

# Olmstead v. L.C. Developments

Prepared by N.D. Dept. of Human Services for the state's Olmstead Commission  
*September 2011*

## History

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- ▶ On June 22, 1999, the United States Supreme Court held in *Olmstead v. L.C.* that unjustified institutional segregation of persons with disabilities is discrimination and a violation of Title II of the Americans with Disabilities Act.<sup>1</sup>

*Source: U.S. Dept. of Justice, Civil Rights Division Web site*



# History

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The U.S. Supreme Court held that public entities must provide community-based services to persons with disabilities when: <sup>2</sup>

1. Community-based services are appropriate;
2. Affected persons do not oppose community-based treatment; and
3. Community-based services can be reasonably accommodated, taking into account the resources available to the public entity and the needs of others who are receiving disability services from the entity.

*Source: U.S. Dept. of Justice, Civil Rights Division*

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# Olmstead Impact

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- ▶ Enhancement/development of home and community-based services for people with disabilities
- ▶ Greater community integration and engagement efforts
- ▶ Person-centered service planning
- ▶ Individual choice and greater opportunities for people with disabilities



# ND Olmstead Commission

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- ▶ Established in 2001 by Executive Order of the Governor
- ▶ First met December 19, 2001
- ▶ Held public meetings across the state (2002) to gather input on services for people with disabilities
- ▶ Was awarded a three-year, \$900,000 federal Real Choice Systems Change grant, which funded 6 local demonstration projects
- ▶ Has a State Working Plan that includes:
  - ▶ Background on the Olmstead Decision
  - ▶ Historical information about state efforts to serve individuals with disabilities in less restrictive settings
  - ▶ A record of state and Olmstead Commission efforts
- ▶ Continues to meet and to review ongoing efforts to support community inclusion and integration



# ND Olmstead Commission

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- ▶ Focus: Planning for the provision of services for people with disabilities in conformance with the Olmstead decision.
- ▶ DHS Web site with Commission information:  
[www.nd.gov/dhs/info/olmstead-commission.html](http://www.nd.gov/dhs/info/olmstead-commission.html)
- ▶ Governor's Boards & Commission Web site:  
[http://governor.nd.gov/boards/boards-query.asp?Board\\_ID=127](http://governor.nd.gov/boards/boards-query.asp?Board_ID=127)



# Recent National Developments

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- ▶ In 2009, President Obama issued a proclamation launching the "Year of Community Living," and directed the Administration to redouble efforts to support *Olmstead*.<sup>3</sup>
- ▶ The President directed the federal Health and Human Services and Housing and Urban Development agencies to work together to identify ways to improve access to housing, community supports, and independent living arrangements.<sup>4</sup>
- ▶ The U.S. Department of Justice - Civil Rights Division launched an effort to enforce the Supreme Court's decision in *Olmstead v. L.C.*<sup>5</sup>



# DOJ Civil Rights Division

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- ▶ Added a **new section to their ADA Web site** in June 2011 containing information about the Olmstead decision:  
[www.ada.gov/olmstead/index.htm](http://www.ada.gov/olmstead/index.htm)
- ▶ Created a **technical assistance document** on the Supreme Court decision in *Olmstead v. L.C.* describing public entities' obligations and individuals' rights:  
[www.ada.gov/olmstead/q&a\\_olmstead.htm](http://www.ada.gov/olmstead/q&a_olmstead.htm)





## DOJ Civil Rights Division

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- ▶ “To comply with the Olmstead ruling, states must show they have comprehensive and effective plans for placing qualified individuals with disabilities in less restrictive settings.”<sup>6</sup>

– Source: Dept. of Justice Web Site



## Some Areas of Focus

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- ▶ Array of community-based services
- ▶ Crisis services capacity
- ▶ Access to community-based services – especially waiting lists for community-based services
- ▶ Efforts to transition qualified people with disabilities from institutions to community settings
- ▶ Diversion



# Sources

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- ▶ <sup>1</sup> U.S. Department of Justice. ADA Web Site. “About Olmstead.” Retrieved from [http://www.ada.gov/olmstead/olmstead\\_about.htm](http://www.ada.gov/olmstead/olmstead_about.htm)
- ▶ <sup>2</sup> Ibid.
- ▶ <sup>3</sup> White House. Press Release. (June 22, 2009.) “President Obama Commemorates Anniversary of Olmstead and Announces New Initiatives to Assist Americans with Disabilities.” Retrieved from [http://www.whitehouse.gov/the\\_press\\_office/President-Obama-Commemorates-Anniversary-of-Olmstead-and-Announces-New-Initiatives-to-Assist-Americans-with-Disabilities/](http://www.whitehouse.gov/the_press_office/President-Obama-Commemorates-Anniversary-of-Olmstead-and-Announces-New-Initiatives-to-Assist-Americans-with-Disabilities/)
- ▶ <sup>4</sup> Ibid.
- ▶ <sup>5</sup> U.S. Department of Justice Web site. Olmstead: Community Integration for Everyone. <http://www.ada.gov/olmstead/index.htm>
- ▶ <sup>6</sup> Department of Justice. ADA Web Site. “Olmstead Cases by Circuit Court of Appeals.” Retrieved from [http://www.ada.gov/olmstead/olmstead\\_cases\\_list.htm#eight](http://www.ada.gov/olmstead/olmstead_cases_list.htm#eight)

