



Update on the *Ligas* Consent Decree – Community Services for People with I/DD

**Arc of Illinois
Executive Forum**

**Sujatha Jagadeesh Branch
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Ligas v. Maram

Case Background

Suit filed in 2005 by 9 individuals with IDD

Nearly 6000 people living in large private ICFDDs (9 or more) and thousands more living at home “at risk of institutionalization”

Suit did not cover people in DD State-Ops or children



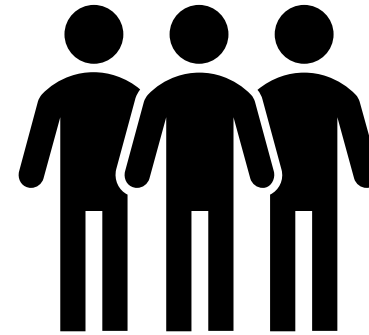
Sujatha Jagadeesh Branch

- Vice President for Civil Rights and Systemic Litigation, Equip for Equality
- Very new to Illinois!
- Very experienced in individual and class action litigation for people with developmental disabilities (California and Washington)



Reaching Agreement

- Difficult to reach agreement, as Court added Intervenors as parties.
- Intervenors were and continue to be strong supporters of institutionalizing people with IDD.
- After several years, reached agreement.
- Court approved Consent Decree in 2011.



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; 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
is not just a
settlement; it is an
order of the
federal court.





Key Consent Decree Obligations Include:

- **Development of Community Capacity**
 - Address gross shortage of community services
- **Resources and Budget Requests**
 - Annual budget requests must be sufficient to develop and maintain services outlined in Decree
 - State must implement funding mechanisms that facilitate transition among service settings
 - **No** legislative contingency



Terms of *Ligas* Consent Decree: ICF/DD Residents

Over first 6 years of Decree, any of the 6,000 ICF-DD residents who wanted placement in the community would be transitioned to DD Waiver services in the most integrated community-based setting appropriate for their individual needs.



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

- All ICF/DD residents happy with their current placement were not Class Members and were not required to move.
- The State must provide adequate resources to meet the needs of ICF/DD residents who chose to move to the community and those who chose to stay in their ICF/DD



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

For people with DD living at home:

- 3000 people provided waiver services within first 6 years of Decree (Home-Based or CILA)
- After 6th year, people will be selected from the PUNS waiting list at a “reasonable pace,” which is 630+ people per year.



Terms of *Ligas* Consent Decree: Crisis

State agreed to serve people in “Crisis,” including:

- Imminent risk of abuse, neglect, or homelessness
- Caregiver died
- Caregiver unable to meet needs of individual, jeopardizing individual’s health and safety
- Individual’s or caretaker’s behaviors put individual or caretaker at risk of serious harm

No limit on # of people in Crisis to be served

Community-based crisis services to be provided “expeditiously” – within 24-72 hours



Current Status of *Ligas v. Eagleson* Consent Decree

- **12,000** Class Members have received community-based services.
- But State is failing to meet key quantitative and qualitative requirements of the Decree.
- A lot of Class Members are not getting the services entitled to and suffering as a result.
- Yet State has moved to terminate the Consent Decree; the Court will consider motion later this year.



Areas of Lack of Compliance: DSPs in CILAs

- April 2017: Plaintiffs and Intervenors filed a Motion to Enforce the Consent Decree
- August 2017: Judge grants Motion and found state out of compliance with the Decree based on several factors, including:
 - low wages for DSPs in CILAs, with resulting DSP vacancies and turnover;
 - neglect and lack of community integration due to DSP vacancies and turnover.



Areas of Lack of Compliance: DSPs in CILAs

- State hired Guidehouse to help it get back into compliance.
- State has increased DSP wages but has lagged behind Guidehouse's recommended timeframe for wage increases.
- Moreover, Guidehouse's recommendations did not address the State's underfunding of ISCs.
- Court has not found State back in compliance since 2017 finding of noncompliance.

Areas of Lack of Compliance: No Place for People with Higher Needs



- Under Decree, people with higher needs have same right to community placement and services as other Class Members.
- Yet, State is putting people with higher needs in SODCs, nursing homes, and other institutions – rather than developing CILAs to meet their needs.



Areas of Lack of Compliance: Delays in Serving People in Crisis

Rather than “expeditiously” providing community waiver services in the community to people in crisis as required by the Consent Decree, the State is often relying on:

- informal safeguards from neighbors and friends;
- “temporary” placement in institutions, including SODCs.

People with higher needs are the most likely to be in these unacceptable arrangements.



Areas of Lack of Compliance: People Having Problems in Community Settings

- People having emotional or behavioral issues should receive extra community services to help them be successful. But the State sometimes instead sends them to SODCs.
- People who develop physical problems, such as diabetes or mobility issues, should receive extra community services to help them be successful. But the State sometimes instead sends them to nursing homes.



Areas of Lack of Compliance: Delays in Services After PUNS Selection

- People are being selected from the PUNS list at a much younger age due to the *Ligas* case.
- But some people experience a delay in getting services after being selected due to:
 - Insufficient staff at ISC to process people selected;
 - Lack of available services for people due to higher needs or due to location in the State.



Areas of lack of compliance: **CILA Quality**

Turning things over to our Court Monitor, Ronnie Cohn, to talk about quality issues in CILAs.

