



Center for Public  
Representation

## **CPR Newsletter | November 2024**

### ***Updates on Litigation, Initiatives and Staff***

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#### **CPR Seeks to Prevent Disenfranchisement of Institutionalized Voters in Connecticut**

On Tuesday, October 22, 2024, CPR and [Disability Rights Connecticut](#) (DRCT) filed a [complaint](#) with the United States Department of Justice (DOJ), alleging discrimination against residents of Connecticut’s institutions in the voting process in violation of the Americans with Disabilities Act (ADA). The complaint was filed on behalf of three individuals who alleged that state laws discriminate against institutionalized voters by forcing them to participate in mandatory supervised absentee voting (i.e. allowing voting only when election officials come to the facility on a designated day for voting, but preventing them from voting in other ways or at other times). The complaint also alleges that state laws and practices violate the ADA and the Voting Rights Act by denying institutionalized voters the right to assistance from the person they choose. In addition, DRCT has reports of misinformation, lack of notice, and active discouragement of voting that undoubtedly disenfranchised potential voters in this year’s election. DOJ has opened an investigation. “We are pleased that we were able to ensure that the 3 complainants got to vote in this election. We hope that the result of the investigation will ensure that other potential voters have an opportunity to vote in future elections and that going forward, the state changes its laws, policies, and practices to ensure that the rights of institutionalized voters are protected” shared Elissa Gershon, CPR senior attorney.

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## **CPR and NHeLP Send Demand Letter on Timely Access to Intensive Home-Based Services**

As a result of CPR's landmark children's mental health case, [\*Rosie D. v. Patrick\*](#), the Commonwealth of Massachusetts created an array of intensive home-based services that allow children to receive needed mental health treatment while living with their families, remaining in their schools, and participating in their communities. To comply with federal law, the Commonwealth promised to provide access to these services within 14 days, at the latest. But after the federal court found the Commonwealth in compliance with its orders and dismissed the case, timely access to these services has drastically decreased, causing hundreds of children to be stuck on waiting lists just to receive an initial appointment. As a result, children's conditions have deteriorated, hospitalizations have increased, and family stability has suffered.

In May 2023, CPR presented compelling data to the Commonwealth about long wait lists due to structural deficiencies in the children's mental health system. Providers wrote reports entitled Kids Are Waiting. Family organizations conducted surveys and found widespread frustration about lack of access to home-based services. In response to this crisis, CPR and its partner, the [National Health Law Program \(NHeLP\)](#), sent a [demand letter](#) describing these federal law violations and the risk of new litigation. The letter requested the Commonwealth meet to discuss potential improvements to its service system that would ensure compliance with MassHealth's own timely access standard.

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## **CPR and Foley Hoag, LLP Partnership Earns MAMH Friend & Leader Award**



From L to R: Foley Hoag's Andrew London, Esq.; MAMH Executive Director, Danna Mauch, Award Presenter Joseph Kennedy III, CPR's Special Counsel, Steven Schwartz, Esq.; Photo credit: Jared Charney

On September 26, 2024, CPR and law firm of [Foley Hoag, LLP](#) were honored by the [Massachusetts Association for Mental Health \(MAMH\)](#) with its Friend and Leader Award for their ongoing partnership with MAMH, using systemic litigation to transform the Commonwealth's disability service systems.

Established in 1913, MAMH's longstanding mission has been to advance mental health and well-being by promoting prevention, early intervention, and effective treatment and research to address social, emotional, and mental health challenges, to eliminate stigma and discrimination, and to ensure full social, economic, and political inclusion in all aspects of community life for the residents of the Commonwealth. The Friend and Leader Award acknowledges and celebrates organizations and individuals whose work contributes to MAMH's mission.

With hundreds of friends, family and colleagues in attendance, Joseph Kennedy III presented the award to CPR & Foley Hoag at the Seaport Hotel in Boston. Kennedy noted that the collaboration between MAMH, CPR and Foley Hoag has spanned nearly five decades, and began with the 1976 filing of the *Brewster v. Dukakis* class action lawsuit. The case culminated in a landmark settlement agreement in which more than 1,000 individuals transitioned from the Northampton State Hospital to community homes with support services. The hospital closed in 1992.

[Read More About the Friend and Leader Award](#)

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## **CPR's Founder, Steven Schwartz, honored and awarded by TASH at Outstanding Leadership in Disability Law Symposium**

On September 11<sup>th</sup>, Steven Schwartz, was the distinguished honoree and award recipient at the [TASH Outstanding Leadership in Disability Law Symposium](#) held in Washington D.C. An afternoon symposium, attended by nearly 100 professionals in the disability rights field, included panels on The Future of Deinstitutionalization Litigation, Preserving the Memory of Institutions: Sites of Conscience, Places of Remembrance, and Advancing Competitive Integrated Employment Through Innovation, and was followed by an awards ceremony in celebration of Steven.



CPR's Founder and Special Counsel,  
Steven Schwartz, Esq.

Sam Bagenstos, General Counsel for the Department of Health and Human Services, was the keynote speaker at the awards dinner. As a longtime friend and colleague, he spoke of three major contributions Steven has made in disability law field: developing the strategy and tactics for disability rights and community integration litigation; creating, developing and adapting a model for building sustainable public interest legal organizations; and tirelessly representing people with disabilities with “a respect for people as they are and an idea that people get to write their own stories in life.”

Ruby Moore, Executive Director of the Georgia Advocacy Office, and decades-long collaborator with Steven on integrated employment for people with disabilities, said: “You’ve touched so many lives and mentored generations of leaders in our collective work for freedom.” Ruby also read a note from Lyn Rucker, a court monitor in several of CPR’s cases, who said of his work on behalf of people with disabilities: “Steven has lifted some of us up, so our voices are heard, to live lives of our own choosing, so we can learn and become better than we could have without him.”

[Read More About the TASH Award](#)

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# GIVING TUESDAY

December 3, 2024

December 3rd is [Giving Tuesday](#), a global day of giving. The Center for Public Representation relies on your support to protect the rights of people with disabilities. Please consider making a gift today!

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Center for Public Representation  
5 Ferry Street, #314  
Easthampton, Massachusetts 01027  
413-586-6024  
[communications@cpr-ma.org](mailto:communications@cpr-ma.org)

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