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Disability Rights NC Applauds North Carolina’s Settlement with U.S. DOJ

Raleigh – Governor Beverly Perdue took a major step today toward resolving one of the greatest challenges facing our State’s mental health system by signing a settlement agreement with the U.S. DOJ. The agreement addresses findings made July 28, 2011, that the State violates the ADA by segregating North Carolinians with mental illness in Adult Care Homes rather than allowing people the choice to live and be supported in the community.

“Disability Rights NC applauds the Governor and the Secretary Delia for their leadership. This agreement will protect the rights of people with disabilities and help the State avoid costly litigation,” said Vicki Smith, Executive Director.

The agreement provides for the creation of appropriate community mental health care, employment services and housing options for people with mental illness in our State. “This agreement will improve the lives of N.C. families – our brothers and sisters, mothers and fathers. Disability Rights NC pledges to remain vigilant, ensuring the agreement’s promise is permanent,” said Smith. “North Carolina has seized an opportunity to cultivate a robust system of care for people with mental illness which all of us can be proud of.”

Background on North Carolinians with Mental Illness Housed in Adult Care Homes

In July 2010, Disability Rights NC filed a complaint with the US DOJ alleging that the State of North Carolina is in violation of the Americans with Disabilities Act (ADA) because the State has a bias towards placing people with mental illness in Adult Care Homes (ACHs) rather than supporting them in more integrated settings in their home communities. ACHs are institutional settings that do not provide appropriate services to support recovery and meaningful community integration.
Disability Rights NC alleged that the State, in relying on placements in these types of Adult Care Homes, is violating the ADA. Please see the Report: *Trapped in a Fractured System - People with Mental Illness in Adult Care Homes* on the website ([www.disabilityrightsnc.org](http://www.disabilityrightsnc.org)). Under the ADA the unjustified segregation of persons with disabilities is an illegal form of discrimination. The integration mandate allows individuals to interact with non-disabled persons to the fullest extent possible so people with disabilities are not isolated from their communities.

The US DOJ, Civil Rights Division, issued a letter of findings on July 28, 2011, concluding that North Carolina "fails to provide services to individuals with mental illness in the most integrated setting appropriate to their needs in violation of the ADA," and that "[r]eliance on unnecessary institutional settings violates the civil rights of people with disabilities." The central finding of the US DOJ is that North Carolina lacks an adequate community support system for people with mental illness. As a result, individuals are institutionalized in more expensive and more restrictive settings in Adult Care Homes. "Most people with mental illness receiving services in adult care homes could be served in more integrated settings, but are relegated indefinitely and unnecessarily to adult care homes because of systemic State actions and policies," wrote U.S. Assistant Attorney General Thomas Perez. "Reliance on unnecessary institutional settings violates the civil rights of people with disabilities."

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Disability Rights North Carolina is a 501(c)(3) nonprofit organization with offices in Raleigh and Asheville. Its team of attorneys, advocates, paralegals and support staff provide advocacy and legal services for people with disabilities across North Carolina. As the state’s federally mandated protection and advocacy system, Disability Rights North Carolina is charged with finding and fighting the abuse and neglect of people with disabilities.