

Olmstead v LC

The Supreme Court of the United States of America

527 U.S.581



<http://disabilityrights.law.hku.hk>



Quick Facts

Plaintiff: L.C. (Lois Curtis) and E.W. (Elaine Wilson, deceased)

Defendants: Tommy Olmstead, Commissioner, Georgia Department of Human Resources, et al.

Court: Supreme Court of the United States

Date Decided: 22 June 1999

Issue: The issue is whether it is lawful for the State to retain individuals with mental disabilities in psychiatric confinement after the State's treatment professionals determine that these individuals can be placed in community-based treatment.

Holding: The Supreme Court held that under Title II of the Americans with Disabilities Act of 1990 ("ADA"), the State is required to place persons with mental disabilities in community-based treatment, provided that: **(1)** The State's treatment professionals have

determined that such placement is appropriate; **(2)** The persons with mental disabilities do not oppose such treatment; and **(3)** The State can reasonably accommodate such placement, taking into account the resources available to the State and the needs of other persons with mental disabilities.

As Title II of the ADA prohibits unjustified institutional isolation of any person with disabilities, the Supreme Court's decision not only impacts persons with mental disabilities, but also all individuals with disabilities. Regardless of whether such individuals live in an institution, nursing home or the community, the ADA requires the State to place such persons in the most integrated setting appropriate to their needs with regard to the conditions (i) to (iii) mentioned above.

Procedural Background

L.C., by her legal guardian Jonathan Zimring, filed suit in the District Court for the Northern District of Georgia in May 1995. E.W. later intervened in the action and stated an identical claim. Initially, L.C. and E.W. also brought a constitutional claim under the Due Process Clause of the Fourteenth Amendment, alleging that the State failed to afford them minimal adequate care and freedom from undue restraint. However, as neither the District Court nor the Court of Appeals reached this claim, the Supreme Court did not address it. Regarding the women's claim under the ADA, the District Court granted a partial summary judgment to order the State to place the women in community-based treatment. The Court of Appeals affirmed the District Court's judgment, but remanded the case for reassessment of the State's cost-based defense. The Supreme Court affirmed the Court of Appeal's judgment in part and remanded the case to determine the appropriate relief for L.C. and E.W, taking into account the range of the State's facilities for treatment of persons with diverse mental disabilities and the State's responsibility to provide services with an even hand.

Context

The issue of institutional segregation of people with mental disabilities is not unique to the United States. Globally speaking, some leading non-governmental organizations, such as Disability Rights International and the Mental Disability Advocacy Center, have established offices in Serbia, Mexico, Hungary, and other countries to eliminate institutional segregation of people with mental disabilities. In Hong Kong, people with mental disabilities often face public stigma and inadequate legal protection. The construction of rehabilitation centers near local neighborhoods is sometimes opposed by residents. The Mental Health Ordinance fails to state the fundamental rights of such individuals, including the rights to freedom of movement and social activities. The Ordinance also defines "mental disorders" and related concepts vaguely, leaving the interpretation of such terms to medical professionals.

Case Summary

L.C. was voluntarily admitted to GRH in May 1992. The State’s treatment professionals concluded that she could be cared for appropriately in a community care program in May 1993, but she remained institutionalized in GRH until February 1996. Similarly, E.W. was sent to GRH in February 1995. In March 1995, GRH sought to discharge her to a homeless shelter, but her attorney objected. Eventually, she remained institutionalized until 1997 even though the treatment professionals had concluded that she was suited for community-based treatment in 1996.

Under Title II of the ADA, the US Congress recognizes undue segregation of individuals with disabilities as a serious form of discrimination. The Supreme Court relied on two key regulations issued by the Attorney General. The first regulation is known as the “*integration regulation*”, which requires a public entity to administer treatment programs in the most integrated setting appropriate to the needs of qualified individuals with disabilities. The second regulation is known as the “*reasonable-modifications regulation*”, which requires a public entity to make reasonable modifications in policies to avoid discrimination against people with disabilities, unless such modifications would fundamentally alter the nature of the entity’s services.

Regarding the “*integration regulation*”, the Supreme Court considered the unnecessary institutionalization of people with disabilities to be a form of discrimination for two reasons. Firstly, institutional segregation of persons who can handle and benefit from community settings perpetuates unwarranted assumptions that they are incapable or unworthy of participating in community life. Secondly, institutional segregation severely diminishes the daily activities of such individuals, such as their family relations, social contacts, economic independence and work options. However, the “*integration regulation*” does not mean that the State needs to phase out all institutions and place patients in need of close care at risk. In the present case, the Supreme Court recognized that in prior years, L.C. and E.W. needed institutional care to stabilize acute psychiatric symptoms. But after the State Professionals determined that L.C. and E.W. were qualified for community-based treatment, the State’s unnecessary segregation of L.C. and E.W. deprived them of the opportunity to integrate into the community. As such, the State violated the “*integration regulation*”.

Regarding the “*reasonable-modifications regulation*”, the Supreme Court considered whether, in allocating available resources, immediate relief for the women would be unfair or inequitable to other patients, given the State’s responsibility to care for a large and diverse population of persons with mental disabilities. As mentioned above, the Supreme Court emphasized that ADA should not be read to compel the State to phase out institutions. Rather, the State should devise a comprehensive and effectively-working plan for placing qualified persons with mental disabilities in less restrictive settings, while maintaining a range of treatment facilities and administering services in a balanced manner. When there is a waiting list that moves at a reasonable pace and is not manipulated by the State to institutionalize qualified people with disabilities, the court should not displace individuals at the top of the waiting list by others below them who commence legal actions. In the present case, there is no dispute that L.C. and E.W. were qualified for community care and both of them did not oppose such treatment. The Supreme Court therefore remanded the case for considering the appropriate treatment for L.C. and E.W., taking into account the range of facilities of the State to care for a large population of persons with mental disabilities and the State’s obligation to treat such persons equally.

Significance

This was the first Supreme Court case in the United States to affirm that people with mental disabilities have the legal capacity to live independently in an inclusive environment. To enforce the Supreme Court’s decision, the Civil Rights Division of the Department of Justice (the “DOJ”) has entered into agreements with state and local governments to promote training and employment opportunities for people with disabilities, including a settlement agreement with the State of Georgia to strengthen community treatment support to 9,000 individuals with mental illness. On the 10th anniversary of the landmark decision in *Olmstead v L.C.*, President Obama provided over US\$140 million in the Recovery Act funding for independent living centers across the country. However, not all states have been complying with the ADA. In 2013, the DOJ sued the State of Florida for segregating children with disabilities in nursing facilities. In 2012, the DOJ intervened in a lawsuit against the State of New Hampshire for segregated institutionalization of people with mental disabilities.

Resources

- ***Olmstead v L.C.*** 527 U.S. 581
- Atlanta Legal Aid Society (2007). *Olmstead v. LC and EW Landmark Case* (<http://www.atlantalegalaid.org/impact.htm>)
- Disability Rights International (2014) (<http://www.disabilityrightsintl.org/>)
- Mental Disability Advocacy Center (2014) (<http://www.mdac.info/en>)
- The United States Department of Justice (2010). *Justice Department Obtains Comprehensive Agreement Regarding the State of Georgia’s Mental Health and Developmental Disability System* (<http://www.justice.gov/opa/pr/2010/October/10-crt-1165.html>)
- The United States Department of Justice (2012). *Justice Department Intervenes in Lawsuit Involving New Hampshire’s Mental Health System* (<http://www.justice.gov/opa/pr/2012/March/12-crt-384.html>)
- The United States Department of Justice (2013). *Justice Department Files Lawsuit against the State of Florida for Unnecessarily Segregating Children with Disabilities* (<http://www.justice.gov/opa/pr/2013/July/13-crt-823.html>)
- The United States Department of Justice (2014). *Olmstead: Community Integration for Everyone* (http://www.ada.gov/olmstead/olmstead_about.htm)
- The White House (2009). *President Obama Commemorates Anniversary of Olmstead* (http://www.whitehouse.gov/the_press_office/President-Obama-Commemorates-Anniversary-of-Olmstead-and-Announces-New-Initiatives-to-Assist-Americans-with-Disabilities/)