

## **Statement of the Bazelon Center for Mental Health Law on Veterans' Affairs-Department of Justice Initiative to Strip Rights from Homeless Veterans**

**March 11, 2026** - We are gravely concerned about the Department of Veterans' Affairs' new initiative seeking to place hundreds of homeless veterans under guardianship. [According to an announcement today](#), the VA and the Justice Department have entered an agreement to appoint VA lawyers to serve as Special Assistant United States Attorneys and petition for appointment of guardians for homeless veterans in VA hospitals. While the VA claims that these veterans are stuck in VA hospitals because they lack capacity to make health care decisions, it is far more likely that these veterans are stuck because of the lack of community mental health services and housing.

“In our experience, the reasons that people sit in psychiatric hospitals or wards waiting to be discharged is almost always that there are not sufficient community services or housing,” said Jennifer Mathis, Deputy Director of the Bazelon Center. “The VA's new initiative will do little to solve the underlying problems facing homeless veterans with mental health disabilities. The VA should focus on ensuring that the veterans it is responsible for serving have the help they need to live and thrive in their own homes and communities rather than trying to strip them of their right to make decisions.”

The VA's claim that hundreds of homeless veterans have been languishing in its hospitals due to their inability to make health care decisions raises an obvious question—if that were true, how has the VA been discharging its responsibility to provide them with services until now if they lack the capacity to consent to treatment?

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Without sufficient housing and services to serve these veterans in the community, guardians are likely to seek their placement in institutional facilities, even if they could be served in their own homes.

In December 2025, the Ninth Circuit Court of Appeals upheld a ruling that the VA was discriminating based on disability under Section 504 of the Rehabilitation Act by failing to serve homeless veterans with mental illnesses in West Los Angeles in the most integrated setting appropriate. The court affirmed the conclusion that the VA had placed veterans at serious risk of institutionalization by failing to provide them with the community services and supported housing that they needed, and kept in place a court order directing the VA to create thousands of units of supportive housing for these veterans.

It appears that the VA's new initiative to seek guardianship for hundreds of homeless veterans is an effort to avoid providing the community services and housing that veterans want and to have them placed in congregate settings instead. That would be bad policy and would violate the law.