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## **NYS COURT OF APPEALS AFFIRMS RIGHT OF LAWYERS TO MEET FREELY WITH RESIDENTS OF ADULT HOMES**

### *Adult Home Operators' "Guidelines" Cannot Override State Regulations*

NEW YORK, NY, October 20, 2011—New York State's highest court upheld an Appellate Court decision that affirmed the right of lawyers and advocates to meet freely with residents of adult homes. The case centered on whether the New York Coalition for Quality Assisted Living (NYCQAL), a trade association of adult home operators, can issue "guidelines" on behalf of its members limiting lawyers' access to residents and impeding confidential visits and impromptu meetings with residents at the homes. MFY Legal Services, Inc. (MFY) and the Coalition of Institutionalized Aged and Disabled (CIAD), the defendants, countered that NYCQAL's guidelines violated state regulations guaranteeing residents' access to confidential legal help and advocacy.

The court agreed, allowing MFY and CIAD to continue to visit the homes regularly to train tenants on their rights and address the many complaints residents routinely make about substandard conditions and violations of their rights. For the past 20 years, MFY and CIAD have monitored and exposed conditions in adult homes, leading to significant reforms and greater oversight by the state.

"NYCQAL's guidelines were nothing more than an effort to discourage vulnerable people who live in adult homes and who are isolated from the community from speaking with advocates who can help them," said MFY Executive Director Jeanette Zelhof. "We are thrilled that the court of appeals affirmed the appellate division in finding the guidelines unenforceable because they conflict with state regulations. This decision will allow residents to continue to seek support and assistance from dedicated advocates without fear of threats or retaliation."

Adult homes in New York City, which are overseen by the New York State Department of Health, are home to 4,500 people with mental illness. Access to residents has been critical to MFY and CIAD's efforts to reform the adult home industry, and this decision will have an important impact on isolated and vulnerable people in institutional settings, even beyond adult homes.

"Given the long history of problems in the adult home industry and recent exposés about the serious issues in group homes for the developmentally disabled, it's more important than ever that people with disabilities have unfettered access to organizations that can help them," said Geoff Lieberman, Executive Director of CIAD.

To read decision: [http://www.courts.state.ny.us/reporter/3dseries/2011/2011\\_07301.htm](http://www.courts.state.ny.us/reporter/3dseries/2011/2011_07301.htm)