

History note: Court case, CAIR, communication led to inclusion

by [Access Press Staff](#) // July 8th, 2016

The following is excerpted from the Minnesota Governor's Council on Developmental Disabilities (MNCDD) series, Forty-Five Years of History 1971-2016. This month is a look the move toward community integration.

By the early 1970s laws and programs were in place to ensure that people with developmental disabilities received the same protections and rights as all citizens. MNCDD, aided by a major court case and other measures, would make strides in the 1970s and 1980s to integrate people into daily community life.

In August 1972 Richard Welsch filed a complaint in federal court against the Minnesota Department of Public Welfare. Welsch's daughter was a resident at Cambridge State Hospital. The complaint alleged that the poor physical conditions of the institution as well as the inadequate care and treatment of the residents failed to meet constitutional standards of due process.

U.S. District Court Judge Earl R. Larson ruled on the Welsch family's behalf in February 1974. In his ruling Larson stated that "The evidence is overwhelming and convincing that a program of habilitation can work to improve the lives of Cambridge residents ... Everyone, no matter the degree or severity of (their condition), is capable of growth and development if given adequate and suitable treatment."

The case went back to court in 1980. The Welsch Consent Decree called for a decrease in the number of people in institutions by 1987 and continued improvement of conditions in regional centers. One of its far-reaching recommendations centered on the determination of the future role of state hospitals. That included a phase-out schedule for use of buildings. Issues dealing with services and support programs for deinstitutionalization were addressed.

Another effort to transition people back into the community was Community Alternatives and Institutional Reform or CAIR, in the mid-1970s. Statewide planning efforts and a task force study focused on developing an individual-centered process to determine the needs of residents in state-operated facilities and service planning based on these needs.

Communication was the third piece. In 1976 the state council approved a grant proposal from Minneapolis Legal Aid Society, "... to provide comprehensive legal services and training throughout the state for persons with developmental disabilities." The project funded two lawyers and two paralegals who worked on the Welsch case, a guardianship bill, a zoning bill for new group homes and other legal issues.

A connection was established with the University of Minnesota Law School and advocates received training. An updated manual, Legal Rights of Developmental Disabled Citizens: An

Advocacy Manual for Minnesota, included a guide for lay advocates, overview of rights and enforcement procedures for persons with developmental disabilities, and "... a list of services, agencies, legal aid societies, day activity centers and state [institution] advocacy services."

An early priority of the council was focused upon improving public perceptions and attitudes about the potential and abilities of people with disabilities. Initial grants supported positive public information messages about citizens with disabilities. This included expanded early support to several self-advocacy organizations. A public information committee led this work.

The court case and key projects helped more people Judge Earl R. Larson HISTORY NOTE with developmental disabilities closer to inclusion and independent lives in the community.

Access Press is interested in reader submissions for the monthly History Note column, to complement the articles. Submissions must center on events, people and places in the history of Minnesota's disability community. We are interested in history that focuses on all types of disability topics, so long as the history has a tie to Minnesota. We are especially interested in stories from Greater Minnesota. Please submit ideas prior to submitting full stories, as we may have covered the topic before. Contact us at access@accesspress.org or 651-644-2133 if you have questions. The History Note is a monthly column sponsored by the Minnesota Governor's Council on Developmental Disabilities, www.mnddc.org or www.mncdd.org and www.partnersinpolicymaking.com.