

The Olmstead Decision

Susan Walker Goico Director, Disability Integration Project



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.

 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)





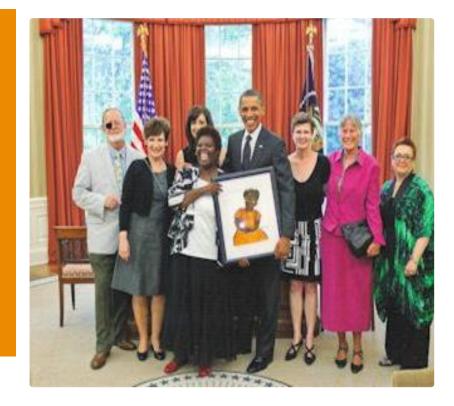
Justice Ginsburg's reasoning (cont'd):

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."





Olmstead v. L.C. and E.W.



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!



Susan Walker Goico <u>swgoico@atlantalegalaid.org</u> 770-817-7536 Atlanta Legal Aid Society 246 Sycamore Street | Suite 120 | Decatur GA | 30033 www.atlantalegalaid.org

