

Judge David L.

BAZELON CENTER
for Mental Health Law

NEWS

Lawsuit Seeks Community Integration of Thousands of New Yorkers with Mental Illnesses

(New York, NY) July 1, 2003 --Disability rights advocates today filed suit in the United States District Court against Governor Pataki and other New York officials on behalf of approximately 4,000 individuals with serious mental illnesses who reside in large adult homes in New York City. The lawsuit alleges that New York State is violating federal laws, the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act, by unlawfully segregating individuals.

In April 2002, a Pulitzer Prize-winning series of articles in the New York Times called attention to the squalor and chaos in New York City's large adult homes. The sordid conditions and institutional character of these facilities has been known for decades to State officials, whose studies over the years have repeatedly decried conditions found in these institutions. Yet the State has permitted the situation to persist, according to the plaintiff.

The ADA requires the State to provide mental health treatment in the most integrated setting appropriate. However, New York's adult homes isolate thousands of former psychiatric hospital patients. Many of these adult homes are larger than any of the state's psychiatric hospitals, yet lack staff, resources or mandate to provide integrated housing and services to promote community living.

The lawsuit seeks the creation of additional "supported apartments" for adult home residents, where appropriate rehabilitation and support services could be provided to those who wish to live outside an institution. The State already licenses and provides financial support for such "supported apartments," but has failed to create enough of them to meet the needs of adult home residents.

The State's own study shows that providing integrated care in supported apartments costs no more than providing the squalid, segregated care currently provided in adult homes. In fact, it may cost less.

Disability Advocates, Inc., a not-for-profit public interest law office, brought the suit on behalf of residents of New York's adult homes. Co-counsel in the case are: Paul, Weiss, Rifkind, Wharton & Garrison LLP; Disability Advocates, Inc.; New York Lawyers for the Public Interest, Inc.; The Bazelon Center for Mental Health Law, MFY Legal Services and the Urban Justice Center.

Statements on the Lawsuit

Plaintiff and counsel in the case reacted to the filing in statements released at a capital news conference earlier today:

Tim Clune of Disability Advocates:

" These individuals have been discharged from psychiatric hospitals only to find themselves in yet another oppressive, large institution that offers no rehabilitative treatment designed to integrate them back into the community. They are languishing in large institutions while there are equally affordable and more humane alternatives."

John Gresham of New York Lawyers for the Public Interest:

" Residents of these adult homes have virtually no privacy, and little contact with the outside community. This antiquated model represents not only a violation of anti-discrimination laws, but also a tremendous waste of residents' human potential."

Jeanette Zelhof of MFY Legal Services:

" The shameful fact in NYS is that adult homes are the dumping ground for a wide range of individuals whose real problem is lack of access to supportive housing, not mental illness. Adult homes are not supportive by any stretch of the imagination. Having no alternative but to reside with hundreds of other mentally ill individuals in settings that deprive them of their individuality and force them into extreme dependence and monotonous daily routines, mentally ill adult home residents are drained of their life spirits and living skills. The de-humanizing warehousing of these individuals must end."

Heather Barr of the Urban Justice Center:

" Poverty, mental illness and unneeded isolation in large institutions make it difficult for residents to advocate for themselves. For decades, the State has failed to address their exploitation and neglect. We now ask the courts to step in where the State of New York has failed and enforce their rights to community integration and humane care."

Ira Burnim, Legal Director at the Bazelon Center for Mental Health Law:

" The State of New York continues to flout the Supreme Court's 1999 Olmstead ruling that services must be provided in the most integrated setting possible. We aim to put an end to the State's continuing disregard for the legal rights of people with mental disabilities and send a loud, clear message to other states that would ignore federal civil rights laws."