

Judge David L.

# BAZELON CENTER

for Mental Health Law

NEWS

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## Hundreds of New Jersey Residents Released with Community Services After Years of Unnecessary Segregation in Psychiatric Institutions

Trenton, NJ, July 29, 2009--In a settlement agreement signed today with Disability Rights New Jersey (DRNJ), the New Jersey Department of Human Services agreed to release hundreds of people in the state psychiatric hospitals after years of institutionalization and to provide these individuals with the services they need to live independent, integrated lives in the community.

Under the agreement, over the next several years the state will provide community residential services for the approximately 300 people who have been awaiting discharge since before July 1, 2008. The state will also develop 1,065 new supportive housing units and other similar community settings between now and 2014 to eliminate the backlog of hospital residents awaiting discharge and prevent a recurrence of the problem.

"With its emphasis on supportive housing, this agreement will ensure that hundreds of long-suffering state hospital residents receive the integrated community services they are entitled to--and at a fraction of the cost of hospitalization," said Robert Bernstein, Ph.D., executive director of the Bazelon Center for Mental Health Law. "It is a win-win result for everyone."

Supportive housing will give these individuals their own apartments while providing them with the services they need to support their recovery and community involvement. Research shows that supportive housing is less costly, leads to more improvements in mental health symptoms, and is highly preferred by participating individuals over other types of housing for people with mental disabilities.

### Four-year-old lawsuit ends

The agreement settles a 2005 lawsuit, *DRNJ v. Velez*, brought in New Jersey federal court on behalf of DRNJ and its constituents by the Bazelon Center, the law firm of Pepper Hamilton and DRNJ attorneys. The suit challenged the illegal confinement of nearly 1,000 individuals, all of whom had been adjudicated ready for discharge from New Jersey's four state psychiatric hospitals. The complaint alleged that the state's failure to provide community services for these people violated its duty under the Americans with Disabilities Act (ADA) and the U.S. Supreme Court's *Olmstead* decision to serve people with disabilities in the most integrated setting appropriate to their needs. The complaint also alleged violations of the state's due process obligations under the 14th Amendment to the Constitution.

These individuals have remained in psychiatric hospitals under New Jersey's Conditional Extension Pending Placement (CEPP) commitment status, which allows continued hospitalization of a person who is ready for discharge if no appropriate community services are available. According to the court complaint, the state abused its CEPP authority by failing to develop suitable community residences and by confining many of these individuals long beyond their need for hospitalization.

### Resident felt "caged and trapped."

One such CEPP resident, Dean Marcovecchio, said he feels "caged and trapped, like in solitary confinement" waiting for the state to discharge him from the psychiatric institution. Mr. Marcovecchio was adjudicated ready for discharge and placed on CEPP status within a few days after his admission to the hospital. "I was only supposed to be here a few days." If he could live in the community, he knows things would be different:

"I could interact with other persons, I could have an active life, what's left of my life. I could spend my own money, go shopping for personal items, maybe I could enjoy the rest of my life socially. I would like to see my family and friends," he said.

"The longer someone is kept in an institution unnecessarily, the greater the risk of abuse and neglect. In order to promote wellness and recovery, it is important to return these individuals to the community at the earliest opportunity," said Joe Young, executive director of DRNJ. "The next step is to ensure that the state continues to provide adequate resources in the community for those who are returning from the hospitals as well as those who are seeking to stay out."

### **Community services will be less costly**

The state's unnecessary segregation of hospital residents also caused unnecessary spending of scarce taxpayer dollars. Hospitalizing a state psychiatric hospital resident costs about \$220,000 per year, as compared to the \$20,000-\$40,000 annual cost to the state to support the same individual in the community.

The agreement obligates the state to implement a plan to ensure the timely transfer of all CEPP people into the community. "Hopefully, these reforms will prevent this waste of lives and money from occurring again. DRNJ plans to monitor the plan's implementation carefully," said Jeffrey Carr of Pepper Hamilton's Princeton office.

For more information, visit: <http://www.bazelon.org/In-Court/Current-Cases/DRNJ-v.-Velez.aspx>