



# **Update on the *Ligas* Consent Decree – community services for people with I/DD**

**Presentation to:  
Arc Family Support Network  
*Ligas* Informational Seminar  
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# *Ligas v. Maram*

## Case Background

- Suit filed in 2005 by 9 individuals with DD
- Nearly 6000 people living in large private ICFDDs (9 or more) and thousands more living at home “at risk of institutionalization”
- Suit does not cover DD State-Ops or kids
- Suit sought meaningful choices not institutional closure
- Attorneys: Access Living, ACLU, Dentons and Equip for Equality



# *Ligas v. Maram*

## Case Background

- In 2006, court granted class certification
- In 2008, Agreement reached with State
- Objections from guardians of people in institutions led to de-certification of class and rejection of agreement by judge
- New agreement reached with Intervenors that everyone could support
- Court certified new “opt in” class
- Consent Decree approved in 2011



# Terms of *Ligas* Consent Decree: Who's Covered?

- **Class Definition:**

- 18 or older with DD and Medicaid eligible; and
- Lives in a private ICF/DD with 9 or more residents **or** lives in the family home seeking services (does not include SODCs); and
- The State of Illinois has a “current record” of the person seeking Community-Based Services or placement in a Community-Based Setting



# Terms of *Ligas* Consent Decree: Enforcement and Resources

- Consent Decree – not a settlement
- Development of Community Capacity
- Resources and Budget Requests
  - Annual budget requests sufficient to develop and maintain services outlined in Decree
  - Implement funding mechanisms that facilitate transition among service settings
  - **No** legislative contingency



# Terms of *Ligas* Consent Decree: ICF-DD Residents

- People residing in ICF-DDs at the time of the entry of the Decree (6/15/11) who desire community placement will receive an individualized, independent evaluation.
- Over 6 year period, any of the approximately 6,000 ICF-DD residents who desire placement in the community would transition to the most integrated community-based setting appropriate for their individual needs.
- 1/3 were placed by the State every two years



## Terms of *Ligas* Consent Decree: ICF-DD Residents

- All ICF-DD residents happy with their current placement are not in the class and would not be required to move.
- The Consent Decree ensures that resources necessary to meet the needs of those who choose to continue to reside in ICF-DDs will be made available.



# Terms of *Ligas* Consent Decree: People Living in the Family Home

## For people with DD living at home:

- At least 1000 people provided community services within first 2 years
- At least 500 people provided community services in each of the 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> years
- State met these quantitative requirements
- After 6<sup>th</sup> year, people not served will move off waiting list at a “reasonable pace”





# Terms of *Ligas* Consent Decree: Crisis

- State agreed to also serve people in “**Crisis**”
  - Imminent risk of abuse or neglect
  - Imminent risk of homelessness
  - Caregiver is deceased
  - Caregiver unable to meet needs of individual jeopardizing individual’s health and safety
  - Individual’s behaviors put individual or family member at risk of serious harm
- No limit on # of people in Crisis to be served
- Crisis services to be provided “expeditiously” – within 24-72 hours



# Terms of *Ligas* Consent Decree: Independent Monitor

- Must be independent and knowledgeable of I/DD community service issues
- Assesses compliance with Decree and develops measurable standards for compliance
- Tries to resolve issues, but can recommend action by court if unable to resolve
- Submits annual reports to the Judge
- Tony Records (2011-2015)
- Ronnie Cohn (2015 – present)



# Current Status of *Ligas v. Eagleson* Consent Decree

- **10,859** class members have received community based services through 2021
- Although State has met its ***quantitative*** requirements, Court Monitor has found State out of compliance since 2016 for failing to meet the ***qualitative*** requirements of the Consent Decree – including inadequate DSP wages to support class members and beneficiaries



# Current Status of *Ligas* Consent Decree

- April 2017: Plaintiffs and Intervenors filed a Motion to Enforce the Consent Decree
- August 2017: Judge grants Motion and finds State is out of Compliance with the Decree – Orders State to develop Compliance Plan
- March 2018: State submits Compliance Plan that includes small DSP wage increase; Plaintiffs, Intervenors and Monitor oppose
- April 2018: Judge rejects State's Plan and orders State to address rate structure



# Current Status of *Ligas* Consent Decree

- August 2018 – State establishes Oversight Committee to review rates and other barriers for people with I/DD
- Sub-Committees: staffing, employment/training, assistive technology, behavioral health, nursing/medical, transportation and ICFDDs
- Oversight Committee Final Report Issued 11/19
- State hires rate expert (Guidehouse)
- [Guidehouse Report](#) issued 12/20



# Current Status of *Ligas* Consent Decree - Reasonable Pace

- Consent Decree requires that after first 6 years, State must continue to provide community services at a **reasonable pace** for 3 consecutive years (language from *Olmstead* decision)
- State agreed to serve at least 600 people off PUNS in FY 20 and at least 630 people each year for next 4 years (FY 21-25).
- State is on target to meet these quantitative requirements.
- Resulting in significant reduction of people waiting for services - [current PUNS statistics](#)



# Current Status of *Ligas* Consent Decree

- Monitor reviewed sample of *Ligas* class members looking at 17 different criteria.
- Monitor found the State out of compliance in all 17 categories.
- State working on plans of correction
- Monitor will be reviewing another sample in SFY 2023.



# When will the Consent Decree End?

- Paragraph 49 of the Ligas Consent Decree provides that “the Court will grant Defendants’ Termination Request and terminate the monitoring process if the Court finds that Defendants have **substantially complied** with the terms of the Decree and the Court determines that Defendants have **implemented** and are **maintaining** a system that complies with the Decree.”
- Per the Judge’s order, the parties are in discussion about a possible “Exit Plan.”





## Resources

- Equip for Equality has all of the relevant information about the Ligas Consent Decree on our website, including the Complaint, Consent Decree, Implementation Plan, Monitor's Report and Fact Sheet.

<https://www.equipforequality.org/issues/community-integration/documents-from-efes-class-actions/>



# Update on the *Ligas* Consent Decree

**QUESTIONS?**