

Judge David L.

BAZELON CENTER
for Mental Health Law

NEWS

Disability Groups Win Landmark Case Affirming Rights of People with Mental Disabilities in State-Funded Adult Homes

September 8, 2009, Washington, DC - A federal district judge today ruled in [DAI v. Paterson](#) that New York is not providing services in the most integrated setting to thousands with mental illnesses who are being warehoused in private "adult homes" paid for by the state. Applying the U.S. Supreme Court's decision in the 1999 [Olmstead](#) case, the court held that despite the state's labeling of these board-and-care homes as community-integrated, they "do not enable interaction with nondisabled persons to the fullest extent possible" and thus the state's use of them violates the Americans with Disabilities Act (ADA).

"The decision affirms that the *Olmstead* integration mandate applies wherever people with mental illnesses are served by the state," said Jennifer Mathis, deputy legal director of the Bazelon Center for Mental Health Law and co-counsel in the case. "*Olmstead* would be far less significant if it covered only public institutions."

"This ruling shows that when a state provides mental health services, they must be in the most integrated setting possible," said Ira Burnim, legal director at the Bazelon Center. "We are extremely pleased with the ruling and the opportunities it offers thousands of New Yorkers. States around the country should take note," added Burnim.

A remedy for the current practices of isolation in these for-profit facilities will be proposed to the court in the near future.

Advocates filed the class action case in the U.S. District Court for the Eastern District of New York in 2003. The suit sought alternative services for adult home residents including, especially, the creation of additional "supported housing" - rental apartments, where rehabilitation and support services are provided as needed. Such housing exists, but New York State has failed to create enough to meet the needs of adult home residents. Providing supportive services to people living in their own apartments in the community costs no more than the segregated care that New York often provides in adult homes. In fact, it may cost much less.

The plaintiff in the case is [Disability Advocates, Inc.](#), an organization that protects the rights of people with disabilities. The defendants include the Governor of New York and cabinet-level officials. DAI is represented by the [Bazelon Center for Mental Health Law](#), DAI's own legal staff, [New York Lawyers for the Public Interest](#), [MFY Legal Services](#), the [Urban Justice Center](#) and the law firm of [Paul, Weiss, Rifkind, Wharton & Garrison LLP](#).