

Community Integration: Fact Sheet on DLC's Class Action Lawsuit, *Christensen v. Miner*

Background

Eighteen years ago, the United States Supreme Court decided the landmark decision *Olmstead vs. L.C.*, ruling that keeping people with disabilities in institutions away from society when it is not needed is discrimination and against the law.

Today in Utah, people with intellectual and developmental disabilities (ID/DD) have two options when they apply for services: receiving them in an Intermediate Care Facility (ICF) or in their homes and communities. Utah offers immediate placement in ICFs, but applicants must wait for years on a list for home and community based services (otherwise known as HCBS, waiver, or DSPD services). For those individuals who must receive services immediately because they cannot remain on a waiting list for years, private ICFs are the only option. Once a person is living in a private ICF, he or she effectively does not have the option to leave the ICF and receive services in the community.

An individual residing in an ICF lives a life segregated from the larger community. ICF residents live in small, crowded buildings with 2-4 individuals packed into a room. Residents have little privacy, their schedules are highly regimented, and they have very few opportunities to interact with the larger community.

Approximately 600 Utahns with intellectual and developmental disabilities live in private ICFs. Many people would like to move out of these institutions to live in a community-based setting. Utah is violating the law by not giving people with disabilities living in private ICFs real choices to live in the community. The state of Utah has had 18 years since the *Olmstead* decision to fix this problem. The DLC is bringing this lawsuit now because people with disabilities have a right to be provided with services in the most integrated setting.

Who will be covered by the lawsuit

In *Christensen v. Miner*, our class action lawsuit, the Disability Law Center will represent people with intellectual and developmental disabilities who live in private institutions called Intermediate Care Facilities (ICFs). This lawsuit will not include people with disabilities living in the public ICF, the Utah State Developmental Center. Many residents express a desire to leave private ICFs and live in the community. We believe that many more would choose to do so if they were provided adequate information about community based services. However, no one will be forced to move.

What we hope to achieve

We want people with disabilities in Utah to have more choices for where and how they receive services. We want people with disabilities to be able to live in the community with the support and care they need.

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The way Utah provides services will have to change. These changes will not happen right away. Changes will happen slowly. There will be time to plan and make sure that people have what they need and are safe.

We do not want to close ICFs or force anyone to leave an ICF. However, as people choose to live in the community, the number of beds in ICFs may go down and some ICFs may close.

Why it matters

There are people in Utah who want to live in and be a part of the community, but instead spend their lives segregated in institutions away from family and friends. These people are deprived of the choice to live in the community, and we as Utahns are deprived of a community inclusive of people of all abilities.

The Disability Law Center believes that people with disabilities have a civil right to choose where they live and work and to not be isolated from the community.

Additional information

For more information contact the Disability Law Center at 1-801- 363-1347 and ask for the STAT intake team, email us at communityintegration@disabilitylawcenter.org or view our lawsuit website at <http://disabilitylawcenter.org/class-action-lawsuit-community-integration-people-disabilities/>.