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**Justice Department Obtains Comprehensive Agreement
Regarding the State of Georgia's Mental Health and
Developmental Disability System**

WASHINGTON - The Justice Department today announced that it has entered into a comprehensive settlement agreement that will transform the state of Georgia's mental health and developmental disability system and resolve a lawsuit the United States brought against the state. The lawsuit alleged unlawful segregation of individuals with mental illness and developmental disabilities in the state's psychiatric hospitals in violation of the Americans with Disabilities Act (ADA) and the Supreme Court's landmark decision in *Olmstead v. L.C.*

The U.S. District Court for the Northern District of Georgia will retain jurisdiction to enforce today's settlement agreement, which supersedes a 2008 agreement between the state and the Office for Civil Rights of the U.S. Department of Health and Human Services (HHS) concerning Georgia's provision of community services for individuals with mental illness and developmental disabilities. In light of today's agreement and the progress the state has made in complying with an earlier agreement regarding the conditions in the psychiatric hospitals, the United States has agreed to withdraw its motions to enforce that earlier agreement.

More than a decade ago, in *Olmstead v. L.C.*, the Supreme Court found that one of Georgia's state hospitals was impermissibly segregating two individuals with disabilities in that hospital when they could have been served in more integrated settings. The Supreme Court ordered states to serve individuals with disabilities in the most integrated settings appropriate to their needs.

"The *Olmstead* decision strongly affirmed that people with disabilities have a right to live and receive services in the most integrated setting appropriate for them as individuals," said Thomas E. Perez, Assistant Attorney General for Civil Rights. "Under this agreement, the state of Georgia will provide services in the community to hundreds of people with developmental disabilities and thousands of people with mental illness. The promises of the ADA and *Olmstead* will finally become a reality for individuals in Georgia with mental illness and developmental disabilities."

"Georgia is the home of the Supreme Court's *Olmstead* decision," said Sally Quillian Yates, U.S. Attorney for the Northern District of Georgia. "With this agreement, the state begins to make good on *Olmstead's* promise to end the inappropriate segregation of people with disabilities in state hospitals that set apart from the community."

"The expansion of community living opportunities is critical to protecting the civil rights of individuals with disabilities under *Olmstead*, said Georgina Verdugo, Director of the Office for Civil Rights at HHS. "The specific requirements and timelines in this agreement will ensure that Georgians with mental illness and developmental disabilities have the services they need to live full lives in the community and achieve their goals."

The Justice Department began its investigation in 2007, and found that preventable deaths, suicides and assaults occurred with alarming frequency in the state hospitals. In January 2009, the department entered into a settlement agreement with the state of Georgia regarding conditions in the hospitals. Further investigation found that the state also failed to serve individuals with mental illness and developmental disabilities in the most

integrated setting appropriate to their needs, in violation of the ADA and the *Olmstead* decision. In January 2010, the department filed a freestanding complaint under the ADA and a motion for immediate relief seeking to protect individuals confined in the hospitals from continued segregation and from threats of harm to their lives, health and safety. The department subsequently entered into extensive settlement negotiations with Georgia, the Office for Civil Rights and local mental health advocates.

The agreement signed today resolves the ADA lawsuit. The agreement expands community mental health services so that Georgia can serve individuals with mental illness and developmental disabilities in the most integrated setting appropriate to those individuals' needs. Under today's agreement, over the next five years, Georgia will increase its assertive community treatment, intensive case management, case management, supported housing and supported employment programs to serve 9,000 individuals with mental illness in community settings. The agreement will also increase community crisis services to respond to and serve individuals in a mental health crisis without admission to a state hospital, including crisis services centers, crisis stabilization programs, mobile crisis and crisis apartments; create at least 1,000 Medicaid waivers to transition all individuals with developmental disabilities from the state hospitals to community settings; and increase crisis, respite, family and housing support services to serve individuals with developmental disabilities in community settings.

The Civil Rights Division enforces the ADA which authorizes the attorney general to investigate whether a state is serving individuals in the most integrated settings appropriate to their needs. Please visit www.justice.gov/crto to learn more about the *Olmstead* decision, the ADA and other laws enforced by the Justice Department's Civil Rights Division.

The agreements in this case protecting the rights of individuals with mental illness and developmental disabilities in Georgia are due to the efforts of the following Special Litigation Section attorneys: Judy Preston, Acting Chief; Mary Bohan, Deputy Chief; Timothy Mygatt, Special Counsel; Robert Koch, Max Lapertosa, Richard Farano, Aaron Fleisher, Jeffrey Murray, Jennifer Mondino, David Deutsch, Emily Gunston, Samantha Trepel, and Amin Aminfar, Trial Attorneys. In addition, the division received support and assistance from Aileen Bell-Hughes and Mina Rhee, Assistant U.S. Attorneys for the Northern District of Georgia.

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Civil Rights Division