

OASIS · AT A GLANCE

Isolation as disability discrimination

Years alone at home with no day program, no transportation, and no plan is not simply a gap in services. Under federal law, unnecessary segregation of a disabled adult from community life has a name, and it is not an acceptable one.

BY JIM PALASTY · 12 MIN READ · THE RIGHTS-BASED CASE FOR GETTING OUT OF THE HOUSE

1999

OLMSTEAD V. L.C.

The year the U.S. Supreme Court ruled that needless isolation of people with disabilities is itself a form of discrimination.

How it works

THREE STEPS

STEP 1

Isolation looks personal

A missing day program, a canceled ride, a family quietly absorbing the gap. It reads like bad luck.



STEP 2

It is actually structural

The ADA's integration mandate requires states to provide services in the most integrated setting appropriate.



STEP 3

You escalate in the law's language

Naming isolation as an integration mandate violation moves a case faster than naming it a hardship.

When to escalate

Ask	Request community-based alternatives from your case manager in writing
Document	Track community-based days per week for at least a month
Name it	Use "integration mandate" and "Olmstead" explicitly in your written request
Complain	File with your state's Protection & Advocacy agency or the DOJ ADA line
Escalate further	Consult disability rights legal counsel if the agency doesn't respond

NAMING IT CHANGED THE ANSWER

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Gabriel had left his house four times in eight months, each time for a doctor's appointment, because his day program closed and no transportation ever replaced it. His mother had asked for help for two years and gotten nothing. She then wrote one letter using the words "integration mandate" and "unjustified segregation." A caseworker called back within a week.

THE SITUATION HADN'T CHANGED. THE WORDS DESCRIBING IT HAD, AND THAT WAS WHAT MOVED THE PHONE CALL.

What matters, at a glance

The integration mandate

Title II of the ADA and its implementing regulations require public entities to administer services in the most integrated setting appropriate to the person's needs.

Unjustified segregation

Keeping someone isolated at home when community-based services could meet their needs is exactly what Olmstead found unlawful.

"We don't have the budget" is not a defense

Cost alone rarely excuses ongoing segregation once a state has already established the more integrated option exists elsewhere in its system.

Olmstead's actual test

Community placement is required when treatment professionals agree it's appropriate, the person doesn't object, and it can be reasonably accommodated.

A 27-year-old ruling, still underused

Most families have never heard the word Olmstead, even though it's the single strongest legal hook available for their situation.

Your standing to complain

You do not need a lawyer to file an ADA complaint. You need documentation and the willingness to use the law's own words.

BRING THESE · CHECK AS YOU GO

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|---|---|
| ☐ A one-month log of community-based days | ☐ A written request naming the integration mandate |
| ☐ Any professional statements on appropriate community placement | ☐ Copies of every unanswered prior request |
| ☐ Your state Protection & Advocacy agency's contact information | |

YOUR MOVE

When isolation has become the routine, here is how you escalate

- 1 Track community-based days per week for one month.
- 2 Request community alternatives in writing from your case manager.
- 3 Name the request using ADA integration mandate language.
- 4 If ignored, file with your state Protection & Advocacy agency.
- 5 File a complaint with the DOJ ADA line if still unresolved.
- 6 Consult disability rights legal counsel for continued inaction.

A hardship gets sympathy. A civil rights violation gets a caseworker's attention within a week.

RESOURCES NAMED IN THIS POST

adata.org · <https://adata.org>

bazelon.org · <https://www.bazelon.org>

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ABOUT THE AUTHOR



Jim Palasty

Jim Palasty is the founder of OASIS for Autism and a single father of an adult autistic daughter in Michigan.