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DRO and Partners File Class Action Lawsuit On Behalf of Ohioans with Developmental Disabilities

Lawsuit filed in Federal Court calls for the state to provide community options for Ohioans with developmental disabilities and their families

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COLUMBUS, OHIO – Today, Disability Rights Ohio (DRO), the law firm of Sidley Austin, the Center for Public Representation (CPR), and attorney Sam Bagenstos filed a class action lawsuit against the state of Ohio, including the Ohio Department of Developmental Disabilities, the Ohio Department of Medicaid, and Opportunities for Ohioans with Disabilities. The suit, filed in the United States District Court for the Southern District of Ohio and initiated on behalf of individuals with developmental disabilities who are trapped in institutions or are at risk of institutionalization because of Ohio's illegal service system, asserts that the state is in violation of the Americans with Disabilities Act and the Supreme Court ruling in *Olmstead v. L.C.* Six named plaintiffs, as well as The Ability Center of Greater Toledo, will represent the class in the suit.

People with developmental disabilities have the right to live, work and pursue activities in their communities with the appropriate supports they need to be successful. Currently, state funding is provided for anyone to go into an institution, but state funding for community options is very limited. This often forces individuals to accept institutionalization as their only option. This lawsuit demands that these barriers be removed so that real options are available for community supports for all individuals with developmental disabilities and their families.

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“Statewide, there are about 5,800 people with intellectual and developmental disabilities currently segregated in large intermediate care facilities (ICFs), and over 40,000 people are on waiting lists for waiver services that would allow them to have appropriate supports in the community,” says Michael Kirkman, Executive Director of DRO. “Of those, 22,000 individuals are at serious risk of institutionalization. Historically, these waiting lists are long and excruciatingly slow moving. As of 2013, the median wait time for people in ICFs to access home and community-based services exceeded 13 years. It is time to change the system and offer real community options that fit the individual needs of every person.”

“State officials acknowledge the need to rebalance the developmental disabilities system, but nonetheless continue to rely on segregated residential, employment and day services,” says Cathy Costanzo, Executive Director of the Center for Public Representation. “As a result, class members experience segregation in the places they live, work and spend their days, in violation of federal law.”

Tim Harrington, Executive Director of The Ability Center, states, “Ohio has invested for too long in segregated, institutional options instead of community opportunities. Ohio needs to give real options to people with developmental disabilities and their families so that they can live in the community with the care that they need, find jobs in the community with the help that they need, and pursue activities in the community with the support that they need.”

“For 150 years, Sidley has been committed to its community and actively providing pro bono legal services to non-profit organizations, such as DRO, CPR and The Ability Center,” said Neil Ellis, partner at Sidley Austin LLP. “We are extremely proud of our involvement in this case, which sheds light on the need for the state of Ohio to do more to implement the Supreme Court’s *Olmstead* decision and to provide community options to people with developmental disabilities. This is an important step towards enabling them to live meaningful and productive lives as fully integrated members of their communities.”

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Disability Rights Ohio is the federally and state designated Protection and Advocacy System and Client Assistance Program for the State of Ohio. The mission of Disability Rights Ohio is to advocate for the human, civil and legal rights of people with disabilities in Ohio. Disability Rights Ohio provides legal advocacy and rights protection to a wide range of people with disabilities. www.disabilityrightsohio.org

The Center for Public Representation is a non-profit, public interest law firm that seeks to improve the quality of life for individuals with disabilities – especially those who are institutionalized and discriminated against – and to enforce their legal rights to exercise choice and self-determination in all aspects of their lives. www.centerforpublicrep.org

The Ability Center of Greater Toledo is a non-profit Center for Independent Living (CIL) serving northwest Ohio. The Center is located in Sylvania, Ohio, and has two satellite offices in Bryan and Port Clinton, Ohio. The Ability Center believes in and supports equitable and inclusive communities for people living with disabilities. The mission of The Ability Center is to assist people with disabilities to live, work and socialize within a fully accessible community. www.abilitycenter.org

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