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## COMMUNICATIONS

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Joan C. Barnish  
Director of Communications  
Phone: (860) 418-6044  
Cell: (860) 250-7596

July 13, 2010

### **Department of Developmental Services (DDS) Press Statement** *Messier vs. Southbury Training School*

The parties in *Messier v. Southbury Training School* (STS) (a class action which includes ARC-CT as a plaintiff and the Department of Developmental Services (DDS) as a defendant) filed a settlement agreement with the U.S. District Court on July 12, 2010. The settlement agreement addresses the one issue not resolved by a Ruling of the District Court on June 4, 2008. (All issues pertaining to conditions, care, treatment, medical care, and protection from harm were either ruled moot or decided in favor of DDS.)

The remaining issue focused on the need for DDS to be in full compliance with the Americans with Disabilities Act concerning the process for considering community placement for STS residents. After a 123-day trial in 1999, the Court sought a remedy in this one area. In the settlement, DDS agrees that teams will make a professional judgment and recommendation about the most integrated setting in which an STS resident could be served, and each class member and their guardian will have sufficient information to make informed decisions about the recommendations of the interdisciplinary team.

STS is currently home to 450 residents whose average age is 62 and average length of residency is 49 years. The implementation of the settlement agreement supports community transition for any STS resident who wishes to move, but does not direct the closure of STS. The Judge's ruling and settlement agreement affirm that ultimately it is up to the residents and guardians, as applicable, to make an informed decision if a resident is to move from STS.

The Department will continue, as always, to make resources available to all STS residents who wish to move to the community. Individuals who decide to stay at STS will continue to receive comprehensive supports to meet their needs.

The District Court, through the Honorable U.S. District Judge Ellen Bree Burns, will establish the process and timeframes for considering approval of the settlement agreement. Legal notice providing details for the approval process will be published in newspapers and be available on the DDS website.

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