



L E G A L

S E R V I C E S

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FOR IMMEDIATE RELEASE
March 31, 2008

Judge Orders Adult Home to Install More Telephones and to Stop Charging Residents for Toll-Free Telephone Calls

Preliminary Injunction Bars Retaliation by Home against Residents Pending Disposition of the Lawsuit

NEW YORK, NY—On March 27, 2008, New York Supreme Court Judge Philip G. Minardo issued a preliminary injunction against Lakeside Manor Home for Adults in Staten Island, finding that the home's denial of access to telephones could cause irreparable harm to the plaintiffs, all of whom are people with disabilities. Although the law requires the home to have five public telephones, Lakeside Manor has only two for 200 residents. The Court ordered the home to install two additional pay phones and to cease charging residents for toll-free calls because "their need to communicate with their families, advisors, healthcare providers, etc. is essential to their well-being."

The ruling came in response to a lawsuit filed last November by MFY Legal Services, Inc. on behalf of four Lakeside residents who allege that the home violated their rights by preventing them from making outgoing phone calls. "Residents can't make outgoing calls from their rooms and few can afford cell phones," said Kevin Cremin, MFY attorney for the residents. "The residents are glad that the Court recognized that without telephones they are isolated from family and friends and that they couldn't even make a toll-free call to complain to state agencies about violations of their rights," he said.

The judge's order incorporates a temporary restraining order he issued last November barring the home from retaliating against residents, 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. Residents also complained that when the home's pay phones were out of order, they had to walk a quarter mile to the nearest phone.

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.