

For more information:
Dominic Holt (202.467.5730, ext. 311)

FOR IMMEDIATE RELEASE

Adult Home Residents Suffer a Setback
The Court of Appeals Vacates Judge Garaufis' Decision on a Technical Ground

NEW YORK, APRIL 6, 2012 – On a technical ground, the Court of Appeals for the Second Circuit vacated a ruling that New York's practice of segregating thousands of people with mental illness in large adult homes constitutes discrimination and violates the Americans with Disabilities Act.

The Second Circuit held that plaintiff Disability Advocates, Inc. (DAI), did not have "standing" to bring the lawsuit.

The Second Circuit acknowledged that its decision is unlikely to be the judiciary's last word on the issue, which could end up back before U.S. District Judge Nicholas Garaufis. "Should that situation arise," the appellate court wrote, "we are confident that the experienced and able district judge, as a consequence of his familiarity with prior proceedings, can devise ways to lessen those burdens and facilitate an appropriate, efficient resolution."

Cliff Zucker, the Executive Director of DAI, said, "We hope New York State will negotiate a remedy to end the unnecessary institutionalization of adult home residents. We will work with New York to solve this problem, hopefully without the need for future litigation."

In the decision on appeal, *Disability Advocates v. Paterson*, Judge Garaufis concluded that over 4,000 individuals with mental illness who live in New York City's adult homes are being denied the opportunity to live in their own homes. Although the Second Circuit vacated Judge Garaufis' decision, it did not question his findings that adult homes are institutions and that New York State is violating the Americans with Disabilities Act.

The Second Circuit's decision has dashed the hopes of many adult home residents. "I'm very disappointed about the decision. I had high hopes of returning to a normal life in the community," said Margueritte Wilkens, a 64-year-old resident of the Bronxwood Home for the Aged. Ms. Wilkins came to Bronxwood two years ago after health problems landed her in a nursing home.

DAI is represented by Disability Advocates, Inc., the Bazelon Center for Mental Health Law, MFY Legal Services, Inc., New York Lawyers for the Public Interest, the Urban Justice Center, and Paul, Weiss, Rifkind, Wharton & Garrison, LLP.