



The Olmstead Decision

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Olmstead v. L.C. and E.W., 527 U.S. 581 (1999)



- Plaintiffs **Lois Curtis** and **Elaine Wilson**
- **Unjustified segregation** of people with disabilities in institutions is **discrimination** under Title II of the ADA.
- Right to disability services in the **Most Integrated Setting** appropriate to meet one's needs.

Justice Ginsburg: Unjustified Institutional Isolation is Discrimination

“Unjustified institutional isolation of persons with disabilities reflects **two** evident judgments.

1. Institutional placement of persons who can handle and benefit from community settings perpetuates **unwarranted assumptions** that persons so isolated are **incapable or unworthy of participating in community life.**

(STIGMA)



Justice Ginsburg's reasoning (cont'd):

2. Confinement in an institution severely **diminishes the everyday life activities** of individuals, including family relations, social contacts, work options, economic independence, educational advancement, and cultural enrichment.”



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States are **required** to provide community-based treatment when:

- The State's **treatment professionals** have determined that community placement is appropriate;
- Community placement is **not opposed** by the individual; and
- The placement can be **reasonably accommodated**

Olmstead, 527 U.S. at 587

Thank you!



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