

Judge David L.

# BAZELON CENTER

for Mental Health Law

## NEWS

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### Georgia Stakeholders Ask Court to Withhold Approval of Settlement with Justice Department

March 2, 2009, Atlanta, GA - A coalition of stakeholders has asked the U.S. District Court in Atlanta to withhold approval of a settlement that would end a U.S. Department of Justice lawsuit challenging abuse and neglect of patients in Georgia state hospitals. The group, which includes the [Carter Center](#), calls the agreement "little more than a promise by Georgia to do better," entirely lacking in concrete and effective plans for change.

A "meaningful and corrective plan" is essential, according to the "objections" filed today in Atlanta. More work is needed, coalition members state, "to address the disconnect between DOJ's findings of severe deficiencies in discharge planning and transition services and the relative inattention to these matters" in the agreement awaiting approval.

The Justice Department's lawsuit alleged both "significant risks of harm" in the Atlanta hospital and failure to ensure that patients "are adequately evaluated for placement in the most integrated setting" as required by the 1999 *Olmstead* decision. The [Supreme Court's ruling](#) requires states to develop appropriate community-based services for people with disabilities who are institutionalized but could be served in the more integrated settings.

"Georgia sends people to state hospitals at alarmingly high rates," the group's submission to the court notes, "higher than Texas and even higher than California" --a circumstance "sadly ironic in the state that is home to the *Olmstead* decision."

In addition, the state has "failed to develop the services needed in the community mental health system that would ... prevent unnecessarily prolonged institutional confinement" as required by *Olmstead*, according to a supporting statement by Susan Jamieson, director of the [Mental Health and Disability Rights Unit at the Atlanta Legal Aid Society](#).

Jamieson cites the plight of two women, "AB" and "CD" to illustrate the problem. Both are currently back in the hospital after the most recent of many inappropriate community placements. CD's latest stay in a "personal care home" lasted four days; AB's lasted three weeks. "Despite the high cost of their predictable but unnecessary readmissions to the hospital," Jamieson states, "the state seems to have no process for ensuring both women receive the services they need in the community."

Moreover, the Justice Department found that the state discharged hundreds of patients in 2006 and 2007 to homeless shelters, almost guaranteeing their return to hospitals. The proposed agreement also fails to address this systemic failure.

The request to the court notes that the Carter Center's Mental Health Program "has committed, at the direction of both Former President Jimmy Carter and former First Lady Rosalynn Carter, to convene and support" the stakeholder group's efforts in monitoring the state's implementation of "a more nuanced, effective and lasting agreement."

The Bazelon Center for Mental Health Law has assisted the group in developing its formal request to the court. In Connecticut, the [Connecticut Legal Rights Project](#) has filed similar objections to a settlement between a state hospital and the Department of Justice.