

# WHAT IS THE OLMSTEAD DECISION?



## BACKGROUND

- In 1990, Congress passed the Americans with Disabilities Act (ADA). The ADA said isolating people with disabilities is a big problem.
- The ADA says:
  - **Keeping people with disabilities separated from other people isn't right.**
  - **Everyone should have a fair chance.**
  - **If someone has a disability, they shouldn't be left out. They should get help from public services or programs.**
  - **Public places should be open to everyone.**
    - People with disabilities can use public places just like everyone else.
  - **Public groups can't treat people unfairly because of their disabilities.**
    - They must make some fair changes. But these shouldn't completely change how the group works.

## OLMSTEAD DECISION



- In 1999 there was a court case called Olmstead. Two people with disabilities wanted to live in their communities. Their doctors said they could, but the State of Georgia kept them in group homes. Georgia said it would cost too much to live in their communities, and that it would change their program too much.
- So the people sued Georgia, and they won! The courts said Georgia should let them live in their communities. They said people with disabilities should be included as much as possible. This is the rule for all people in all the states.
- **The court decided that separating people from their communities isn't fair. They said it is treating them differently based on disability.**
- The decision means that people belong in community settings. This includes people who need supports for everyday life. It says states need to keep people in their communities as long as:
  - The person wants to,
  - Doctors and experts think is suitable, and
  - It's practical and fair for everyone.

## MONTANA



Montana needs to develop a plan based on Olmstead. The plan will make sure people with disabilities:

- Are treated fairly.
- Live in their communities as much as possible.
- Don't live in institutions if they don't need to or want to.

The State of Montana will work on this with the Statewide Independent Living Council and other partners. Together, they will look at:

- Who is getting services?
- Where are they getting the services?
- How much the services cost.
- The good and bad parts of the system, like:
  - How many people are waiting for services?
  - Where those people live.
  - Are there enough workers to provide services?
  - Input from people who get services and supports.
- How can Montana make it easier for people to get services and supports?

The Montana plan will need to follow the rules from Olmstead. Part of this is listening to people with disabilities. The State will make sure that people have the chance to speak about the plan.