



We have the legal right of way.

COMMUNITY INTEGRATION: *Ball v. Kasich* Update

Overview of the situation

In Ohio currently, people with developmental disabilities (e.g. Down Syndrome, autism, cerebral palsy, intellectual disabilities, or other chronic mental or physical impairments that on a long-term basis affect their ability to function self-sufficiently) have two residential options when they apply for services: receiving them in an Intermediate Care Facility (ICF) or in their homes and communities. The state of Ohio offers immediate placement in institutions, but years-long waits for home- and community-based services.

Overview of *Ball v. Kasich*

Under the Americans with Disabilities Act, individuals with developmental disabilities are entitled to receive state-funded care in an “integrated setting”: living, learning and working in and among their community. By forcing those who want community-based services to wait for years, the state of Ohio effectively denies them the assistance they need.

In 2016, Disability Rights Ohio (DRO), along with its partners, brought suit on behalf of six individuals and the Ability Center of Greater Toledo against Ohio state officials, including the governor, for failure to comply with the ADA. DRO sought to make the lawsuit a class action suit, enabling us to defend the rights of all Ohioans with developmental disabilities who are interested in living in the community but instead are institutionalized or at risk of being institutionalized.

Current status of the case

After the lawsuit was filed on March 31, 2016, the state defendants argued that the case against them should be dismissed. On March 23, 2017, Chief Judge Edmund A. Sargus, Jr., rejected the state defendants’ arguments and allowed the lawsuit to continue. On March 30, 2018, the judge certified a class of:

All Medicaid-eligible adults with intellectual and developmental disabilities residing in the state of Ohio who, on or after March 31, 2016, are qualified for home and community-based services, and, after receiving options counseling, express that they are interested in community-based services.

Who is affected

Hundreds, if not thousands, of Ohioans with developmental disabilities who currently live in institutions want to move into their communities. And many of approximately 6,000 Ohioans with developmental disabilities currently in institutions have never been told that living in the community is even an option. Thousands more have asked for home- and community-based services but remain on waiting lists for years. Many of these individuals face the risk of being moved to an institution because they cannot access the home- and community-based services they need.

Why it matters

At Disability Rights Ohio, we believe that this case centers on freedom of choice. When people with developmental disabilities ask for help and are given no other option but to live in an institution, away from their families and friends, that is segregation. Such enforced separation deprives these individuals of the support and engagement of living and working among people of all different abilities. Likewise, all of Ohio's communities lose out when we force those with developmental disabilities to spend their lives behind closed doors.

The alternative

Our vision is to enable Ohioans to have more choices for where and how they want to receive care and services. It's that simple. We do not seek to close ICFs or remove anyone from an ICF unwillingly, and the Court's certified class only includes individuals who want community-based services.

Disability Rights Ohio wants to empower Ohioans with developmental disabilities to:

- live in the community that they want, with the care that they need
- find a job in the community with the help that they need
- pursue activities in the community with the support that they need

In Ohio and around the country, when individuals have the opportunity to live, work, and participate in their communities with community-based supports, they and their families overwhelmingly report being satisfied, even those who initially expressed concerns about leaving institutional care.

What you can do

DRO believes that when the rights of those with developmental disabilities are infringed upon, we have a responsibility to stand up to protect them. When we rally together in advocacy and action, we preserve the equality and dignity of all Ohioans. Please join us.

- **Make a donation:** Help fund our work at disabilityrightsohio.org/donate
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