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FOR IMMEDIATE RELEASE

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**Indiana Disability Rights Responds to the Federal Legal Opinion Targeting the
Right of Hoosiers with Disabilities to Live in the Community**

In Indiana, community living remains the law and IDR will continue to enforce it.

INDIANAPOLIS – On June 18, 2026, the United States Department of Justice, Office of Legal Counsel, issued a legal opinion that attempts to narrow one of the most important civil rights protections for people with disabilities: the right to live, receive services, and take part in community life, rather than be unnecessarily confined in an institution. Indiana Disability Rights, the federally designated protection and advocacy system for Hoosiers with disabilities, rejects the opinion's reasoning and writes to make clear what it does, what it does not do, and why the right to community living remains fully enforceable in Indiana.

For more than twenty-five years, the Supreme Court's decision in *Olmstead v. L.C.* has stood for a straightforward principle: the unjustified institutional isolation of people with disabilities is a form of discrimination under the Americans with Disabilities Act. That principle has helped Hoosiers leave nursing facilities, state hospitals, and other segregated settings, and it has helped many more avoid institutionalization in the first place.

What the Opinion Does

The opinion asserts that neither Title II of the ADA nor Section 504 of the Rehabilitation Act requires states to serve people with disabilities in the most integrated setting appropriate to their needs, and that the responsible agencies never had authority to require it. It recasts *Olmstead* as a narrow holding under which institutional placement is lawful so long as the state can offer some nonarbitrary justification. It adopts a so-called sole factor standard, treating institutionalization as discriminatory only when disability is the single reason for the placement. And it concludes that the longstanding integration mandate regulations, 28 C.F.R. 35.130(d) and 45 C.F.R. 84.76(b), exceed statutory authority and may be rescinded by the agencies.

Why the Opinion Is Wrong, and Why It Does Not Control in Indiana

The opinion does not withstand scrutiny, and it concedes on its own terms that its analysis is out of step with the settled view of the federal courts of appeals. Two points deserve emphasis for Hoosiers.

Equity Through Advocacy

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First, the opinion's sole factor test does not match the law. Under that test, keeping a person in an institution would count as discrimination only when disability is the single reason for it. In the real world there is almost always another reason a state can point to, such as cost, a shortage of community placements, or convenience. A standard that excuses segregation whenever any such reason is present would leave the right to community living protected on paper but very hard to enforce in practice. That is not what the Americans with Disabilities Act says, and it is not how the courts have read it.

Second, and most important for this state, the controlling law in Indiana is set by the United States Court of Appeals for the Seventh Circuit, and the Seventh Circuit treats the integration mandate as enforceable. In *Steimel v. Wernert*, the court addressed the integration mandate in the context of Indiana's own Medicaid waiver system. The Seventh Circuit confirmed that unjustified institutionalization is a form of disability discrimination and that the State is required to provide services in the community to people who can benefit from them. More recently, in *Indiana Protection and Advocacy Services Commission v. Indiana Family and Social Services Administration* (2025), the Seventh Circuit again enforced these obligations in litigation brought by IDR. The DOJ opinion acknowledges this line of authority and admits that it is departing from it. An advisory opinion from the Executive Branch does not overrule the Seventh Circuit, and it does not change the law that courts in Indiana must apply.

What the Opinion Does Not Do

It is important to be precise about the limits of this opinion. It does not overrule *Olmstead*, which remains binding Supreme Court precedent. It does not bind any federal court. It does not repeal the ADA, Section 504, the integration mandate regulations that remain in effect today, or any existing court order or settlement agreement. Hoosiers with disabilities can still bring *Olmstead* claims, and in the Seventh Circuit those claims rest on the same legal footing they did the day before the opinion issued.

Why This Matters in Indiana

We are nonetheless clear-eyed about the threat. The opinion states that the integration mandate regulations exceed statutory authority and that the agencies may rescind them. If that occurs, federal enforcement will weaken, and the burden of protecting community living would shift further onto private litigants and onto organizations like IDR.

Indiana has faced a version of this question already. In September 2024, Indiana joined a multistate lawsuit challenging the Section 504 integration mandate regulation. After sustained advocacy from Indiana's disability community, the State withdrew from that case in May 2026. The opinion now offers federal cover for the very arguments Indiana stepped away from only weeks earlier. We urge state officials to hold that course. When public systems fall short on housing, community services, and voluntary supports, the answer cannot be greater reliance on institutions.



The stakes are real. Indiana serves thousands of Hoosiers with disabilities through Medicaid home and community-based services administered by the Family and Social Services Administration, while continuing to operate state psychiatric hospitals and to rely on nursing facilities and intermediate care facilities. Whether a Hoosier receives support in a home of their own or is sent to a facility is not an abstraction. It is the difference between living in the community and being segregated from it.

What Indiana Disability Rights Will Do

IDR's authority does not depend on the views expressed in the DOJ opinion. As Indiana's designated protection and advocacy system, IDR has independent federal authority to investigate abuse and neglect, to monitor facilities and service providers, and to represent Hoosiers with disabilities in enforcing their rights. We will continue to use that authority. We will represent individuals who face unnecessary institutionalization or who are denied the community-based services they are entitled to receive. We will monitor state agencies and providers. And we will work with the National Disability Rights Network and protection and advocacy systems across the country to defend Olmstead and the integration mandate.

Hoosiers with disabilities belong in their communities. That was true before June 18, it is true today, and IDR intends to keep it true.

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About Indiana Disability Rights: Indiana Disability Rights (IDR) is the service arm of the Indiana Protection and Advocacy Services Commission and the protection and advocacy system designated under federal law to uphold, promote, and advance the rights of individuals with disabilities in Indiana. For more information, visit www.IndianaDisabilityRights.org.