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Adult Home Sued for Limiting Telephone Access to Disabled Residents

Lakeside Manor Home in Staten Island Charged Residents for Toll-Free Calls Judge Issues a Restraining Order to Prevent Retaliation by Home against Residents Pending Disposition of the Lawsuit

NEW YORK, NY—MFY Legal Services, Inc. filed suit in state Supreme Court on November 15, 2007 on behalf of four residents of the Lakeside Manor Home for Adults in Staten Island who allege that the home violated their rights by preventing them from making outgoing phone calls. The suit charges that the Home's actions isolate disabled residents from the community and violate their rights to communicate with family, friends, service providers, government agencies, and advocates.

The four plaintiffs – all people with disabilities – requested and were granted a temporary restraining order by the Court directing the Home to refrain from retaliation of any kind, including threats of eviction, transfer or hospitalization, over- or under-medication, harassment, withholding of personal needs allowance or withholding of any other services pending disposition of the lawsuit. In a sworn statement, one resident stated that after complaining to the home administration about conditions, he was told that he could go to a nursing home or move out if he didn't like it. "I have interpreted this as an implied threat, which worries me because, at this time, I have nowhere else to go," the resident stated.

Some two hundred people with disabilities live at the Lakeside Manor Home, but the Home provides only two public telephones for their use, in violation of state law, which requires that they maintain at least five telephones. Further, the Home charges residents fifty cents to make toll-free calls, another violation. One phone is frequently out of service, and, at times, no phone has been operable, forcing residents to walk a quarter mile to the nearest pay phone. At various times, the Home blocked toll-free numbers, including the numbers of state agencies that investigate problems in the homes.

"Residents can't make outgoing calls from their rooms and can't afford cell phones," said Kevin Cremin, MFY attorney for the residents. "Without access to a telephone, they have no way of contacting anyone in an emergency situation, and they cannot keep in contact with family and friends. MFY Legal Services and the residents have repeatedly asked the Home to fix these problems, but their response has been completely inadequate."

For the past 19 years, MFY Legal Services, Inc.'s Adult Home Advocacy Project has exposed abuses in the adult home industry and has initiated individual and law reform litigation to address deplorable conditions, financial improprieties, and mistreatment of residents. Together with other advocacy organizations and a private law firm, MFY has brought suit against New York State for violating the Americans with Disabilities Act by concentrating large numbers people with mental illnesses in adult homes, which are segregated settings that provide little or no rehabilitative care.