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BRIEFS FILED IN FLORIDA, ILLINOIS AND NEW JERSEY TO SUPPORT THE SUPREME COURT'S OLMSTEAD DECISION

Briefs Allege Failure to Comply with the ADA

WASHINGTON – The Justice Department today announced it has filed briefs in three separate cases in Florida, Illinois and New Jersey as part of its continuing effort to enforce civil rights laws that require states to end discrimination against and unnecessary segregation of persons with disabilities. The department's filings support two private lawsuits seeking relief in Florida and New Jersey, as well as a proposed statewide class action settlement in Illinois.

The briefs allege that the three states are failing to comply with the Americans with Disabilities Act (ADA) and the Supreme Court's decision in *Olmstead v. L.C.*, a decision that has often been called the *Brown v. Board of Education* of the disability rights movement. Last year, President Obama issued a proclamation < http://www.whitehouse.gov/the_press_office/President-Obama-Commemorates-Anniversary-of-Olmstead-and-Announces-New-Initiatives-to-Assist-Americans-with-Disabilities/> launching the "Year of Community Living," and has directed the Administration to redouble enforcement efforts.

"As the Supreme Court determined in the landmark *Olmstead* decision, unjustified institutionalization violates the rights of individuals with disabilities and stigmatizes them as unworthy of participation in community life," said Thomas E. Perez, Assistant Attorney General for the Civil Rights Division. "Florida, Illinois and New Jersey can provide community-based services to people with disabilities, and the law requires them to do so to prevent unnecessary institutionalization."

The department filed a brief as *amicus curiae*, or a "friend of the court," < <http://www.ada.gov/briefs/adabrief.htm>> to support a motion by New Jersey residents with disabilities for summary judgment against the state on their claims brought under the ADA. According to the brief, New Jersey is failing to serve individuals with disabilities in the most integrated setting appropriate to their needs. New Jersey's placement from institutions to community-based settings has slowed to a trickle, with new admissions largely being placed in institutions. Thousands of individuals continue to be institutionalized despite meeting ADA and *Olmstead* criteria for community placement, the brief states.

In Florida, the department filed a statement of interest to support Michele Haddad's lawsuit against the state for violations of the ADA's integration mandate as set forth in *Olmstead*. Haddad's lawsuit alleges that Florida fails to provide community-based services to Medicaid-eligible individuals with spinal cord injuries who are at risk of institutionalization. Instead, the state will fund those services only after an individual relinquishes his or her ties to the community and enters a nursing home. Haddad has successfully resided in the community since 2007, but is at risk of entry into a nursing home due to changes in her caregiver situation. Haddad, who has been on the waiting list for services for two years, notified the state of her increased need for services, but was told that community services would only be

available if she was willing to enter a nursing home for 60 days. The United States' filing supports Haddad's complaint and declaration for a preliminary injunction against Florida.

In the Northern District of Illinois, the department filed a statement of interest in support of a proposed settlement, embodied in a consent decree, between the state of Illinois and a group of individuals with mental illness living in large, privately-run institutions. The lawsuit alleges that the state of Illinois relies on these facilities, called Institutions for Mental Disease (IMDs), to provide long-term care services while failing to offer services in community-based settings, in violation of Olmstead. According to the statement, the United States supports the preliminary approval of the consent decree because it advances the important public interest in community integration.

The full and fair enforcement of the ADA and its mandate to integrate individuals with disabilities is a major priority of the Civil Rights Division. The ADA protects individuals with disabilities from discrimination by public entities. People interested in finding out more about the ADA can call the Justice Department's toll-free ADA Information Line at 1-800-514-0301 or 1-800-514-0383 (TTY), or access its ADA website at www.ada.gov, where all relevant case filings can be found.