



HELPING HAND

A Monthly Update from the
Special Needs Planning Practice Group

We Are Pleased To Welcome

Elise S. Kopley, Esq.

Special Needs Planning Practice Group

to the firm's



Attorney Kopley concentrates her practice in special needs planning; estate and trust administration, guardianships and related probate matters, advocacy, and estate planning for families including those with a disability.

She received her law degree, *cum laude*, from Boston University School of Law, a certificate of International and Comparative Human Rights from the National University of Ireland, and a B.B. A. in Finance, *cum laude*, from the University of Massachusetts, Amherst. She is a member of the American Bar Association, Massachusetts Bar Association, Woman's Bar Association, and Massachusetts Chapter of the National Academy of Elder Law Attorneys.

Ms. Kopley will practice from the Framingham and Worcester offices of the firm.

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NOVEMBER 2008

A MESSAGE FROM THE PRACTICE GROUP CHAIR

By Frederick M. Misilo, Jr., Esq.



It's hard to believe that the Holiday Season is upon us. As we gear up for the annual rituals of the Holidays, I remind you that your estate plans should be reviewed on a regular basis. I encourage you to make reviewing and updating your estate plan, if you haven't done so in the last three to five years, one of your New Year's Resolutions. Of course, if there have been major changes in your personal and financial situation recently, you should make a point to have your estate plan reviewed in light of those changes.

As President of the Arc of Massachusetts, I attended the Annual Convention of the Arc of US in early November. At this convention, I had the opportunity to meet with others in the Arc movement including activists, parents, self-advocates and staff. From all the seminars and meetings, I came away from this experience with a renewed sense of optimism and hope regarding the possibility of positive change through collective action on the local, state and federal level.

Just consider this: since the 1950's the Arc movement led the fight to create special education laws, equal housing opportunity laws, the American with Disabilities Act, and other civil rights legislation. Throughout the nation, state and local Arc chapters served and continue to serve as lead plaintiff in institutional reform class action suits, waiting list lawsuits, and other efforts which have literally changed the social, legal and political landscape for

individuals with disabilities and their families. But there is so much more to be done.

There are hundreds of thousands of persons with intellectual and developmental disabilities on residential waiting lists. Institutions housing persons with intellectual disabilities remain open in far too many states, including Massachusetts, when more appropriate community-based alternatives exist. From the energy and commitment exhibited at this convention, vibrant, effective and creative advocacy will continue for children and adults with intellectual and developmental disabilities on the local, state and federal level through the Arc movement.

I am proud to welcome, Elise Kopley, the newest member of the FTW Special Needs Planning Practice Group. Formerly an Assistant General Counsel with the Department of Mental Retardation, Elise brings skills in advocacy, guardianship, probate litigation and special needs planning to our practice group.

And a special announcement on the birth of Cavan Christopher Finnerty who weighed in at a whopping eight pounds, four ounces on November 8th. Attorney Kate Bohan Finnerty and Cavan are, at last report, doing very well.

If you would like to communicate with me on any special needs planning issue, please feel free to contact me at (508) 459-8059 or fmisilo@ftwlaw.com.



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ON THE JOURNEY Given as a Talk at the Discovery Conference, Perkins School for the Blind

By Deborah A. Chase, Ph.D., Guest Author

In thinking about this opportunity to speak about the importance of a parent's involvement in their child's education I would like to make several points. These are points that are hard earned. I am a psychologist and had worked with children and their families sometimes in school settings and sometimes in mental health setting or hospitals before my child was born with significant physical concerns that required many surgeries. Upon her birth I quickly recognized we were on a different path that was not typical of new families.

There was Early Intervention, then public preschool, then Montessori, elementary public school and on to where she is today a seventeen year old student here at Perkins. My child has compromised vision, a moderate hearing loss, and learns best in small classes where her learning style is supported so that she makes the progress she expects of herself. She has brought us on a journey that I could not have imagined before her birth. She has given me insight into what it feels like to confront your differences from typically developing peers on a daily basis.

What I want for her is that she feel whole and to be able to accept her differences and feel proud of who she is. I want her to develop educationally to her fullest potential. I want her to feel included. I want her to have a sense of self-importance and to know that people will like her.

I want her feel that she has a purpose in life. I want her to know how to solve her problems and to be open to help if she needs it, because by virtue of her disabilities she could always be at a moment's notice needing assistance. But what I want most for her is that she is happy, a common wish for a parent.

I have seen my role as her parent in part as facilitator and advocate, for in some way I had to both identify what path she was on and also clear the path so she could easily access it. This has not always been easy for

What I want for her is that she feel whole and to be able to accept her differences and feel proud of who she is.

as children develop it is often very difficult to see the path, we as parents by that very nature of being parents are not objective. Yet we have the huge responsibility to have to know what we want for our child and thus have to be objective.

It is due to the very nature of this dilemma that I believe it is important to seek out consultation. For me, this has been both professional and non-professional. But in order to best serve my child I had to understand her as her parent but also along dimensions that due to her disabilities were quite different from anything I had known. So my point here is seek

the broadest understanding you can of your child so that you will know how to proceed in helping them get what they need.

My second point follows and it is about not becoming isolated. Society seems to expect parents to know everything there is to know about their children; we don't. Seek out people who will work with you and advocate for you if you need that. Seek out others to support you and your child and family.

My third point is one I was told by a principal colleague early on in this journey. There is no perfect educational setting, just as there are no perfect people. I found that my child did best when I was involved but allowed the educators and other service providers to do what they were responsible to do. My role was to watch my child and her environment and listen. It was when she was in public school in fifth grade, the girls were getting cliquy and she was not included. Interventions were tried but generally unsuccessful and she was a child who wanted friends but was socially isolated. Furthermore, it was getting more and more difficult for her school to make the necessary educational modifications and accommodations that she required. Over dinner one Sunday evening with tears in her eyes about going to school the next day there came a turning point when she said it most clearly herself, "the teachers are reading and talking faster than my eyes and ears

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Upcoming Seminars

Where our attorneys will be presenting in the near future. For a full list, visit www.ftwlaw.com under "Seminars & Events"

An Introduction to Special Needs Planning for Families of Children and Adults with Disabilities

Presented By:
Theresa Varnet, Esq.

January 10
ARC of Greater Fall River

February 7
ARC of Greater Lawrence

March 7
ARC of Cape Cod

June 6
United ARC of Franklin & Hampshire Counties

LOOKING FOR MORE LEGAL RESOURCES AND INFO?

Go to: http://www.ftwlaw.com/legal_resources to download articles and find useful links!

The FTW Special Needs Planning Practice Group provides legal counseling, advocacy and innovative solutions on behalf of individuals with differing abilities and their families. We strive to serve as a reliable trusted advisor committed to providing excellent service to our clients throughout their lifetimes. We recognize the importance of treating our clients with respect and dignity.

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NEWS BRIEF

Review of Proposed Classes and Programs Approved by Commonwealth

On October 10, 2008, legislation was approved that requires schools to allow parents of a student with special needs and parent-designated independent evaluators and educational consultants to observe and evaluate current and proposed classes and programs.

The new law is reflected in language added to Massachusetts General Laws, Chapter 71B, Section 3, Paragraph 4.

JOURNEY

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can go." It was at that moment that she told us she needed something different and that lead us here to Perkins.

In some ways it was a difficult decision to move towards a "substantially separate setting" and in some ways it was not. It was a loss to not have her continue with her peers and in her town. But the cost to her had become too high and we needed to exercise what I knew was a continuum of services. It has been a good decision for daughter. As a professional I feel saddened by the controversy that surrounds inclusion and outplacement. While there may be no perfect educational setting we must look closely at what our child is telling us, what it is that they as an individual need in order for them to be the best that they can be. I believe that that is what is special about special education.

As a parent and as a professional I have learned so much from my daughter and the journey that we share. I hope that I have in sharing my thoughts and feelings been able to be of some help to parents or professionals who are listening.

Thank-you. ●