

An ADA and US Supreme Court Olmstead Decision

Introduction

[Introduction to the ADA¹](#)

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990, by President George H.W. Bush. The ADA is one of America's most comprehensive pieces of civil rights legislation that prohibits discrimination and guarantees that people with disabilities have the same opportunities as everyone else to participate in the mainstream of American life -- to enjoy employment opportunities, to purchase goods and services, and to participate in State and local government programs and services. Modeled after the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, religion, sex, or national origin – and Section 504 of the Rehabilitation Act of 1973 -- the ADA is an "equal opportunity" law for people with disabilities.

To be protected by the ADA, one must have a disability, which is defined by the ADA as a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. The ADA does not specifically name all of the impairments that are covered.

[About Olmstead²](#)

The story of the Olmstead case begins with two women, Lois Curtis and Elaine Wilson, who had mental illness and developmental disabilities, and were voluntarily admitted to the psychiatric unit in the State-run Georgia Regional Hospital. Following the women's medical treatment there, mental health professionals stated that each was ready to move to a community-based program. However, the women remained confined in the institution, each for several years after the initial treatment was concluded. They filed suit under the ADA for release from the hospital.

[The Decision³](#)

On June 22, 1999, the United States Supreme Court held in *Olmstead v. L.C.* that unjustified segregation of persons with disabilities constitutes discrimination in violation of Title II of the ADA. The Court held that public entities must provide community-based services to persons with disabilities when (1) such services are appropriate; (2) the affected persons do not oppose community-based treatment; and (3)

¹ U.S. Department of Justice, http://www.ada.gov/ada_intro.htm.

² U.S. Department of Justice, http://www.ada.gov/olmstead/olmstead_about.htm.

³ *Id.*

community-based services can be reasonably accommodated, taking into account the resources available to the public entity and the needs of others who are receiving disability services from the entity.

The Supreme Court explained that its holding "reflects two evident judgments." First, "institutional placement of persons who can handle and benefit from community settings perpetuates unwarranted assumptions that persons so isolated are incapable of or unworthy of participating in community life." Second, "confinement in an institution severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational advancement, and cultural enrichment."

ADA and Olmstead Decision Resource Links

ADA Information and Technical Assistance; Department of Justice Civil Rights Division
www.ada.gov

ADA Technical Assistance Manuals
www.ada.gov/ta-pubs-pg2.htm

US Access Board
Federal agency promoting accessible design and accessibility guidelines and standards
www.access-board.gov

ADA National Networks: Information, guidance and training on the ADA
<http://adata.org>

The History of the ADA: A Movement Perspective
www.dredf.org/publications/ada_history.shtml

Olmstead: Community Integration for Everyone
www.ada.gov/olmstead/index.htm

Olmstead Enforcement Success Stories; US Department of Health and Human Services Office of Civil Rights
www.hhs.gov/ocr/civilrights/activities/examples/Olmstead/successstoriesolmstead.html

HHS Community Living Initiative
www.hhs.gov/od/topics/community/olmstead.html

Center for Disabilities & Aging Policy, Administration on Community Living
www.acl.gov/Programs/CDAP/Index.aspx

U.S. Senate HELP Committee, Separate and Unequal: States Fail to Fulfill the Community Living Promise of the Americans with Disabilities Act (July 18, 2013)
www.help.senate.gov/imo/media/doc/Olmstead%20Report%20July%2020131.pdf

Olmstead, Implementing the Integration Mandate
www.bazelon.org/Where-We-Stand/Community-Integration/Olmstead-Implementing-the-Integration-Mandate.aspx