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JUSTICE NEWS

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**Justice Department Obtains Comprehensive Agreement
Regarding the State of Delaware's Mental Health System**

WASHINGTON - The Justice Department today announced that it has entered into a comprehensive agreement with the state of Delaware that will transform Delaware's mental health system and resolve violations of the Americans with Disabilities Act (ADA). The ADA and the Supreme Court's landmark decision in *Olmstead v. L.C.* afford individuals with disabilities the right to receive services in the most integrated settings appropriate to their needs, and today's agreement will ensure individuals in Delaware can exercise that right.

The Justice Department in 2008 began its investigation of Delaware's state hospital, and modified the scope of the investigation in 2010 to focus on violations of the ADA throughout the mental health system. The state worked cooperatively with the Justice Department to negotiate an agreement resolving alleged violations of the ADA.

"Across the country we are enforcing the rights of people with disabilities, affirmed by the Supreme Court more than a decade ago, to live and receive services in their communities," said Thomas E. Perez, Assistant Attorney General for Civil Rights. "The services that the state of Delaware has agreed to provide under this agreement will enable people with mental illnesses living in Delaware to reside successfully in their homes and communities, rather than entering costly segregated facilities. As states around the country work to breathe life into the rights promised by the ADA and *Olmstead*, this agreement demonstrates Governor Markell and Attorney General Biden's vision and leadership."

The agreement expands community mental health services so that Delaware can serve people with severe and persistent mental illness in the most integrated settings appropriate to those individuals' needs. Over the next five years, Delaware will prevent unnecessary hospitalization by expanding and deepening its crisis services, including a hotline, crisis walk-in centers, mobile crisis teams, crisis apartments and short term crisis stabilization programs. Delaware will also provide assertive community treatment teams, intensive case management, and targeted case management to individuals living in the community who need support to remain stable. In addition, the state will offer scattered-site supported housing to everyone in the agreement's target population who needs that housing support. Finally, Delaware will offer supports for daily life, including supported employment, rehabilitation services and peer and family supports.

The Civil Rights Division enforces the ADA, which authorizes the attorney general to investigate whether a state is serving individuals in the most integrated settings appropriate to their needs. Visit www.justice.gov/crtto learn more about the *Olmstead* decision, the ADA and other laws enforced by the Justice Department's Civil Rights Division.

The agreement in this case protecting the rights of individuals with mental illness in Delaware are due to the efforts of the following Special Litigation Section attorneys: Jonathan Smith, Chief; Judy Preston, Deputy Chief; Alison Barkoff, Special Counsel for *Olmstead* Enforcement; David Deutsch and Deena Fox, Trial Attorneys. In

addition, the division received support and assistance from Shannon Hanson, Assistant U.S. Attorney for the District of Delaware.

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Civil Rights Division