

# IOWA PROTECTION AND ADVOCACY SERVICES, INC.

*A federally-funded program to defend and promote the human and legal rights of Iowans who have disabilities and mental illnesses.*

**Mervin L. Roth**  
*Executive Director*

April 16, 1997

Mary Hayden, Ph.D.  
University of Minnesota  
Institute on Community Integration  
214 Pattee Hall  
150 Pillsbury Drive S.E.  
Minneapolis, MN 55455

Conner v. Branstad



MR-IA-001-007

Re: *Conner v. Branstad*

Dear Dr. Hayden,

In response to your request, I am enclosing information on the class action lawsuit, *Conner v. Branstad*, 839 F. Supp. 1346 (S.D. Iowa 1993), and the resulting Consent Decree approved December 2, 1994. Enclosed are copies of the original complaint, the Consent Decree, and the Order approving the Decree. To date, there has been no further court involvement.

During the ten years since the original complaint in the *Conner* case was filed, Iowa's two state hospital-schools have reduced their population by roughly half. Approximately 685 adults and children still reside at the two state facilities. Our ultimate goal is for the provision of far less restrictive community living options for those individuals as well as more integrated options for individuals currently residing in ICFs/MR and other congregate care facilities.

In our efforts to implement and enforce the provisions of the *Conner* Consent Decree, Iowa P & A has taken a cooperative approach, and, to the greatest extent possible, we are working with the Defendants--most directly with the Iowa Department of Human Services, Division of Mental Health and Developmental Disabilities--toward the goal of developing community based services and supports for individuals with mental retardation and developmental disabilities, and providing them with meaningful lifestyle choices.

Beginning in 1995, a *Conner* Advisory Committee was convened, and after an extensive series of meetings, prepared a report with their recommendations for implementation of the Decree. Those recommendations were adopted by the DHS on March 12, 1996, as the "Plan for Community Development." A copy of the "5-Year" Plan, as it is referred to in Section 9 of the Decree, is enclosed.

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Throughout the past year, several workgroups with memberships which include consumers, parents, advocates, providers, DHS specialists, and county services personnel have been examining implementation issues related to the goals identified in the Plan. I have also enclosed a copy of a "Plan for Community Development, 6 Month Update" report which outlines the on-going activities of those groups. The Conner Advisory Committee is currently meeting to develop a "second generation" Plan. That work product is due July 1, 1997.

As counsel of record for the Conner Plaintiffs, our staff attorney, Curt Sytsma, meets periodically with Defendants' counsel to discuss issues of concern regarding implementation, and to review progress being made. The final enclosure is a copy of the DHS summary of their "Conner Decree Activities" from our most recent meeting just last month.

In pressing for measurable progress in implementation, Mr. Sytsma has focused on Section 12 of the Decree and its requirement that the "Defendants shall use their best efforts to maximize the amount of federal and other sources of funding available for the development of community based services for class members. . . . Defendants shall use their best efforts to ensure that community based services are funded to the maximum extent feasible by Title XIX/Medicaid, particularly through the Home and Community Based Waiver and other government programs determined to be cost efficient. . ." (Decree at 39). We view these funding initiatives as an affirmative obligation on the part of the Conner Defendants, and as an effective enforcement tool which can be used to re-direct funding streams from institutions to individualized services--to make the dollars support the philosophy of customer designed services.

As an adjunct to the Conner Consent Decree activities, Iowa, like Minnesota, is one of the states receiving grant money from the Robert Wood Johnson Foundation for a demonstration project for the development of self-determination opportunities for person with developmental disabilities. We firmly believe that the Conner lawsuit was an important impetus for many of the systemic changes which have occurred in our state and are reflected in Iowa's involvement with the RWJ grant.

Although changing political considerations both within Iowa and at the federal level make funding issues less than certain, we are actively advocating for expanded and more innovative uses of the HCBS Waiver to create real community options where they do not yet exist. And, while we recognize there remain serious political, fiscal, and pragmatic impediments to the rapid downsizing of a long-standing system of institutional care, we are hopeful that we have established within the disability

services arena in Iowa, a shared vision of choice, empowerment, and community, and will, with hard work and vigilance, continue to move Iowa closer to that vision of full community integration.

Thank you for your interest. Please let us know when your article will be published. We look forward to reading it.

Sincerely,

*Connie B Fanselow*  
Connie B. Fanselow  
Paralegal Advocate

cbf/bjm

enclosures