



**U.S. Department of Justice**

**Civil Rights Division**

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*Assistant Attorney General  
950 Pennsylvania Ave, NW - RFK  
Washington, DC 20530*

July 6, 2023

Elizabeth B. Hutto  
General Counsel, South Carolina Department of Mental Health  
2414 Bull Street, P.O. Box 485  
Columbia, SC 29202

Byron Roberts  
General Counsel, South Carolina Department of Health and Human Services  
1801 Main Street  
Columbia, SC 29201

Re: Notice Regarding Investigation of South Carolina's Use of Community Residential Care Facilities to Serve Adults with Serious Mental Illness

Dear Sir and Madam:

The Department of Justice has completed its investigation into whether the State of South Carolina unnecessarily institutionalizes adults with serious mental illness in Community Residential Care Facilities by failing to provide them services in the most integrated setting appropriate. The investigation was conducted under Title II of the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12131-12134.

After carefully reviewing the evidence, we conclude that there is reasonable cause to believe that the State of South Carolina violates Title II of the ADA by failing to provide services to adults with serious mental illness in the most integrated setting appropriate to their needs. Consistent with the ADA's regulations, this Report includes our findings of fact and conclusions of law, and the measures that we believe will remedy the alleged violations.

We thank the State for cooperating with our investigation and providing access to staff, documents, and data. We would like to work with the State to achieve a consensual resolution of the issues raised in this Report. The lawyers assigned to this investigation will contact counsel for the State to arrange those discussions. We anticipate that these negotiations will result in an agreement to resolve these issues. In the unexpected event we are unable to reach a resolution regarding our concerns, we are obliged to advise you that we may take appropriate action, including initiation of a lawsuit, to ensure the State's compliance with the ADA. In addition, the complainant to our agency maintains the right to file a lawsuit at any time, *see* 28 C.F.R. § 35.172 (d). Please also note that this Report is a public document. It will be posted on the Civil Rights Division's website.

If you have any questions regarding this correspondence, please call Steven H. Rosenbaum, Chief of the Special Litigation Section, at (202) 616-7157.

Sincerely,

*/s/ Kristen Clarke*

Kristen Clarke  
Assistant Attorney General  
Civil Rights Division

cc: The Honorable Henry McMaster  
Governor of South Carolina

Thomas A. Limehouse, Jr.  
Chief Legal Counsel, Governor of South Carolina

Alan Wilson  
Attorney General of South Carolina

Dr. Robert Bank  
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