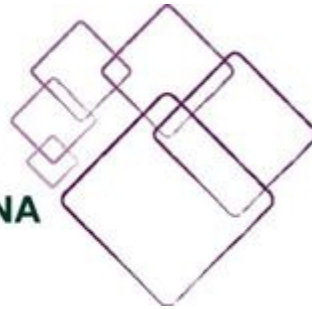


DISABILITY RIGHTS NORTH CAROLINA

Champions for Equality and Justice



FOR IMMEDIATE RELEASE

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Friday, December 11, 2009

Disability Rights Group Files Federal Lawsuit

Raleigh, NC – On Friday, December 11, 2009, Disability Rights North Carolina (DRNC) filed suit in federal district court on behalf of two clients, Marlo M. and Durwood W., naming the Secretary of the North Carolina Department of Health and Human Services and the Director of the Beacon Center as defendants. The plaintiffs in the lawsuit are two individuals with disabilities who were notified that a large measure of the state-funded services that permit them to live in the community are being terminated.

“The loss of these services will likely result in their relocation to an institution, thus violating the mandate of the landmark Supreme Court decision *Olmstead v. L.C.*, which held that unnecessary institutionalization of individuals with disabilities is a form of discrimination under the Americans with Disabilities Act,” said Vicki Smith, Executive Director of DRNC.

For almost a decade, Durwood W. has lived in his own apartment as the recipient of federal and state dollars called *Thomas S.* funds, named after a class action lawsuit that successfully challenged scarcity of services available to individuals who were challenged by both intellectual disabilities and mental illness. Marlo M. has also lived in her own apartment for more than five years supported with a blending of federal and state dollars. Although the North Carolina General Assembly exempted individuals like Durwood and Marlo from the most severe budget cuts, the legislature did not make the preservation of these necessary services mandatory. Instead they delegated discretion to Local Management Entities such as the Beacon Center to preserve the services provided to this vulnerable population.

“These two individuals are caught in the tangle of a service delivery system that does not have clear lines of accountability between LMEs and the State,” stated Smith.

Disability Rights North Carolina is the state's federally mandated protection and advocacy system for people with disabilities. One of the P & A's primary federal mandates is to protect and advocate against the abuse and neglect of people with disabilities.