



LIGAS v. EAGLESON FACT

SHEET

Background on the lawsuit

Ligas v. Eagleson (originally *Ligas v. Maram*) is a lawsuit filed in 2005 by nine adults 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 10,500 class members have received community services under the Consent Decree.**

What has the Consent Decree achieved?

- Over the initial 6-year period of the Decree (6/11-6/17), any of the approximately 6,000 ICF-DD residents who wanted community services received an independent evaluation and the opportunity move to 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 the initial 6-year period (6/11-6/17), 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 3,000 people picked for community services. 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 6 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 6 years, it must provide community services to class members at a "reasonable pace" over a 3-year period. The State is currently in the third year of the 3-year requirement.

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 by getting 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 Ronnie Cohn (who can be reached at ligas.monitor@gmail.com), first found the State out of compliance in 2016. 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. The Judge 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 convened Stakeholders, hired a Consultant and in December 2020, issued a Report with recommendations to revise its rates structure. The State has begun implementation of some of those recommendations and responding to the Monitor's findings.

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 3 years, the State can request that the Consent Decree end. Plaintiffs, Intervenors and the Independent Monitor would then be able to weigh in on whether the State is in "substantial compliance" and then the Judge would decide. To end the Decree, the Judge would have to find that the State has substantially complied with the terms of the Decree and determine that the State has "implemented and is maintaining a system that complies with the Decree."

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 Mike Vespa at Mike.Vespa@Illinois.gov or 217-785-6171. People who are 18 and older and are on the PUNS list are already Class Members, but need to be clear whether they are actively seeking services or just in planning. **The time for selection off the PUNS list does not begin until a designation has been made of actively seeking services.**

Questions?

If you have questions about the Consent Decree, services under the Decree, or any other *Ligas* issue, 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/