

# **MONTANA ADVOCACY PROGRAM, Inc.**

## **Protection & Advocacy for Persons with DisABILITIES**

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### **Travis D. v. Eastmont Fact Sheet**

1. The purpose of this lawsuit is, in large part, simply an attempt to implement the treatment decisions made by Montana's own developmental disabilities professionals. The goal is to obtain effective community services for Montanans with developmental disabilities who are involuntarily confined in Montana state institutions and who can and should be supported in a community setting.
2. There are approximately 175 people with developmental disabilities who are confined in Montana's institutions. Almost half of them, by the State's own admission, would be better served in community based settings.
3. In 1994, the State's own professionals identified 73 developmentally disabled people who were in immediate need for community services. Their treatment teams believe many of them are losing skills by continuing to live in institutions, yet those 73 individuals still remain in institutions today.
4. The State has developed several plans to down size and/or close some of its institutions, in order to move into community settings those people who are unnecessarily institutionalized. In 1995, the State proposed closing one state institution, the Eastmont Human Service Center in Glendive, and transferring those funds to create the community services so desperately needed by the institutionalized individuals and many others on the State's long community waiting list. However, the legislature refused to approve the plan and Eastmont continues to operate, at a cost which far exceeds the cost of community services. The Montana Developmental Center was scheduled to implement a population reduction plan this summer. The plan has been abandoned.
5. Many states have closed their institutions for people with developmental disabilities entirely and replaced them with a complete community service system while others are moving in that direction.
6. The average annual cost to institutionalize a person at the Montana Developmental Center is about \$118,000 and at Eastmont about \$80,000. The cost of community service programs ranges from \$20,000 to \$66,000 per person.
7. Many people confined in the institutions are no more severely disabled than individuals already being served, and served successfully, in Montana's community service system.
8. The suit is brought under the Americans with Disabilities Act (ADA), as well as other federal laws and the U.S. Constitution. The ADA states that a state government which undertakes to provide services to people with disabilities must do so "in the most integrated setting appropriate to the needs of qualified individuals with disabilities." An institution, by its nature, is an artificial, restrictive, segregated environment.
9. No one will be released into the community without a comprehensive treatment plan, supervision and support services. No one will be "kicked out into the streets."
10. MAP and its attorneys are NOT attempting to collect money damages from the State.