



# NEWSLETTER

ADVOCATES FOR PEOPLE WITH  
DEVELOPMENTAL DISABILITIES

OCTOBER 2008

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(914) 493-1318

White Plains, NY 10602

## CANDIDATES' FORUM

- Meet your elected officials and their challengers
- Let them know your concerns
- Listen to their viewpoints

**In this time of New York State budget cuts, it is important that legislators know who we are and what is important to us as advocates, family members, and individuals with disabilities**

**Come to the  
GROW  
General Meeting**

**Sunday, October 19, 2008**

Brunch: 10:30 a.m. Meeting 11:00 a.m.  
At WIHD – Cedarwood Hall  
Westchester Medical Center, Valhalla, NY

Parking vouchers available

## PRESIDENT'S MESSAGE...

### LET YOUR VOICE BE HEARD!!!!

In a previous newsletter I spoke of the importance of state legislators. That was before the current economic downturn. Now instead of a no-growth State budget, we may have to worry about cuts. What will be the State's priorities? Where does your state legislator stand on issues (education, residences, family support, adult programming, etc.) important to families with a member with developmental disabilities? It is so important to let your voice be heard, and I urge you all to attend our general meeting.

Despite this dreary outlook, GROW continues to press an agenda that would better the welfare of persons with developmental disabilities. A few weeks ago we had our second meeting with Deputy Commissioner Steven Smits, and members of the Hudson Valley DDSO. We discussed the pluses and minuses of the Padavan Law. GROW has not taken any position on this issue. Please read our article on Padavan, and let us know where you stand. We reviewed the status of the residential opportunities that are presently in development.

We continue to press for more residential opportunities. One of our reasons for questioning the Padavan Law is the sorry state of residential development. As already reported OMRDD has allocated just 37 residential opportunities over 3 years for the entire HVDDSO (four counties)!! In addition, 37% of those 37 opportunities (approximately 14) have to be for those individuals requiring less supportive residences. It appears that most of those opportunities have already been assigned. We are not sure where these residences are located.

We feel that it is important for GROW to receive current

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(“President's Message” continued from page 1)

information and to provide input. While we are pleased that we continue to have quarterly meetings with OMRDD officials, we know from past experience that these meetings can stop abruptly. Therefore we are investigating the possibility of some legislation that would guarantee that input from families of those in residences is mandated. Also, how about a parent/family member bill of rights? We also continue to press for better training of all direct staff, as well as more extensive training for those individuals going into less supportive residences.

However, all is not bleak. More supportive work opportunities has been a long standing item on GROW’s agenda. We are happy to announce that an RFP (Request for Proposal) has gone out for enhanced supportive work opportunities. If you are interested in learning more about this, ask the agency that is currently providing services for your family member.

I’ve just highlighted some of our concerns, but we frequently emphasize other issues based on the needs of our members. Let’s hear from YOU.

**DON’T FORGET TO COME TO OUR MEETING,  
AND MOST IMPORTANTLY VOTE!!!!**

*Barbara Masur, President of GROW*

**FROM THE EDITOR...**

Part of GROW’s mission is to get information out to families. We do this through our general meetings and through this newsletter. We urge you to come and hear what our legislators have to say about the state of the State. We urge you to read the articles so you can be informed about services for your family member. And we urge you to contact us with your ideas and comments. Our e-mail address is info@grow-ny.org. We have just corrected some glitches in our e-mail so if you had sent us any e-mails before September 16th, please resend them.

Board meetings are open to anyone interested in attending; they are on the first Thursdays of the month at WIHD. You should contact us (GROW: 914-493-1318) before coming in case there is a schedule change. We encourage new members to join!

*Marilyn Vitale, Editor*

**NEED TRANSPORTATION?**

**To get to a medical appointment, a job, etc.?**

**CALL PARA TRANSIT.**

**(914) 995-2956**

**(914) 995-5117**

**NOMINATING COMMITTEE REPORT**

At the next meeting GROW will be presenting its proposed slate of Officers and Board Members for 2008-2009 as follows:

**Officers:**

President .....	Barbara Masur
1st Vice President .....	Marilyn Vitale
2nd Vice President.....	Phyllis Smith
Recording Secretary .....	Ray Garofano
Corresponding Secretary .....	Rochelle Kessler
Membership Secretary.....	Carol Ullman
Treasurer.....	Sal Cafiero
Newsletter Editor.....	Marilyn Vitale

**Board of Directors:**

**2009**  
 Sherry Finkelstein  
 Sharon McDowell  
 Judy Frank  
 Harriet Schleifer  
 Sheryl Frishman  
 Shelley Kessler

**2010**  
 Judy Sugar  
 Sharon Gelfand  
 Mary Green  
 Rita Ross  
 Anne Steinberg  
 Mary Zingaro

**2011**  
 Marilyn Hahn  
 Noreen Koenig  
 Jerrold Shenkman  
 Vicki Sickinger  
 Paul Mehta  
 Emily Samuels

*Rochelle Kessler, Chairman, Nominating Committee*

## WHAT'S HAPPENING...

- Jill Gentile has been named the new Director of the Hudson Valley Developmental Disabilities Services Office (HVDDSO). Most recently Jill had been the New York Services Director at Ability Beyond Disability, where she worked for twenty-eight years. Through the years Jill has shown great commitment to individuals with disabilities and their families, and we are looking forward to her enthusiastic and creative approach in her new role. Congratulations to Jill!
- Transition Fair for Students with Developmental Disabilities:  
Saturday, November 15, 2008, 10:00 a.m. – 3:00 p.m.  
at the Westchester County Center, White Plains, N.Y.  
There will be tables of information as well as break out sessions on transition planning, benefits, adult programs. Providers/Vendors are invited to share information with parents/guardians/individuals about their services.  
For more information contact:  
Jose E. De Jesus, Program Coordinator, Westchester County Department of Community Mental Health, 914-995-5257 or at [jdj1@westchestergov.com](mailto:jdj1@westchestergov.com) or  
Matthew Faulkner, Community Work Assistant, DCMH, 914-995-5253 or at [mqf3@westchestergov.com](mailto:mqf3@westchestergov.com)
- Westchester County Executive Andy Spano is planning to expand the electronic monitoring “bracelet” system currently being used by senior citizens with Alzheimer’s disease to include children and adults with autism and other developmental disabilities who have a history of wandering. Families will have the opportunity to purchase the “bracelet” transmitter, which requires a battery change every month. The transmitter can be tracked should the individual become lost. The Westchester County Department of Public Safety has purchased the tracking equipment and received training. The program began with seniors about a month ago. It is anticipated to begin for individuals with autism and other developmental disabilities in January 2009.  
For further information call Christine Reinhard at the Department of Community Mental Health at 914-995-5256 or at [cbr2@westchestergove.com](mailto:cbr2@westchestergove.com).

## The Padavan Law

So your son or daughter and your family have decided that it is time to move into a home in the community, maybe with some old friends...or with some new friends! After the agency you choose gets approval to go ahead with the project and then finds a house, the site selection process begins. In New York State this procedure was established in 1978 through Section 41.34 of the Mental Hygiene Law, also known as the Padavan Law, named after Senator Frank Padavan who sponsored it. Prior to this law, local municipalities could use their own zoning laws to prevent group homes from opening, which resulted in a great deal of difficulty in group home development and subsequently many court cases. Since the Padavan Law takes precedence over local zoning laws, it aimed to prevent litigation thereby making it easier to open certified community residences. The purpose of the law was to promote and encourage development of homes in communities thus providing the least restrictive environment for the individual.

The Padavan Law requires that localities get a notice of the proposed home, with information on the type of residence and how many residents there will be. The community has forty days to review the information, approve the site, suggest an alternate site, or object to the site based on over-concentration or “saturation.” This means that there are too many community residences or combination of residences with other state-licensed agencies so that “the nature and character of areas within the municipality would be substantially altered” (S 41.34). The term “areas” is not defined in the law. If there is an objection and both sides cannot agree on an alternate site, then a request for a hearing can be made to the Commissioner of OMRDD. The hearing must occur within 15 days of the request. The Commissioner then makes a determination based on need and legitimacy of over-concentration concerns within 30 days of the hearing. Since agencies are diligent in their search for homes, the claim of over-concentration is not valid in most cases. Therefore, the process mandated by this law generally favors the agency developing the home.

When a municipality receives notice of a site, it “may hold a public hearing” (S 41.34) before it responds. Most times it does. And often this hearing is contentious. Neighborhoods may cite safety and traffic concerns, but there is often an underlying lack of understanding about who their new neighbors are. This is evidenced by the fact that many times the strongest opponent to a home will later become a good neighbor. In most instances, the Commissioner rules in favor of the agency, and the home is certified to open. However, in some cases there is an appeal, which prolongs the process.

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Although the intent of the law is to aid in the inclusion of group homes in communities, there are concerns about the site selection process. First, the community hearing can be very upsetting for families; in fact most agencies urge the families NOT to attend so they will not be subject to nasty remarks. The hearings also add to the time frame for development of a home. There could be months of searching for an appropriate house followed by hearings and possible appeals, and then most houses will need renovations. When an individual and family finally make the decision to move, it is tough to have to wait so long to finally get in! Agencies could also be deterred from starting a development project because of these community confrontations. The most important concern, however, is that the law requires persons with developmental disabilities to go through a procedure that no other citizen has to in order to move into a home. Many families and advocates argue that the Fair Housing Act prohibits discrimination on the basis of disability so that individuals should not have to ask a neighborhood for permission to move in!

In the 30 years since the Padavan Law was enacted community inclusion has become the ideal in terms of day programs, work, recreation, and residences. Homes are smaller now; most new ones have no more than 6 residents. How can they possibly “alter the character of a

**GROW HelpLine (914) 493-1318**

neighborhood?” Many find that language insulting. On the other hand, negative community attitudes still exist, and the Padavan Law does afford protection against local zoning regulations. The fear exists that modifying the law may lead to a backlash, to the old ways of doing business.

So the question is this: Is the end result of the Padavan process (most likely favorable) worth the indignities involved? Some say yes, don’t rock the boat. Others say no. What do you think? Are there alternatives or amendments that can be made? Send your comments to me at info@grow-ny.org and we’ll publish them in the next newsletter.

*Marilyn Vitale*, Editor

**Directions to Cedarwood Hall - WIHD •  
WESTCHESTER INSTITUTE  
FOR HUMAN DEVELOPMENT**

**FROM THE SOUTH:** Sprain Parkway North to Eastview - 100C - Exit. Go Left.  
 \*\* At Hospital entrance (Second light) go right. Go 4/10 of a mile (passing the county jail) and go left following the sign for All Other Facilities. When you get to the T intersection bear right until the Stop sign. Turn left around oval.

**FROM THE NORTH:** Sprain Parkway South to Eastview 100C exit. Go right. Follow directions from \*\* above.

**FOR PARKING:** Go around circle, pass through parking ticket dispenser and park in lot opposite Cedarwood Hall. Ask for parking voucher at reception desk.

**BUS DIRECTIONS:** Routes 1, 15, and 14 will leave you off at Ellwood Hall, a short distance from Cedarwood Hall. Route 40 will leave you off at Westchester Hospital, a longer walk.

GROW MEMBERSHIP APPLICATION or RENEWAL  
(please print)

Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_

Membership Application  Renewal

Family (\$20) \_\_\_\_\_ Single Parent/Guardian (\$15) \_\_\_\_\_

Associate (\$15) \_\_\_\_\_ Contribution beyond dues \_\_\_\_\_

GROW, Box 1692, White Plains, N.Y. 10602  
GROW is a not-for-profit, tax exempt organization

If there is a particular subject you would like to have presented at a GROW meeting please let us know.