

Judge David L.

BAZELON CENTER
for Mental Health Law

NEWS

Legal Advocate Cites Ongoing Segregation on Eve of Olmstead Anniversary

Five Years after Key Decision, Bazelon Center Blasts Slow Movement of People with Mental Illnesses into the Community, Lack of Services

WASHINGTON, DC (June 21, 2004)—Five years ago tomorrow, the Supreme Court issued its historic Olmstead decision, affirming that, under the Americans with Disabilities Act (ADA), people with disabilities should be served in the most integrated setting possible—their communities. The following is a prepared statement by Ira Burnim, legal director at the Bazelon Center for Mental Health Law, on the anniversary of the ruling:

“While many Americans with disabilities have made progress since the Olmstead ruling, people with mental illnesses have been largely left behind in efforts to implement the decision. Most states are enacting Olmstead reforms at a snail’s pace, defying the spirit of the ruling and preventing Americans with mental illnesses from participating in their communities.

“Rhetoric has far outstripped action to promote community services for people with mental illnesses. States are quick to trumpet their limited efforts to implement Olmstead, but these have produced little actual movement of people with mental illnesses into integrated community settings.

“Budget pressures have closed psychiatric hospitals across the country, but few appropriate community services have been adequately funded to help people with mental illnesses live successfully in the community. Instead, states have ‘transinstitutionalized’ people with mental illnesses to settings as outmoded, isolating and inappropriate as the facilities they were meant to replace. Increasing numbers of people with psychiatric disabilities now find themselves in large board and care homes, ‘adult homes,’ nursing homes, and other institution-like settings. Thousands wind up in jail or prison because chronically underfunded community mental health systems fail to provide meaningful support.

“Where real progress has occurred, it is largely because states have been sued. Five years after Olmstead and 14 years after enactment of the Americans with Disabilities Act, litigation should be unnecessary. Yet it remains the single most effective way to combat the persistent segregation of people with mental illnesses.

“It’s past time for Olmstead implementation to move out of the courtroom and into America’s communities.”

The Bazelon Center spearheaded the disability community's efforts in *Olmstead v. L.C.*, the case that led to the Supreme Court's landmark ruling on community integration of people with disabilities. More information on the case—including original court briefs and current articles and publications on Olmstead implementation—is available at <http://www.bazelon.org/Where-We-Stand/Community-Integration/Olmstead-/Resources.aspx>.