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U.S. District Court Approves Settlement; Individuals With Mental Illness To Live In Community-Based Residences With Support

Hartford, CT, July 2, 2014 – Approximately 130 people with mental illnesses currently housed in two nursing homes in Connecticut will be able to live in community residences and receive appropriate support services under a settlement approved today by a federal judge. Approval of the agreement was obtained by the Connecticut Office of Protection and Advocacy for Persons with Disabilities (OPA), supported by the Judge David L. Bazelon Center for Mental Health Law, and the law firm Stroock & Stroock & Lavan LLP.

U.S. District Court Judge Alvin W. Thompson approved the agreement, which resolves a lawsuit OPA filed seeking to require the State of Connecticut to meet its obligation under the Americans with Disabilities Act and the U.S. Supreme Court's *Olmstead* decision to provide housing for people with mental illness in the most integrated setting with appropriate supports, rather than in nursing homes.

"This settlement fulfills the promise of *Olmstead* and makes it possible for Connecticut residents in the nursing homes with mental illness to have the opportunity to live their lives in their own homes in the community and out of institutional settings," said Nancy B. Alisberg, managing attorney at OPA, which is an independent state agency created to safeguard and advance the civil and human rights of people with disabilities in Connecticut.

The state and certain of its agencies have agreed that people with mental illnesses residing at Chelsea Place Care Center in Hartford and Touchpoints in Manchester will be given the opportunity to transition to community-based homes through a variety of federal and state funded programs within 18 months. In addition, the settlement provides that persons admitted to the nursing homes during the four-year term of the agreement will be evaluated for transition to community-based housing within one year of admission to the home.

The state will also provide supportive services to the former nursing home residents, including case management, mobile crisis services, employment assistance, and peer support. The implementation of the settlement will be overseen by independent "remedial expert" Kevin Martone, former deputy commissioner of the New Jersey Department of Human Services.

Originally filed in February 2006, the lawsuit was converted to a class action in September 2008. The court certified a class in March 2010. The settlement provides class members with the ability to live in the manner they wish. In declarations to the court, class members said they would choose to leave the nursing homes for reasons ranging from a desire for privacy, to feeling "trapped and isolated," to wanting to be able to decide when and what they eat, to missing simple pleasures like knitting.

“Almost all people with mental illness can live in their own homes, with support, instead of institutions like nursing homes,” said Lewis Bossing of the Judge David L. Bazelon Center for Mental Health Law, an advocacy organization in Washington, DC that was co-counsel to Plaintiffs. “For most people with mental illness, living in your own home, just like everyone else, is what the law requires – and where we see the best outcomes.”

Plaintiffs and the class were represented at the fairness hearing by Ms. Alisberg of OPA, Mr. Bossing of Bazelon, and Ken Pasquale and Dan Bertaccini of Stroock.

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OPA is an independent State agency created to safeguard and advance the civil and human rights of people with disabilities in Connecticut. Part of a nationwide network of protection and advocacy systems, the Office operates under both State and federal legislative mandates to provide information, referral, and advocacy services; pursue legal and administrative remedies on behalf of people with disabilities who experience disability-related discrimination; investigate allegations of abuse and neglect that arise in specific service settings or that affect individuals with particular disabilities; and, provide education, information and training on disability rights to policy makers, advocacy groups and members of the public.

About the Judge David L. Bazelon Center for Mental Health Law

The mission of the Judge David L. Bazelon Center for Mental Health Law is to protect and advance the rights of adults and children who have mental disabilities. The Bazelon Center envisions an America where people who have mental illnesses or developmental disabilities exercise their own life choices and have access to the resources that enable them to participate fully in their communities.

Stroock & Stroock & Lavan LLP is a law firm providing transactional and litigation guidance to leading multinational corporations, investment banks and private equity firms in the U.S. and abroad. Stroock's emphasis on client service and innovation has made it one of the nation's leading law firms for 135 years. Stroock's practice areas include capital markets/securities, commercial finance, mergers, acquisitions and joint ventures, private equity, private funds, commodities and derivatives, employment law and benefits, energy and project finance, entertainment, environmental law, financial restructuring, financial services litigation, government relations, insurance, intellectual property, investment management, litigation, national security, personal client services, real estate, structured finance and tax.