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**Report to the Health and Human Services
Committee by the Maine Developmental
Services Oversight and Advisory Board
Pursuant to P.L. 2007, ch. 695, Part D**

**Steve DeMaio, Chair, Correspondent Committee
and
Bonnie Brooks, Chair**

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REPORT TO THE HEALTH AND HUMAN SERVICES COMMITTEE

In its last session, the Legislature directed the Maine Developmental Services Oversight and Advisory Board [hereinafter MDSOAB] to report to this Committee "a proposed plan that provides for the independent operation of the correspondent program with oversight" by the MDSOAB. [Public Laws 123rd Legislature, 2nd Regular session, Chapter 695 Part D.]

The MDSOAB is pleased to present the following report.

BACKGROUND. The Volunteer Correspondent program formed part of the original Pineland Consent Decree in 1978. It was later continued in the successor Community Consent Decree of 1994, and is considered to be one of the "mechanisms of future compliance" which the Decree itself and Federal Court required to be in place as a condition for the ending of the longstanding Federal Court action in 2010.

The Volunteer Correspondent program is made up of Maine citizens who agree to advocate for and befriend some of Maine's citizens in the greatest need. Originally, the program was designed for persons living at Pineland Center, especially people who did not have any family members actively involved in their lives, but since the closure of that institution in 1996, the Correspondent program has broadened its purpose. Now the program serves persons who are under State guardianship, and persons who express, or have expressed on their behalf, a need for an individual to advocate for their rights, to represent them in planning meetings, and even to file grievances on their behalf.

Many people who have the benefit of having Volunteer Correspondents to act on their behalf have severe disabilities: they might be literally unable to speak for themselves, or be totally dependent on professional caregivers. A Correspondent can relieve the burdens of isolation and dependency; a Correspondent can give the simple gift of being a friend. There are over 325 volunteer Correspondents currently serving Maine citizens with intellectual disabilities.

During the Consent Decrees, the Correspondent program was administered by the Consumer Advisory Board. The successor of that Board is the MDSOAB, which will continue to provide oversight to the Correspondent program. However, the legislature mandated, and the MDSOAB agrees that, the Correspondent program shall operate as an independent program

RECOMMENDED PLAN. The MDSOAB came into existence on November 1, 2010, and appointed a committee to study this matter. That committee, with *pro bono* assistance from three attorneys, and consultation with DHHS Developmental Services staff, weighed a series of options, and made a unanimous recommendation to the full MDSOAB, which, on March 22, 2011, voted unanimously to support the committee's recommended plan, which is as follows:

That the Correspondent program be established as a non-profit corporation, and seek federal 501 [c] [3] status.

The main advantages to this plan, an exercise in social entrepreneurship, are that it offers the greatest degree of true independence, the greatest opportunity to increase the focus and effectiveness of the program, and, in the long term, the greatest possibility of being able to raise funds through grants or even an endowment.

Based on discussions within the MDSOAB and with DHHS Developmental Services staff, the short-term plan would be to set a goal of having the non-profit corporation established and prepared to "receive" the Correspondent program by July 1, 2012. Until that time, the program would be administered as an *independent entity* within the MDSOAB. We recommend this in the interest of preparation and a thoughtful transition to the non-profit corporation, and mindful of the State's short term financial condition.

DHHS or its predecessor has funded the Correspondent program for over thirty years, and that funding will need to continue. However, one of the goals of the non-profit corporation would be to seek funds to make it as financially independent as possible.

LEGISLATION NEEDED. Although the term "correspondent" is currently defined by statute, and some of the rights of correspondents are listed therein, we believe it will be necessary to develop a statute defining the nature of the correspondent program, and the rights and duties of correspondents, including the right of access for correspondents to the persons they serve, and the necessary information to serve these persons well. Such a right was articulated in both Consent Decrees. It will also be necessary to develop some statutory language regarding the designation of the specific non-profit corporation to operate the program, and the funding thereof.

We would be happy to answer any questions you may have regarding this report.

Steve DeMaio, Chair, Correspondent Committee MDSOAB
Bonnie Brooks, Chair, MDSOAB