



FOR IMMEDIATE RELEASE:
CONTACT: Amy Messer, Legal Director
Disabilities Rights Center, (603) 228-0432

March 28, 2012

Disabilities Rights Center and Devine Millimet applaud the U.S. Department of Justice for intervening in *Lynn E. v. Lynch*, the N.H. mental health class action lawsuit

CONCORD, NH – The Disabilities Rights Center (DRC) and the law firm of Devine Millimet welcome the US Department of Justice’s motion to intervene yesterday in the mental health class action lawsuit, *Lynn E. v. Lynch*. The lawsuit was filed last month by six individuals represented by the Disabilities Rights Center, Devine Millimet, the Center for Public Representation and the Judge David L. Bazelon Center for Mental Health Law against the state of New Hampshire for its failure to provide community mental health services to avoid the needless institutionalization of individuals with mental illness.

“It is an important development that the United States has come to New Hampshire, committed to enforcing the law and ending segregation,” said Amy Messer, DRC Legal Director and one of the lead attorneys for the plaintiffs. “Unnecessary institutionalization is discrimination. It is a violation of federal law, and it is happening here in New Hampshire.”

After a full investigation in New Hampshire, the U.S. Department of Justice found the same problems in the mental health system that the DRC and the N.H. Community Behavioral Health Association have identified: a crumbling community mental health system that has led to increasing institutionalization of people with mental illness in our state.

The United States’ complaint affirms the stark reality that because of a lack of adequate and effective community based alternatives, “...people with mental illness are often given no choice but to enter an institution to receive needed mental health services from the state...” It adds that “many are forced to be readmitted multiple times, and many remain institutionalized for unnecessarily prolonged periods.”

New Hampshire once had a nationally recognized community mental health system, but that system has steadily eroded in the last decade. There has been no real progress on the 10-year plan. Community hospital emergency departments are full as a result of an inadequate community mental health system. As noted by the US Department of Justice, “[g]aps and weaknesses in the state’s mental health system too often subject individuals with mental illness to needless trauma, especially during a crisis...This needlessly traumatic process, rife with delayed treatment and undue restrictions, is costly and not therapeutic....”

“The intervention of the Department of Justice highlights the magnitude of the problem”, said Elaine Michaud of Devine, attorney for the plaintiffs. “It is one more step in the direction toward obtaining the critical services people with mental illness need in order to be able to fully participate in community life.”