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Robert Bernstein, Ph.D.

*Affiliations listed for informational purposes only*

November 30, 2011

The Honorable Beverly Perdue  
Governor

Constituent Services Office  
116 W. Jones Street  
Raleigh, NC 27603

The Honorable Roy Cooper  
Attorney General

Department of Justice  
9001 Mail Service Center  
Raleigh, NC 27699

Re: United States Department of Justice Investigation of North Carolina's Reliance on Adult Care Homes in Violation of the Americans with Disabilities Act and the *Olmstead* Decision

Dear Governor Perdue and Attorney General Cooper:

We urge you to take the necessary steps to resolve the United States Justice Department's findings concerning North Carolina's use of large, segregated adult care homes to serve thousands of individuals with mental illness. It is time for the state to bring itself into compliance with the Americans with Disabilities Act (ADA) and the Supreme Court's *Olmstead* decision by ending such needless isolation and offering these individuals the chance to thrive in their own homes.

As you know, on July 28, 2011, the Justice Department issued a findings letter concluding that the state is violating the ADA and *Olmstead* by failing to provide services to adult care home residents with mental illness in the most integrated setting appropriate to their needs. Among other things, the Department called upon North Carolina to develop sufficient supported housing to ensure that individuals with mental illness who are needlessly confined to adult care homes are given the opportunity to move to supported housing with the services they need to succeed there. As the Department pointed out, the state could readily accomplish this by redirecting funds that are currently used to support these individuals in adult care homes.

North Carolina is clearly capable of taking the key steps identified by the Justice Department to afford these individuals the opportunity to live in the most integrated setting appropriate to their needs. The undersigned organizations, which include large statewide providers of community-based services for individuals with disabilities, national and state mental health consumer and family organizations, and a former North Carolina mental health director, have many years of experience and

expertise with North Carolina's service system, as well as familiarity with the needs of individuals in adult care homes. We know that there is ample capacity among providers to meet the needs of adult care home residents with mental illness in more integrated settings. We also know that resources can be readily redirected to support these individuals in integrated settings.<sup>1</sup>

If the state declines to resolve this matter and invites litigation by the Justice Department, the strong likelihood is that the state will ultimately lose. In the meantime, state and federal dollars will continue to be misdirected to services provided in settings that afford residents a poor quality of life and poor outcomes. Rather than wasting lives and wasting dollars, we urge you to do the right thing and negotiate a prompt resolution with the Justice Department. We stand ready to assist the state in implementing such a resolution.

Your leadership on this issue is critical to resolve the violation of the rights of North Carolina's adult care home residents with mental illness and to move toward a mental health system of which we can all be proud. We hope you will make a commitment to bring real and positive change for residents of adult care homes.

Sincerely,

Connie Cochran  
President and CEO  
Easter Seals UCP North Carolina & Virginia, Inc.

Deby Dihoff  
Executive Director  
National Alliance on Mental Illness (NAMI) North Carolina

Ron Honberg  
National Director for Policy and Legal Affairs  
National Alliance on Mental Illness (NAMI)

David Richard  
Executive Director  
The Arc of North Carolina

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<sup>1</sup> The same is true of individuals with intellectual and other developmental disabilities living in adult care homes. While the Justice Department's investigation concerns adult care home residents with mental illness, we believe that the state must take similar steps to comply with *Olmstead* as it applies to individuals with intellectual and other developmental disabilities, and that it can readily do so.

Laurie Coker  
Director  
North Carolina Consumer Advocacy, Networking, and Support Organization

Michael S. Pedneau  
Former North Carolina State Director of Mental Health, Developmental Disabilities and Substance Abuse

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Susie Deter  
Executive Director  
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Member, North Carolina Clubhouse Coalition

William D. Rowe  
Director of Advocacy  
North Carolina Justice Center

Tracey Sheriff  
Chief Executive Officer  
Autism Society of North Carolina

Sue Estroff  
Mental Health Researcher

Martha Brock  
Mental Health Consumer and Freelance Writer

By their counsel

A handwritten signature in black ink that reads "Jennifer Mathis". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Ira Burnim  
Jennifer Mathis  
Bazelon Center for Mental Health Law