LIGAS v. EAGLESON FACT SHEET

Background on the lawsuit

Ligas v. Eagleson (originally *Ligas v. Maram*) is a lawsuit filed in 2005 by nine people with developmental disabilities (Plaintiffs) who resided in large private State-funded facilities (ICF-DDs) or who were likely to be placed in such facilities if they did not get community services. Plaintiffs wanted to receive community services, but their requests had been denied by the State of Illinois. In 2006, a judge certified the case as a class action. (Note that people living in State-operated developmental centers are not part of the class action.) Prior to trial, the parties reached an agreement, but at a Fairness Hearing in July 2009, the judge found that the class definition was too broad as it included people who did not desire to live in the community. Accordingly, the judge did not approve the agreement and de-certified the class. In January 2011, the Plaintiffs, the State, and the Intervenors (representing those who wished to remain in ICF-DDs) reached a new agreement that all could support. The judge held a Fairness Hearing on June 15, 2011 and approved the proposed Consent Decree. This historic agreement reflects momentous change in state policy for serving people with developmental disabilities. **Over 8,500 class members have received community services under the Consent Decree through June 2019.**

What has the Consent Decree achieved?

- Over a six year period, any of the approximately 6,000 ICF-DD residents who desired community placement received an individualized, independent evaluation and the opportunity to live in the community with appropriate services.
- All ICF-DD residents happy with their current placement were not part of the class and were not required to move. The Consent Decree requires that resources necessary to meet the needs of those who chose to continue to reside in ICF-DDs are available.
- Over a six year period, over 3,000 people with developmental disabilities who were living at home without services were given community services.
- People in crisis were to be served expeditiously and not count as part of the 3000 people picked for community services. There was no cap on the number of people served through crisis.

Is the *Ligas* Consent Decree over?

No. Only the first phase of the Consent Decree has been completed. During the first six years, the State met its quantitative obligation to provide at least 3,000 people on the PUNS waiting list with community-based services. The State also served people in crisis. The State provided community-based placements to nearly all of those living in ICF-DDs who made a record of wanting to leave and who had been residing in an ICF-DD on or before June 15, 2011. (Note that some ICF-DD residents are still waiting for placements.)

What is left with the Consent Decree?

The State agreed that, after six years, it must provide community services to class members at a "reasonable pace" over a three year period. Reasonable pace means:

- the State will serve a minimum of 630 new people from the PUNS list each year;
- the State will serve people in crisis expeditiously and without a cap, and the people in crisis will not count towards the 630 new people;
- the State will allow moving within the waiver (from CILA to home-based and vice-versa) and not count people moving within the waiver towards the 630 minimum;
- people in ICF-DDs can become Class Members and get on the PUNS list.

Is the State in Compliance with the Qualitative Aspects of the Consent Decree?

No. The Consent Decree requires an Independent Monitor determine annually whether the State is in Compliance. The current Monitor is Ronnie Cohn (who can be reached at ligas.monitor@gmail.com) and she found the State out of compliance with the Consent Decree in 2016 and 2017. Attorneys for Plaintiffs and Intervenors filed a Motion for Enforcement asking the Judge to find the State out of compliance because Class Members and people who chose to stay in the ICF-DDs were not getting what they were entitled to under the Consent Decree. In 2017, the Judge agreed and found the State out of compliance. She ordered the State to submit a plan to bring the State into compliance. The State submitted a Compliance Plan, and in 2018, the Judge found the State's Plan inadequate and ordered the State to review its rates structure. The State is now working to comply with the Judge's order through short-term and long-term solutions.

When will the Consent Decree End?

Once the State feels it has met all of the requirements of the Decree, including moving people off the waiting list at a reasonable pace for three years, the State can request that the Consent Decree end. To do so, the Judge would have to find that the State is in "substantial compliance" with all of the quantitative and the qualitative requirements of the Consent Decree. Plaintiffs, Intervenors and the Independent Monitor will be able to weigh in on whether the State is in "substantial compliance" and then the Judge will decide.

Can people still join the Class?

Yes. People with developmental disabilities who want to receive services under the Consent Decree should make a record with the State confirming their desire for community services. To join the class, people should contact their ISC agency or Betty Elliot at Betty.Elliot@Illinois.gov or 217-782-3591. People who are on the PUNS list are already Class Members.

Questions?

If you have questions about the Consent Decree, services under the Decree, or how to become a member of the class, please contact Laura Miller at 312-895-7316 or laura@equipforequality.org

Documents related to the case can be found at:

www.equipforequality.org/issues/community-integration/documents-from-efes-class-actions/