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FOR IMMEDIATE RELEASE

## **Federal Court Upholds Rights of People with Mental Illness in Adult Homes**

New York, NY, February 20, 2009 - A federal court in Brooklyn yesterday announced its decision to allow a suit on behalf of people with mental illness housed in private adult homes to proceed to trial. The suit seeks to enforce the rights of people with mental illness who are willing and able to be fully integrated in the community. The State had sought dismissal of the case and the judge issued a resounding rejection of their request and reasoning.

The suit, filed in 2003, maintains that the state is violating the federal American with Disabilities Act (ADA) by administering its mental health service system in a way that isolates thousands of people with mental illness in large, for-profit institutions in New York City, known as "adult homes." The ADA requires that states provide services for people with disabilities in the "most integrated setting" appropriate to their needs; the state is falling far short of this standard. The squalor and chaos in some of the large adult homes in New York City has long been documented in the press and state reports.

"For decades New York has unnecessarily warehoused people with mental illness in dehumanizing institutions, although they can live with dignity in the community at no greater cost," said Cliff Zucker, executive director of Disability Advocates, Inc. in Albany. DAI is an organization that protects the rights of people with disabilities and is the named plaintiff in the case.

"This case is about giving people the option to live up to their potential," said John A. Gresham of New York Lawyers for the Public Interest, one of the lawyers in the case. "People who could have a much fuller and more independent life are stuck in adult homes and the residents working with us in this case are a testament to the fact that they know there is more to life. The state's own documents admit they are stuck for lack of other options."

"This is a major step in advancing the rights of people with disabilities," said Ira A. Burnim, Legal Director of the Bazelon Center for Mental Health Law, another of the lawyers who filed the case. "The U.S. Supreme Court ruled in the *Olmstead* case in 1999 that the ADA outlaws needless segregation of people with mental disabilities. Yesterday's decision means that New York's cynical attempt to escape its obligations under the ADA is failing."

The suit seeks an order requiring the state to offer alternative housing and services to adult home residents so they can be more integrated into their communities. It seeks creation of additional "supported apartments" for adult home residents who are able and want to relocate outside an institution. If they lived in such apartments, appropriate rehabilitation and support services could be provided. The state has already funded such apartments, but has failed to create enough of them to meet the needs of adult home residents. Providing integrated care in supported apartments costs no more than providing the segregated care that prevails in adult homes. In fact, it may cost less. The suit maintains money could be shifted from adult homes to less segregated settings as people move.

After years of preliminary proceedings, the state asked the court to dismiss the case, claiming it cannot be held responsible under the ADA for segregating people in adult homes, because they are privately owned. In a 112-page opinion Judge Nicholas G. Garaufis rejected that position. He made clear that a state violates the ADA when it operates a mental health system that unnecessarily segregates people with disabilities. He explained that the state cannot evade its obligation to comply with the ADA by using private entities to deliver its services.

For more information, contact any of the following lawyers in the legal organizations that brought the case:

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