Federal Court Asked to End Isolation of Illinois Residents with Mental Illnesses

April 23, 2006--Residents of Illinois nursing homes charged today that they and many others with mental illnesses are "needlessly segregated and inappropriately warehoused" in violation of federal laws including the Americans with Disabilities Act (ADA). They asked a federal district court in Chicago to order state agencies to develop suitable community-living alternatives for them.

The request came in *Williams v. Blagojevich*, filed in August 2005 by two individuals forced into nursing homes in the Chicago area. The amended complaint filed today asks the court to grant class-action status to obtain relief for adults who are unnecessarily confined in for-profit nursing homes classified by state officials as "institutions for mental diseases" (IMDs). More than 5,000 people are housed in such facilities in Illinois.

"More than two decades ago, the state closed large public institutions, saying it would provide better care in the community for people with mental illnesses," said Benjamin Wolf, associate legal director for the ACLU of Illinois, one of five legal organizations representing the plaintiffs. "But today, people with mental illnesses are forced to live in private institutions because no Governor, no Department, no General Assembly has kept that promise."

The plaintiffs cite the 1999 *Olmstead* decision by the U.S. Supreme Court, which requires states to serve people with disabilities in "the most integrated setting appropriate to their needs."

"When the ADA was enacted in 1990, Congress identified the segregation of people with disabilities as a severe form of discrimination," says Barry Taylor, legal advocacy director at Equip for Equality, which is also representing the plaintiffs. "Yet 16 years later, Illinois continues to channel thousands of people with mental illnesses into large institutions while other states offer them the choice to live in the community."

The complaint details the highly regimented nature of many of the institutions where the plaintiffs are confined. These facilities offer no privacy and many provide little more than shelter and board. Most residents get federal disability benefits, but must sign over their monthly checks to the facility and receive an allowance of only $30 a month.

"As an organization of people with disabilities, including some who used to live in nursing homes, we understand the plaintiffs' desire to live on their own and make their own decisions about their lives," said Marca Bristo, president and CEO of Access Living, which also represents the plaintiffs. "Like everyone else, they want to be able to see friends and choose what to eat or what movie to see—opportunities that don't exist for most people who must live in IMDs."

"It's both unjust and irresponsible to confine people in IMDs instead of developing community alternatives for them," points out Jennifer Mathis, staff attorney at the Washington D.C.-based Bazelon Center for Mental Health Law, another of the plaintiffs' lawyers. "No federal Medicaid dollars are available for services to people between the ages of 22 and 64 in an IMD, so state

taxpayers foot the bill. If these people were served in the community, the state could collect federal funds to cover up to 50 percent of their care."

According to state statistics, Illinois currently licenses 27 IMDs, with more than 5,000 beds, at an annual cost of more than $160 million. Transitioning 2,000 residents to the community over five years (as proposed by legislation defeated in the 92nd General Assembly) would save the state more than $57 million in today's dollars.

Lawyers from a collaborative of organizations interested in basic rights for all persons are representing the plaintiffs, including Access Living, the Bazelon Center for Mental Health Law, Equip for Equality, the Roger Baldwin Foundation of the ACLU of Illinois and the Chicago office of the law firm Kirkland & Ellis.