

FIRM NEWS

Court Allows Suit Advocating for Children with Mental Health Disabilities to Proceed

July 25, 2019

On July 25, 2019, the U.S. District Court for the District of Columbia denied the District of Columbia's motion to dismiss a class action suit filed by a Schulte pro bono litigation team and Disability Rights DC, the Bazelon Center for Mental Health Law and the National Center for Youth Law. The team filed the suit against the District of Columbia and its relevant officials for unnecessarily institutionalizing hundreds of children with mental health disabilities or placing them at serious risk of institutionalization by failing to provide them essential intensive community-based services as required by federal law.

The complaint alleged violations of both the Medicaid Act and the Americans with Disabilities Act (ADA), which requires the district to serve its children with disabilities in the most integrated setting appropriate. For virtually all children, this setting is their own home, another family or foster home or other community-based settings. The Medicaid Act requires the district to provide intensive community-based services to all children with mental health disabilities who need them, to help them live in their own homes and communities and participate fully in family and community life. The complaint seeks a federal court order permanently enjoining the district from subjecting the plaintiff children to its policies and practices that violate their rights under the ADA and the Medicaid Act, and lawyers for the children and for Disability Rights DC have asked the district to develop a plan for how it will develop appropriate intensive community-based services and provide them to every district child who needs them.

The Schulte litigation team is led by partner Howard Schiffman and includes special counsel Jason Mitchell.

Related People



**Howard
Schiffman**

Partner
Washington, DC



**Jason
Mitchell**

Special Counsel
Washington, DC

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