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Judge Halts Home Care Cuts: Says approach would likely violate federal law and cause “incredible human suffering” to seniors and people with disabilities who need these services

Oakland, CA –U.S. District Court Judge Claudia Wilken ruled today that the state cannot go forward on November 1 with its planned cuts of In-Home Supportive Services (IHSS) to an estimated 130,000 Californians because of the substantial harm, damage and injury which would result. The Judge said that the state’s Functional Index rankings were clearly not based on need, that essential services could be withdrawn arbitrarily, and “people could lose something irreplaceable – the ability to remain safely in their homes.”

Therefore, she enjoined all IHSS cuts as requested by people who use IHSS and local unions, in the class action lawsuit, *V.L. v Wagner*.

The judge ruled that the plaintiffs were likely to show at trial that the cuts to services, enacted in the recent state budget, violate federal law. Approximately 40,000 low-income seniors and people with disabilities would have lost all their IHSS services, including personal care; another 90,000 would have lost such services as meal preparation, food shopping and help with laundry and housecleaning.

“We are convinced a humanitarian disaster would have resulted from the precipitous and arbitrary withdrawal of essential services approved by the legislature and the administration in the budget, and are delighted that the Court agreed with us,” stated lead counsel Melinda Bird of Disability Rights California.

“This is a big day for people with disabilities, their families and seniors throughout the state – their right to stay safely in their homes - and not be forced into nursing homes or other institutions - has been reaffirmed by the Court,” said Paula Pearlman of the Disability Rights Legal Center.

“We told the Court that the method being used to decide who would be cut was arbitrary and particularly discriminated against children with disabilities and people with cognitive or mental health disabilities”, stated Stacey Leyton of Altshuler Berzon LLP.

Leyton summarized: “Talking to people who use IHSS and the workers who provide IHSS, I came to realize how important this program is, and how cost-effective it is. Some receive only a few hours a week of help, but that's what enables them to stay at home and be part of their community.”

The lawsuit was brought by 5 people who use IHSS services, on behalf of a proposed class of IHSS consumers, represented by Disability Rights California, the Disability Rights Legal Center, the National Senior Citizens Law Center, the National Health Law Program and attorney Charles Wolfinger; and by 5 SEIU locals and United Domestic Workers – AFSCME, bringing the case on behalf of IHSS providers. Details:

<http://www.disabilityrightsca.org>