



Investigation of Missouri's Use of Nursing Facilities and Guardianship for Adults with Mental Health Disabilities

On June 18, 2024, the Justice Department published a Findings Report after concluding a comprehensive investigation in Missouri under Title II of the Americans with Disabilities Act (ADA). It determined that there is reasonable cause to believe Missouri violates the ADA by unnecessarily institutionalizing adults with mental health disabilities in nursing facilities. The Department also found that the State is improperly relying on guardianship and conservatorship and that this leads to people entering nursing facilities even though community-based services are appropriate for their needs.

Report Highlights:

- Thousands of adults with mental health disabilities in Missouri are confined in nursing facilities.
- About half are under the age of 65.
- Half are concentrated in a number of High Volume Facilities—nursing facilities where more than 50% of the residents have a mental health disability.
- Most require little or no assistance with basic physical activities and simply do not need nursing care.
- These adults languish in nursing facilities, often for years, unable to choose their roommates, what they eat, when to make calls, and whether they can visit a store. A mother told DOJ her daughter said it was “like being held in prison against her will.”
- When a person with a mental health disability has frequent hospitalizations or is not engaging in treatment, a typical response in Missouri is to seek a guardianship. Guardianship is a process in which a court appoints someone to make decisions for another person.
- With few options for community-based services or housing, appointed guardians then place these adults in nursing facilities. One provider called guardianship in Missouri a “sentence to be locked in a [nursing facility].”



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- Missouri has filed petitions to place hundreds of adults with mental health disabilities under guardianship. The State also promotes guardianship for adults with mental health disabilities through its actions and policies.
- Nursing facility residents with mental health disabilities want to return to the community. Elijah, a resident for 11 years, told DOJ: “Oh yeah, in a heartbeat. I’d fly through that door and be the happiest little ant in the world.” They dream of lives integrated in the community, consistent with the ADA’s requirements.
- Missouri does not provide people who need them with services including Assertive Community Treatment (ACT), case management, supported employment, mobile crisis response, crisis stabilization services, Permanent Supportive Housing, peer support, and Supported Decision-Making. Instead, the State turns to nursing facilities.
- In the three years before they entered nursing facilities, very few people were connected to key community-based services. Only 8 of 333 adults who had recently entered nursing facilities had received Assertive Community Treatment. Only 15 received any kind of residential services. Only 23 received peer support.
- Missouri’s current system encourages admissions to nursing facilities, but the State could make reasonable modifications to its system to divert people from nursing facilities and to help them get out.

Next Steps:

The Justice Department intends to work with the State of Missouri toward compliance with the ADA. The report recommends some ways Missouri can do that.

People who would like to provide information to the Justice Department related to this investigation, or who have suggestions about what changes are needed to fix these problems can leave a voicemail at 833-610-1242 or email

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