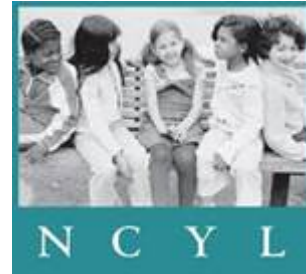


Schulte Roth & Zabel

DISABILITY RIGHTS DC  
at University Legal Services



PRESS RELEASE FOR IMMEDIATE DISTRIBUTION

## Court Allows Lawsuit Against District of Columbia for Unnecessarily Institutionalizing Children with Mental Health Disabilities to Proceed

Class Action, Filed by Disability Rights DC, the Bazelon Center for Mental Health Law, the National Center for Youth Law, and Schulte Roth & Zabel, Claims Violations of Americans with Disabilities Act and Medicaid Act

*Washington, DC, July 25, 2019* — Today, the United States District Court for the District of Columbia denied the District of Columbia's motion to dismiss a class action filed by lawyers for children with mental health disabilities. The suit alleges that the District unnecessarily institutionalized hundreds of DC children or placed them at serious risk of institutionalization by failing to provide them essential intensive community-based services as required by federal law.

“We are pleased that the Court will allow our advocacy on behalf of some of the District’s most vulnerable residents to proceed,” said **Lewis Bossing**, senior staff attorney at the Bazelon Center for Mental Health Law. “Because the District has failed to take action to provide intensive services to children with disabilities who need them, litigation has been necessary to achieve change. We hope the District will now work with us to address this dire need.”

The class action complaint alleges violations of both the Medicaid Act and the Americans with Disabilities Act (ADA), which requires the District to serve its children with disabilities in the most integrated setting appropriate. For virtually all children, this setting is their own home or another family or foster home. The Medicaid Act requires the District to provide intensive community-based services to all children with mental health disabilities who need them, to help them live in their own homes and communities, and participate fully in family and community life.

“Time and again, we hear a similar story from our clients and families: they sought mental health services in the community, but the services they received were difficult to navigate, and insufficient once received,” explained **Jessica Den Houter**, staff attorney at Disability Rights DC. “Then, often because appropriate

community-based care was not available, the youth ended up in crisis and institutionalized. Providing appropriate intensive community-based care can prevent such a crisis from happening altogether, keep families together, and, ultimately, improve outcomes for youth."

As described in the complaint, the District has for years been on notice of its obligation to provide intensive community-based services to children who desperately need them, through testimony before the District council, reports from advocates, and the District's own evaluations of its children's mental health services. The complaint alleges that the District's current, crisis-focused system provides only a narrow array of uncoordinated services, on a time-limited basis and with inadequate benefit to the hundreds of District children who are cycling in and out of institutions.

"The District's children are in crisis. Year after year, the D.C. government has let down hundreds of children who need to receive intensive mental health care in their homes and communities," said **Alice Abrokwa**, a senior attorney at the National Center for Youth Law.

**Howard Schiffman**, the Schulte Roth & Zabel litigation partner overseeing the firm's efforts in the case, added, "We are pleased by the Court's decision. The District must meet its obligation to provide these essential services. We will continue to fight for the children and families who have been unnecessarily harmed."

**Disability Rights DC at University Legal Services**, the protection and advocacy agency for the District of Columbia, in collaboration with the **Bazon Center for Mental Health Law, the National Center for Youth Law, and law firm Schulte Roth & Zabel**, have challenged widespread failures of the District's children's mental health system to provide federally required intensive community-based services for children in their own homes, schools, and elsewhere in the community. As a result, the District's children suffer drastically curtailed life opportunities, cycling in and out of psychiatric hospitals, psychiatric residential treatment facilities that are often hundreds or thousands of miles away from their families, other residential treatment centers, juvenile detention facilities, and group homes. The District's failure to follow federal law places intense stress on these children's families and communities and dramatically underserves the children, preventing them from achieving their potential and from being able to function productively in their communities. They fall behind and drop out of school, may experience court involvement and incarceration, and become unable to find and maintain employment as adults.

The class action complaint seeks a federal court order for the District to end its policies and practices that violate the ADA and the Medicaid Act. Lawyers for the children and for Disability Rights DC, which is also a plaintiff to the complaint, have asked the District to develop a plan for how it will develop intensive community-based services and provide them to every District child who needs them. The children and their attorneys have previously asked the District to provide these necessary services and prevent unnecessary institutionalization, but to date the District has failed to do so.

**Disability Rights DC (DRDC) at University Legal Services** ([www.uls-dc.org](http://www.uls-dc.org)) is the federally designated protection and advocacy program for people with disabilities in the District of Columbia. DRDC's mission is to advocate for the human, civil, and legal rights of people with disabilities in the District of Columbia.

**The Judge David L. Bazelon Center for Mental Health Law** ([www.bazelon.org](http://www.bazelon.org)) is a national legal-advocacy organization representing people with mental disabilities. It promotes laws and policies that enable people with psychiatric or intellectual disabilities to exercise their life choices and access the resources they need to participate fully in their communities.

**The National Center for Youth Law** ([youthlaw.org](http://youthlaw.org)) is a non-profit law firm that helps low-income and marginalized children achieve their potential by transforming the public agencies that serve them. For more information, please visit [www.youthlaw.org](http://www.youthlaw.org).

**Schulte Roth & Zabel LLP** ([www.srz.com](http://www.srz.com)) is a market-leading law firm serving the financial services industry from offices in New York, Washington, DC and London. SRZ has a long history as a leader in pro bono services, and the firm's Litigation Group has extensive trial experience and a proven track record of success in complex civil and criminal matters.

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