

**REMARKS AS PREPARED FOR DELIVERY BY ASSISTANT ATTORNEY GENERAL
FOR THE CIVIL RIGHTS DIVISION ON A CONFERENCE CALL REGARDING THE
STATE OF GEORGIA'S MENTAL HEALTH AND DEVELOPMENTAL DISABILITY
SYSTEM**

Good afternoon, and thank you for joining us today. The purpose of this call is to inform you about a landmark settlement with the State of Georgia that will allow thousands of people with disabilities to receive services and support to live in their communities, rather than in institutions.

More than a decade ago, in the landmark *Olmstead v. L.C.* decision, the Supreme Court determined it was illegal to unnecessarily segregate in institutions people with disabilities who could appropriately receive services in community-based settings. The decision was hailed as the *Brown v. Board of Education* of the disability rights movement – a recognition that unnecessarily segregating people with disabilities in institutions can be just as destructive as segregating children in schools. The Court's decision acknowledged that segregating individuals with disabilities in institutional settings deprives them of the opportunity to participate in their communities, interact with individuals who do not have disabilities and make their own day to day choices.

Unfortunately, in Georgia, where the *Olmstead* case originated, and in many other states, the promise of the decision has not been fully realized.

Today's settlement will change that. It is the most comprehensive settlement that the Department has ever reached in an *Olmstead* case, and we will use it as a template for our enforcement efforts across the country.

The settlement was negotiated in good faith with state officials. I personally met with Governor Perdue in January of this year, and I applaud him and other state officials for their willingness to work with us to come up with solutions that would better serve individuals with disabilities and the state as a whole.

Under today's agreement, Georgia will stop admitting individuals with developmental disabilities to its state-run hospitals by July 1, 2011, and will transition all individuals with developmental disabilities already living in the hospitals to community settings by July 1, 2015. The state will provide support coordination services to ensure individuals will have access to the necessary medical, social, educational, transportation, housing, nutritional and other services.

In addition, also by July 1, 2015, Georgia has agreed to provide services in community settings for 9,000 individuals with mental illness who currently receive services in the state hospitals, are frequently readmitted to state hospitals, are frequently seen in emergency rooms, are chronically homeless or are being released from jails or prisons.

The agreement also requires the establishment of 24-hour crisis service centers, as well as mobile crisis teams to respond to individuals experiencing a crisis anywhere in the community.

Today's agreement, as with all of our efforts to enforce *Olmstead*, is about freedom for people with disabilities. It is about fulfilling our legal and moral obligations to ensure that all individuals, regardless of their disability, can receive the services most appropriate to their needs.

It is also about economic self-interest – Georgia will save considerably when it is able to close state-run hospitals that are typically inefficient.

The average daily cost to house a person in the state hospital is at least \$479, or \$174,000 per year. This compares to \$47,000, the average cost of providing an individual with developmental disabilities services in their home. In addition, the state has to pay for mental health services provided in an institutional setting entirely out of state funds, but is eligible for Medicaid matching funds for community mental health services.

In past decades there have been movements toward deinstitutionalization, but those movements have too often failed because of a lack of appropriate community supports. This agreement takes into account the lessons learned in the past to ensure that as the state moves toward providing services in the community, those individuals being served will have access to all of the necessary support.

President Obama made clear his commitment to making the promise of *Olmstead* a reality when he announced last year the Year of Community Living. In the Civil Rights Division, as well as in our sister agencies, we are committed to carrying out this vision, and we will continue to pursue cases that ensure that promise is realized. We will continue to aggressively enforce the law, and we hope other states will follow Georgia's example and work with us to protect the civil and constitutional rights of people with disabilities.