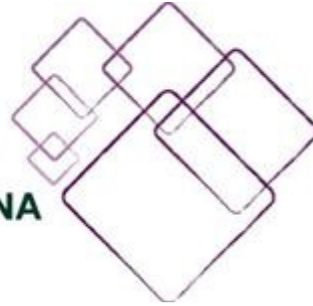


DISABILITY RIGHTS NORTH CAROLINA

Champions for Equality and Justice



FOR IMMEDIATE RELEASE

Contact: Vicki Smith
Executive Director
Disability Rights North Carolina
Phone: (919) 856-2195
E-Mail: vicki.smith@disabilityrightsn.org

Friday, January 15, 2010

Federal Judge Enforces ADA in North Carolina

Compliance with ADA in the Public Interest

Raleigh, NC – The Americans with Disabilities Act (“ADA”) prohibits the unnecessary segregation and unjustified institutional isolation of persons with disabilities. In its administration of federally funded services, therefore, the State is required to provide services in the “most integrated setting appropriate to the needs of the individual.”

In his Order, Judge Boyle held that the plaintiffs had presented “a strong case that their funding is being terminated in violation of the ADA” and that the “decision to terminate funding does not appear to be supported by legal justification recognized under the ADA.” Judge Boyle also held that if Marlo M. and Durwood W. were to be forced to move from their current community setting, both would suffer irreparable injury, recognizing that the nature of their disabilities made them poor candidates for group housing and that they would “suffer regressive consequences if moved, even temporarily.”

Finally, Judge Boyle ruled that considerations of the public interest clearly weighed in favor of an injunction, holding that “the public interest lies with upholding the law and having the mandates of the ADA and the Rehabilitation Act enforced.”

“The message is clear,” states Vicki Smith, Executive Director of Disability Rights North Carolina, “the state of North Carolina and its LMEs must maintain funding which allows people with disabilities to continue living in the community.”

#

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.