletters have not included that information. We apologize for any confusion, and we hope to have your dues and membership status included on the mailing label of your next issue of *Advocacy Network News*.

We are now accepting payments for 2011. Please use the membership form on page 8 of this newsletter. In the meantime, if you have any questions about your dues or membership, please do not hesitate to call our **Advocacy Network Helpline** at **413-289-9030**. We will be happy to assist.

## *Please Renew Today*

**Y**our dues dollars help us remain a strong voice for services for your relatives and friends with mental retardation.

We know these difficult times, so we have not increased *Advocacy Network* dues. But with so many serious state budget cuts being discussed, it is essential that we stay vigilant.

Help us continue to be your advocacy group by renewing your membership now, by becoming a new member, or by making a new donation.

Please clip the form on page 8, and mail it with your check to the address at the top of the page.

*Thank you!*

**ADVOCACY NETWORK**  
**P.O. BOX 2071**  
**AMHERST MA 01004-2071**

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**Questions or Concerns?**

Contact us at:  
*Advocacy Network*  
P.O. Box 2071  
Amherst MA 01004-2071  
E-mail: adnetnews@comcast.net  
Tel: 413-289-9030

**Time to Renew for 2011**

Please take a moment today to renew your support for *Advocacy Network* with the form below.

*Thank you for your continuing support!*



**ADVOCACY NETWORK CHARITABLE TRUST**

**Membership Dues**

**January 1 to December 31, 2011**

*Please Print Clearly*

- Membership \$20  
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\*Payment may be spread over two years  
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