

Department of Justice Legal Memorandum on *Olmstead*

Fact Sheet

What is *Olmstead* and why does it matter?

[*Olmstead v. L.C. \(1999\)*](#) was a landmark Supreme Court case. Two women with disabilities, Lois Curtis and Elaine Wilson, challenged the State of Georgia after they were kept in an institution even though professionals stated they live in the community with supports.

The Supreme Court (the Court) ruled that unnecessary segregation of people with disabilities is a form of discrimination under the Americans with Disabilities Act (ADA). Through this decision, the Court reaffirmed that individuals with disabilities have the right to access care in the most integrated setting appropriate to their needs, also known as the “integration mandate.” While not everyone can or should live independently, people should not be forced into more restrictive, institutional setting simply because community services do not exist or are not funded.

What does the Department of Justice memo say?

On June 18, 2026, [the U.S. Department of Justice issued a legal opinion](#) arguing that states do not have to provide in-home or community-based care to people with disabilities who need support. This memorandum (memo) is not a court decision; it does not erase [*Olmstead v. L.C. \(1999\)*](#), change Supreme Court precedent, or remove ADA, Section 504, or the regulations that protect community living. ***Olmstead* is still the law.** However, this memo does pave the way for the federal government to not enforce these protections and rulings.

According to the memo, the current interpretation of *Olmstead* goes beyond what was intended. According to the memo:

- A state cannot institutionalize a person without adequate justification.
- There is no broad federal requirement that states provide home- and community-based services.
- Federal law prohibits discrimination but does not require states to fund or provide services in community settings instead of institutional settings.

The History of HCBS

The disability community has fought for many years to gain rights and access to the broader community, including access to schools, employment, and buildings. Before 1977, people with disabilities were often placed in institutions, mainly asylums, to receive care and treatment. Then, regulations to Section 504 were implemented, leading to a major change in how and where people with disabilities can receive services.

Since 1977, the United States government has had an “integration mandate” which requires services to be provided in the most integrated setting appropriate. Home- and community-based services (HCBS) have allowed countless children and adults to get services at home or in their community, enabling them to stay connected with family, friends, school, work, and community life. Children and adults with disabilities are able to thrive by not being forced into facilities and institutions.

Key Takeaways for People with Disabilities, Families, and Advocates

- *Olmstead*, ADA, and Section 504 are still the law.
- The integration mandate is still part of federal regulations.
- The federal government is signaling that it might stop enforcing key protections for community living.
- Advocates may have to rely on private lawsuits, state advocacy, and disability right organizations to protect these rights.

How is Family Voices responding?

Our history of advocating for HCBS and children and youth with special health care needs makes this issue uniquely connected to our mission and values. [Read Family Voices National's statement](#) supporting the mandate and funding for home- and community-based services (HCBS) and family-centered care.

Family Voices works closely with our network of Family-to-Family Health Information Centers (F2F) and Family Voices Affiliate Organizations (FVAO) which connect families to home and community-based services. Find and connect with your local F2F/FVAO at <https://familyvoices.org/findhelp/>.