

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Stanley Ligas, et al., Plaintiffs, v. Elizabeth M. Whitehorn, et al.

Case No. 05-cv-4331

Judge Sharon Johnson Coleman

**Ligas Consent Decree
Annual Court Monitor Report
Calendar Year 2025**

Executive Summary

The Ligas Consent Decree is a legal agreement outlining how Illinoisans with intellectual and developmental disabilities (IDD) will be given a choice between services, supports, and programs offered in privately operated ICF-DDs¹ and services and programs integrated into the community.

The Consent Decree requires the appointment of a Court Monitor whose role is to gauge compliance with the Decree by identifying actual and potential areas of noncompliance and to facilitate the resolution of compliance issues.

Defendants are required to implement sufficient measures to ensure the availability of services, supports, and other resources of sufficient quality, scope, and variety in support of Ligas Class Members' stated preference for home and community-based services.

As of December 2025, based on the Court Monitor's assessment, Defendants (the Illinois Department of Human Services) are not in substantial compliance with the requirements of the Ligas Consent Decree.

This is evidenced by the following:

Ligas Class Members are institutionalized in Intermediate Care Facility for Individuals with Developmental Disabilities (ICF-DDs) and in State Operated Developmental Centers

¹ Although the Consent Decree specifically addresses placement of Ligas Class Members in privately owned ICF-DDs, in January 2025, the Court directed the Ligas Court Monitor to submit a report on the usage and placement of Ligas Class Members in State Operated Developmental Centers (SODCs).

[SODCs]) when home and community-based services are not available to them, often because their service needs are perceived as too complex for community IDD Service Providers to manage, resulting in denial of or termination of community-based services.

Additionally, Defendants cite abuse, neglect, and the incapacity or death of Class Members' primary caregivers as the basis for placing some Ligas Class Members in institutional settings, indicating this is necessary to prevent homelessness. These institutional placements, which are supposed to be interim, often result in years-long stays with no clear discharge or transition pathway to community-based supports and services.

In assessing Defendants' compliance with the Consent Decree, the Court Monitor applied a two-step test to determine substantial compliance. This process involved determining (1) whether the State has achieved compliance with the federal law provisions whose violation the decree sought to remedy, and (2) whether the State would continue that compliance in the absence of continued judicial supervision.

The Court Monitor found that Defendants have not achieved substantial compliance with the federal law provisions whose violations the Ligas Consent Decree sought to remedy, as evidenced by their inability to provide timely access to appropriate home and community-based services, their continued placement of Ligas Class Members in restrictive institutional placements, and their ongoing inability to ensure an expedient transition from institutional placement to community-based services and supports.

Additionally, to fully evaluate Defendants' compliance with the Consent Decree, the Court Monitor must have access to reliable data. Plaintiffs, the previous Court Monitor, and the present Court Monitor have well-documented concerns regarding the availability, timeliness, and reliability of data critical to establishing substantial compliance with the Decree. While Defendants have made a good-faith effort to achieve greater data discipline, they are not, at this time, able to produce reliable data upon which a determination of substantial compliance with all of the requirements of the Consent Decree can be made.

During discussions about substantial compliance with the requirements of the Consent Decree specific to Ligas Class Members who are institutionalized, their right to choose where they wish to live is frequently brought to the fore.

The Court Monitor acknowledges and appreciates Ligas Class Members' rights to choose to live in a privately operated ICF-DD, as required by the Consent Decree. However, based on multiple anecdotal accounts, data collection indicating the reasons for which Ligas Class Members are institutionalized, and Defendants' own admissions regarding their challenges in providing timely access to home and community-based services, it does not appear that all Ligas Class Members and their family caregivers or guardians are truly choosing

services in institutional settings. Instead, it seems the “choice” for many Ligas Class Members and their caregivers or guardians is to accept institutional placement or to receive no services at all, placing them at risk for homelessness or other unacceptable outcomes.

Defendants recognize their responsibility to ensure access to responsive and timely home and community-based supports and services and to provide reliable data pertaining to Ligas Class Members. Accordingly, they have identified the key actions they intend to take under the Fiscal Year 2026 Implementation Plan to address these and other systemic issues driving the long-term institutionalization of Ligas Class Members. These actions are critical to resolving the ongoing barriers to serving Ligas Class Members in the community and to reversing the state’s reliance on institutional placement.

The Court Monitor recognizes and appreciates the significant efforts of all Parties in Calendar Year 2025 to identify the barriers to achieving substantial compliance with the Consent Decree and looks forward to working with all Parties to support the implementation of measures to address these barriers in Calendar Year 2026.

Background

Ligas v. Whitehorn, et al., is a lawsuit filed in 2005 by a group of Illinoisans with developmental disabilities (referred to in this report as Plaintiffs) who resided in large private State-funded ICF-DDs and those who were waiting for home and community-based services and at risk for placement in an ICF-DD.

In 2011, the Plaintiffs, Defendants, (the Illinois Department of Human Services), and Intervenor (representing those whose guardians wish for them to remain in an ICF-DD) reached a legal agreement (Consent Decree) outlining how Illinoisans with intellectual and developmental disabilities will be provided a choice between services, supports and programs provided in privately operated ICF-DDs, and access to supports, services, and programs that are integrated into the community.

Mr. Stanley Ligas, a Plaintiff for whom the Ligas Consent Decree² is named, said: "I want to live with friends in a small house or apartment and have my own room," and "I can do a lot of things on my own, and I want to be able to cook for myself³". As a result of the Consent Decree, Mr. Ligas was supported to move out of the ICF-DD and continues, to this day, to live a life of his own choosing in the community.

² Ligas Consent Decree. <https://www.dhs.state.il.us/OneNetLibrary/4/documents/Ligas/LigasConsentDecree061511.pdf>

³ ACLU of Illinois: July 28, 2005: <https://www.aclu.org/press-releases/illinois-residents-sue-state-violatingamericans-disabilities-act-failing-provide>

According to the Ligas Consent Decree, paragraph 34, “The Monitor shall file annual reports with the Court, which shall be served on all Parties and Intervenors and be made publicly available. Such reports shall include the information necessary, in the Monitor’s professional judgment, for the Court, Plaintiffs, and Intervenors to evaluate Defendants’ compliance or non-compliance with the terms of the Decree. The Monitor may [also] file additional reports as necessary.”

Accordingly, this Calendar Year 2025 report is respectfully submitted on January 26, 2026, by Lorene Reagan, Ligas Court Monitor.

Role of the Court Monitor

Paragraph 31 of the Consent Decree outlines the duties of the Court Monitor, as follows: “...gauging Defendants’ compliance with the Decree, identifying actual and potential areas of non-compliance with the Decree, facilitating the resolution of compliance issues without Court intervention, and recommending appropriate action by the Court in the event an issue cannot be resolved by discussion and negotiation among the Monitor, the Parties, and, with respect to provisions in Paragraphs 4-10, 25, and 45 of this Decree regarding Individuals who choose to receive ICF/MR services in an ICF-DD, the Intervenors.”

Calendar Year 2025 Ligas Consent Decree Activities

Weekly meetings with the Court Monitor and Defendants were held to provide opportunities for ongoing discussion regarding compliance with the Consent Decree, to review data pertinent to Ligas Class Members, plan Court Monitor activities such as onsite visits, and to develop the annual Implementation Plan.

Bi-weekly meetings were held with the Court Monitor and Plaintiffs and mirrored those of the Court Monitor’s meetings with Defendants.

Ad hoc meetings were held with Intervenors and mirrored those of the Court Monitor’s meetings with Defendants and Plaintiffs.

Monthly All Parties Meetings were held with Defendants, Plaintiffs, Intervenors and the Court Monitor. These meetings focused on compliance with the Consent Decree, data collection pertinent to Ligas Class Members, planning Court Monitor activities, developing the annual Implementation Plan, and promoting collaboration among Parties. Meetings were also held, per the Consent Decree, to meet and confer on the Implementation Plan.

Monthly meetings with Defendants and Plaintiffs specific to Ligas Class Members transitioning from institutional settings to home and community-based services, were held and focused on selected Ligas Class Members who are waiting for or are in the process of transitioning from SODCs and ICF-DDs to home and community-based settings.

Meetings were held with the Ligas Family Advisory Council to discuss important issues affecting families of Ligas Class Members.

The Court Monitor responded to requests for ad hoc discussions and virtual meetings from a variety of stakeholders, including Ligas Class Members, their family members, guardians, representatives, developmental disabilities Service Provider Associations, the ARC of Illinois, and other community-based organizations and entities.

January 2025 Settlement Conference

On January 22, 2025, Counsel for Plaintiffs and Defendants appeared for an in-person settlement conference to discuss the process for the appointment of a replacement Court Monitor, avenues to bring the consent decree to a close, Defendants' pending motion for reconsideration to vacate (end) the Consent Decree, and to acknowledge the Court's gratitude for the work of Ms. Ronnie Cohn, the outgoing Court Monitor.⁴

The Court Monitor was ordered to submit a report on the usage and placement of Ligas SODCs, what constitutes "substantial compliance" under the Consent Decree, and potential metrics for measuring substantial compliance moving forward to inform the resolution of the Consent Decree.

Follow-up to the Court's request for information about Ligas Class Members living in SODCs

The Court Monitor submitted the court-ordered SODC Report, inclusive of the Court Monitor's findings and recommendations, on April 24, 2025.

SODC Report Summary

Seventeen states have closed all of their large SODCs. Many other states have significantly reduced the number of people living in SODCs and are in the process of actively downsizing and closing their SODCs for people with IDD completely.⁵ Illinois ranks third in the nation, after Ohio and Texas, for serving the most people with intellectual and developmental disabilities (IDD) in large state-operated institutions.⁶

At the time the SODC report was drafted, Defendants reported that nearly half (44%) of Ligas Class Members were in Community Integrated Living Arrangements (CILAs)

⁴ On March 13, 2025, upon the retirement of Ms. Ronnie Cohn, the author of this report, Lorene Reagan, was appointed Ligas Court Monitor.

⁵ RISP: ICI University of Minnesota: 2022: <https://publications.ici.umn.edu/risp/infographics/how-many-people-with-intellectual-or-developmental-disabilities-live-in-large-public-residential-facilities>

⁶ Tanis, E.S., et al. (2025). The State of the States in Intellectual and Developmental Disabilities, Life Span Institute, University of Kansas. www.stateofthestates.ku.edu

before being placed in the SODC. Additionally, almost 1 in 5 (17.1%) Ligas Class Members were residing in their homes before SODC placement.

Ligas Class Members admitted to an SODC were reported to experience an average stay of 3.8 years, and the majority (66.5%) were admitted to the SODC due to a behavioral health crisis, court involvement, or because no service provider could be identified or located.

Additionally, the majority of Ligas Class Members living in an SODC did not, according to data provided by Defendants, have guardian consent for discharge and transition planning. Without such consent and the support of their guardians, Ligas Class Members who, by virtue of their class membership, have clearly indicated their preference to receive community-based services, have no access to the supports necessary to leave the SODC, resulting in lifelong institutionalization.

According to updated data provided by Defendants in October 2025 in the newly developed SODC Census Report, more than two-thirds of SODC admissions were due to failures in the community system, including a lack of psychiatric services, a lack of medical services, provider terminations, provider closures, and the inability to locate a community service provider. Twenty percent had no reason for admission listed.

SODC Report Findings and Recommendations

1. There is a need to address how data regarding Ligas Class Members living in SODCs is collected, managed, and analyzed.
2. There is a need to explore and address why Ligas Class Members, who, by virtue of their class membership, have specifically indicated a desire to live in a community setting, end up as long-term residents of state-operated institutions.
3. There is a need to explore and address why Ligas Class Members do not have access to the clinical supports necessary to identify and treat behavioral health conditions and prevent crisis-driven admissions to an SODC.
4. There is a need to explore and address why so many legal guardians of Ligas Class Members living in SODCs reportedly do not consent to discharge/transition planning.
5. There is a need to explore and address the reasons why current Ligas Class Members are not being expeditiously discharged from SODCs and transitioned to less restrictive community-based services and supports.

6. There is a need to explore the extent to which DHS-DDD's plan for additional Short Term Stabilization Homes⁷ will provide sufficient resources, given the number of people waiting for or in need of these services.
7. There is a need to explore and address why no IDD Service Providers have requested access to Community Reintegration Funding⁸ for incentivizing transitions of Ligas Class Members from SODCs to community-based settings.
8. There is a need for the state to explore and address how it will ensure regular (no less than monthly) face-to-face visits from family, friends, service coordinators, advocates, and other external, unbiased entities to adequately safeguard each Ligas Class Member living in an SODC, until they can safely transition from the institution to community-based services and supports.

Summary of Defendants' Response to the SODC Report

Defendants posit that the Consent Decree does not specifically prohibit the placement of Ligas Class Members in SODCs. Nonetheless, they provided documentation outlining their plans to address the findings and recommendations in the SODC Report.

In June 2025, Defendants provided an initial response to the findings and recommendations in the SODC Report. This response was summarized and filed with the court on June 10, 2025.

On October 15, 2025, Defendants provided a comprehensive response to the SODC Report findings and recommendations. In this response:

Defendants recognize the need for greater data discipline and are making a good-faith effort to improve data collection and reporting under the Ligas Consent Decree. Additional details about Defendants' efforts to address data discipline can be found in the *Data Discipline* section of this report.

Defendants are working on systems improvements and tracking methods to ensure that all currently available clinical supports and services that could impact community placement and prevent institutionalization are offered to and/or utilized before admission to an SODC. Accordingly, Defendants have committed to auditing a sample of recent Ligas Class Member SODC admissions to evaluate the extent to which clinical services were utilized before admission.

⁷ IDHS Informational Bulletin. Stabilization Homes. <https://www.dhs.state.il.us/page.aspx?item=173717>

⁸ IDHS. Informational Bulletin. Reintegration Funding for Individuals Transitioning from SODCs to Home and Community Based Services. <https://www.dhs.state.il.us/?item=171870>

Defendants are committed to identifying opportunities to improve or expand current clinical services and supports to individuals to maintain community-based services or facilitate transition to community placement for Ligas Class Members living in SODCs.

In May 2025, Defendants issued a Request for Applications for additional short- and long-term Stabilization Homes, with the goal of preventing institutionalization by providing stabilization services. Defendants anticipate an increase of forty stabilization “beds”, bringing the statewide total to seventy-two. Defendants intend to continue assessing the ongoing need for stabilization homes by further analyzing stabilization services to inform plans for potential future expansion.

To address the issue of Ligas Class Member guardians withholding consent for discharge or transition planning, Defendants have implemented ongoing education of individuals in SODCs and guardians on Home and Community Based Services (“HCBS”) Waiver services as well as other community-based supports, to complement the Americans with Disabilities Act (ADA)/Olmstead outreach currently provided by Independent Service Coordinators (ISCs).

Moving forward, Defendants have committed to continued discussions with ISC teams to discuss barriers to guardian consent to discharge and transition planning, and plan to provide additional training and office hours with ISCs on ADA/Olmstead requirements.

Defendants are finalizing a Transition Manual that includes information on the process by which ISCs can engage with the state when conflicts arise between guardians and ISCs regarding discharge and transition planning. Defendants have also committed to collecting data on situations in which legal guardians with placement authority have not consented to community placement, when the decision is in opposition to the Ligas Class Member’s stated preference to live in a community-based setting.

In January 2025, IDHS implemented the Community Reintegration Funding program, which provides a \$50,000 incentive to developmental disabilities service providers who successfully transition persons living in an SODC (including Ligas Class Members and non-Ligas Class Members) to less restrictive community-based settings. According to data provided by Defendants, as of April 2025, no IDD Service Provider had requested access to these funds to facilitate the transition of Ligas Class Members from an SODC to the community. Providers subsequently began submitting requests for Community Integration Funding, and as of September 2025,

12 providers had sought funding for 22 individuals, 5 of whom are Ligas Class Members.

Defendants are also providing \$18,000 to community service providers to support new 24-hour provider-controlled CILA homes licensed for three persons, each with a single-occupancy bedroom. This incentive is designed to encourage the development of new, smaller settings.

Regarding the exploration of why Ligas Class Members are not being expeditiously transitioned to less restrictive community-based services and supports, Defendants have committed to assessing the transition process and making adjustments to maximize the potential for successful transitions.

Defendants have also committed to exploring ways to increase service provider capacity to serve Ligas Class Members with complex needs. They will continue to analyze data on barriers to community placement for Ligas Class Members living in SODCs.

To ensure regular, monthly contact with Ligas Class Members by unbiased entities for the purpose of safeguarding Ligas Class Members living in SODCs until they can transition to the community, Defendants initially reported they were in discussions with Equip for Equality to expand their current contract to include monthly face-to-face visits. More recently, Defendants have indicated they are still evaluating the monitoring process and have not committed to oversight by any particular entity at this time.

SODC Report Conclusions

The Court Monitor recognizes and appreciates Defendants' significant commitment to addressing the issues that drive the continued institutionalization of Ligas Class Members and prevent them from attaining or maintaining access to home and community-based services.

Onsite Visits with Ligas Class Members

According to paragraph 33 of the Consent Decree, “the Monitor will have access to all Ligas Class Members and their records and files, as well as to those service providers, facilities, buildings, and premises that serve, or are otherwise pertinent to, Ligas Class Members, where such access is reasonably related to the Monitor’s review and evaluation of Defendants’ compliance with the Decree.”

Onsite visits with Ligas Class Members Living in SODCs and in Intermediate Care Facilities for People with developmental disabilities (ICF-DDs) were conducted for the primary

purpose of visiting with and meeting Ligas Class Members. The Court Monitor was accompanied on the onsite visits by facility administrators and staff, IDHS legal counsel, Plaintiffs, IDHS IL-DDD Administrators, and, on one SODC visit, Intervenors.

Onsite visits were conducted at two SODCs, including the Ludeman Developmental Center on September 29, 2025, and the Kiley Developmental Center on September 30, 2025.

Visits were also conducted on October 3, 2025, at three privately operated ICF-DDs and one Day Habilitation program.

An onsite visit was conducted at the Misericordia campus on September 30, 2025, at the invitation of Intervenors. The Court Monitor was accompanied by the facility administrator, IDHS legal counsel, Plaintiffs, IDHS IL-DDD Administrators, and Intervenors. There are currently no Ligas Class Members living on the Misericordia campus.

It should be noted explicitly that none of the observations made in this report regarding the privately operated ICF-DDs visited by the Court Monitor on October 3, 2025, or in the two SODCs visited by the Court Monitor on September 29, 2025, and September 30, 2025, pertain to the Misericordia campus onsite visit.

The Court Monitor also visited the home of Mr. Stanley Ligas, who receives home and community-based services and for whom the Ligas Consent Decree is named. Mr. Ligas, his roommates, and his staff supporters warmly welcomed the Court Monitor, shared information about their jobs and recreational interests, and provided the Court Monitor and other visitors with a tour of their home and their bedrooms. Common areas were clean, home-like, and comfortably furnished. Each bedroom was personalized and decorated with items that reflected Mr. Ligas's and his roommates' interests and tastes.

The Court Monitor provided a detailed summary of observations from the on-site visit in a November 4, 2025, filing.

Summary of ICF-DD Onsite Visit Observations

While visiting with Ligas Class Members in the ICF-DDs, the Court Monitor observed their living conditions and the services provided to them. The facilities were generally crowded, impersonal, institutional, unkempt, and in various stages of disrepair. Ligas Class Members were consistently observed wandering the hallways, placed in large groups in day rooms watching TV, sleeping in their rooms during the day, or simply sitting in various parts of the facilities in chairs and wheelchairs waiting for meals to be served to them. It was not uncommon to observe Ligas Class Members wearing dirty, mismatched clothes stained with food, saliva, and other debris.

When asked for examples of the active treatment⁹ being provided to Ligas Class Members, the Court Monitor was told that Ligas Class Members can “choose” to color in children’s coloring books, play with children’s toys and puzzles, participate in large group crafting activities focused on children’s crafts, play bingo, or watch TV.

Although the majority of the Ligas Class Members visited had obvious communication challenges, none had a communication device.

Summary of SODC Onsite Visit Observations

Ligas Class Members living in SODCs were observed to be living in conditions and under circumstances similar to those living in ICF-DDs.

The majority of Ligas Class Members observed in the two SODCs visited are required to earn “privileges” such as independent walks on campus. They have little to no personal privacy, are offered little to no autonomy in decision-making, and have little to no meaningful access to the community.

Ligas Class Members’ surroundings were unkempt, in visible disrepair, and devoid of the personal touches one would expect to find in a homelike environment. Couches resembled wooden crates, and many were worn, dirty, and had torn seat cushions.

When asked why adults were engaged in activities such as coloring in children’s coloring books, watching TV, and playing with children’s puzzles and games to the exclusion of meaningful adult-oriented hobbies, interests, or other activities, SODC personnel indicated that Ligas Class Members were engaging in these activities by their own choice.

Ligas Class Members asked the Court Monitor when they would be “allowed” to leave and live in the community. Others literally begged to be assisted to leave. Another said his Independent Service Coordinator (ISC) had shared multiple informational “packets” with Community IDD Service Providers describing his need for services, but that all his service requests had been rejected.

Most of the Ligas Class Members visited had multiple missing teeth, and it was unclear if they were being assisted in brushing their teeth regularly. When asked

⁹ Active Treatment for people receiving services in an ICF/ID is described at **§ 483.440**

(1) Each client must receive a continuous active treatment program, which includes aggressive, consistent implementation of a program of specialized and generic training, treatment, health services, and related services described in this subpart, that is directed toward—
(i) The acquisition of the behaviors necessary for the client to function with as much self-determination and independence as possible; and

(ii) The prevention or deceleration of regression or loss of current optimal functional status.

(2) Active treatment does not include services to maintain generally independent clients who are able to function with little supervision or in the absence of a continuous active treatment program.

whether Ligas Class Members were assisted with oral hygiene, the Court Monitor was told that people have a “choice” about whether to brush their teeth.

Many of the Ligas Class Members visited had obvious communication challenges. Still, only one had a communication device: a small whiteboard, a whiteboard marker, and a rag used as an eraser.

It was not uncommon, during the Court Monitor’s visit, to meet with Class Members who had been in the institution for an average of 3-4 years following what was intended to be an interim placement.

Summary of Onsite Visit Observations

Ligas Class Members are admitted to ICF-DDs and SODCs when home and community-based services are not available to them. And, once admitted to these facilities, they do not, based on the onsite visits conducted to date, appear to be receiving active treatment, nor are they living in conditions that meet generally accepted standards for the care and treatment of people with intellectual and developmental disabilities.

The conditions under which institutionalized Ligas Class Members are living are highly relevant to the Consent Decree, because without appropriate supports and services, institutionalized Ligas Class Members are not afforded opportunities to learn effective coping strategies that could assist in behavior management, attain/maintain skills to achieve greater independence in everyday activities, or learn or maintain the basic skills necessary to succeed in the community.

Additionally, lack of access to communication devices or systems leaves Ligas Class Members with communication challenges unable to express their wants, needs, or desires, or make meaningful choices of any kind. Ligas Class Members with communication challenges who have not been provided appropriate communication supports are also unable to fully participate in treatment decisions or in discharge/transition planning activities, putting them at risk for even more prolonged institutionalization.

Long-term institutional placement without appropriate supports to assertively address medical, communication, behavioral management, or mental health challenges puts Ligas Class Members at risk for rejection by community service providers and exposes them to the significant risk for more prolonged, restrictive institutional placement. Indeed, according to the United States Department of Justice¹⁰, “Life in an institution leads not only

¹⁰ Letter from U.S. Department of Justice, Civil Rights Div. to Gov. Haley R. Barbour, State of Mississippi (Dec. 22, 2011) (on file with the U.S. Department of Justice).

to stigma and isolation, but also to regression, increased negative behaviors, learned helplessness, and physical harm.”

During discussions about substantial compliance with the requirements of the Consent Decree specific to Ligas Class Members who are institutionalized in ICF-DDs and in SODCs, discussions about Ligas Class Members’ right to choose where they wish to live are frequently brought to the fore.

The Court Monitor acknowledges and appreciates Ligas Class Members' rights to choose to live in a privately operated ICF-DD, as required by the Consent Decree. However, based on multiple anecdotal accounts, data collection indicating the reasons for which Ligas Class Members are institutionalized, and Defendants' own admissions regarding their inability to provide timely access to timely home and community-based services, it does not appear that all Ligas Class Members and their family caregivers/guardians are truly choosing services in institutional settings. Instead, it seems the “choice” for many Ligas Class Members and their family caregivers/guardians is to accept placement in an institution or to receive no services at all.

Parties’ Responses to the Court Monitor’s Report of ICF-DD and SODC Onsite Visit Observations

On December 5, 2025, Defendants filed a response to the Court Monitor’s Status Update, commenting on the Court Monitor’s Onsite Visit Observations.

In this filing, Defendants made the court aware of their position that commenting on the conditions in which Ligas Class Members are living and receiving services is outside of the purview of the Court Monitor.

They also indicated they are not the regulatory body responsible for the services provided to Ligas Class Members living in ICF-DDs. Defendants also noted that Ligas Class Members living in SODCs represent a small percentage of the Ligas Class.

Defendants also clearly stated their commitment to make efforts to address the Court Monitor’s concerns using all available avenues.

On December 5, 2025, Plaintiffs filed a response to the Court Monitor’s Status Update, commenting on the Court Monitor’s Onsite Visit Observations.

Plaintiffs indicated that the Court Monitor’s description and assessment of the conditions observed at two SODCs and three ICF-DDs are accurate and were made well within the Court Monitor’s proper purview under the Decree.

Plaintiffs also reinforced the relevance of the Court Monitor's observations to the requirements of the Consent Decree about the conditions and services provided to institutionalized Ligas Class Members.

Data Discipline

Paragraph 8 of the Consent Decree requires Defendants to maintain a statewide database in which all Ligas Class Members are enrolled. Defendants must promptly and regularly add individuals to this database as they become Ligas Class Members and update all enrollment information annually.

To fully evaluate Defendants' compliance with the Consent Decree, the Court Monitor must have access to reliable data. Concerns regarding the availability, timeliness, and reliability of relevant data have been well documented in prior filings by Plaintiffs, the previous Court Monitor, and the present Court Monitor.

Defendants recognize the need for greater data discipline and are making a good-faith effort to improve data collection and reporting under the Ligas Consent Decree.

For example, the revised SODC Census report will be used, moving forward, to measure the extent to which Defendants continue to admit Ligas Class Members to SODCs and are expeditiously transitioning them to community-based services following admission to an SODC.

Defendants aptly described the outcomes of their work on data discipline in their October 15, 2025, response to the SODC report, indicating, "The work on the data reset provided us with a deeper understanding of how to strengthen the integrity of our data. We also explored what data we collect, where data is kept, and how data is analyzed/verified."

During the first quarter of Calendar Year 2026, the Court Monitor intends to work collaboratively with Defendants to ensure all data relative to Ligas Class Members is reliable, to identify new data sources needed to track achievement of the key actions in the FY 2026 Implementation plan, and to identify data sources that may no longer be relevant.

The Court Monitor recognizes and appreciates Defendants' significant efforts in this area.

Development of the Fiscal Year (FY) 2026 Implementation Plan

Paragraph 26 of the decree requires the development of an annual Implementation Plan. The purpose of the plan is to provide strategies for accomplishing the obligations and objectives set forth in the Decree.

In FY 2025, discussions and negotiations regarding a final, fully agreed-upon Implementation Plan persisted throughout the year and into FY 2026, without final endorsement by all Parties.

To expedite the development of the FY 2026 Implementation Plan and secure a timely consensus among all Parties on a final Plan, the Court Monitor offered to draft a framework for the 2026 Implementation Plan.

All Parties agreed to this approach. The Court Monitor drafted a framework for the Plan, including suggested activities and metrics for consideration, convened regular meetings with all parties individually, and invited ongoing submissions of proposed revisions, suggestions, and additional compliance metrics throughout the process.

The framework provided suggested activities, goals, and metrics to address and resolve the systemic issues and barriers preventing Ligas Class Members from accessing community-based services, as well as a roadmap for Defendants to demonstrate meaningful progress toward substantial compliance with the Ligas Consent Decree.

Metrics in the framework focused on:

Evaluating and improving the current statewide clinical model that addresses Ligas Class Members' complex PH, BH, and behavioral management needs in an effort to maintain community-based services, reduce crisis-driven institutionalization of Ligas Class Members, and promote timely access to home and community-based services.

Enhancing Independent Service Coordination (ISC) capacity to effectively support Ligas Class Members to access home and community-based services, decrease the need for crisis-driven institutionalization of Ligas Class Members, and assertively support Ligas Class Members who are currently institutionalized to transition to home and community-based services in a timely manner.

Enhancing CILA Community Service Providers' capacity to effectively support Ligas Class Members, including those with complex needs, to live in home and community-based settings, avoid institutional placement, and expand capacity as needed to meet demand.

Evaluating Ligas Class Members' satisfaction with the services they are receiving, including where they are living, the providers/staff who are supporting them, and the ISC supports they are receiving.

Eliminating the use of SODC as a placement, whether emergency, temporary, or otherwise, for Ligas Class Members.

Maintaining timeliness in selecting people for service from the PUNS list while eliminating delays attributable to resource shortages in serving Ligas Class Members already selected from the PUNS list.

Ensuring that people who do not prefer to live in an ICF-DD are moved to the community.

Ensuring funding for those choosing ICF-ID services aligns with the recommendations in the Guidehouse Rate Study.

Incorporating the findings and recommendations of the SODC report into the Implementation Plan.

Defendants used the framework to develop a revised FY 2026 Implementation Plan that included some of the elements proposed by the Court Monitor.

Meetings of all Parties were held to facilitate agreement on Defendants' Plan in accordance with the Consent Decree requirement to “meet and confer” during the development of the Implementation Plan.

Fiscal Year (FY) 2026 Ligas Implementation Plan

Defendants filed their FY 2026 Implementation Plan with the Court on December 5, 2025.

Defendants' Implementation Plan is structured around overarching “Pillars” that describe the areas Defendants will focus on to move toward substantial compliance with the Consent Decree in FY 2026. Each Pillar within the Plan also includes “Key Actions” that Defendants intend to take to achieve the outcomes described in each Pillar.

The Pillars are listed below.

Pillar 1

“Evaluate the current statewide clinical model that addresses Class Members’ complex physical health (PH), mental health (MH), and /or behavioral management needs. To the extent gaps are identified that impact Class Members’ ability to attain and maintain home and community-based services, or result in crisis-driven institutionalization of Class Members, identify specific areas for improvement to achieve timely access to home and community-based services as required by law.”

Pillar 2

“Enhance ISC capacity to effectively support Class Members to access home and community-based services, decrease the need for crisis-driven institutionalization of Class Members, and assertively support Class Members who are currently institutionalized to

transition to home and community-based services by developing and following detailed transition plans (which may vary depending on current setting) in accordance with the requirements of the Decree.”

Pillar 3

“Increase Community Integrated Living Arrangement (CILA) Providers’ capacity to effectively support Class Members to live in home and community-based settings and avoid institutional placement, and to expand capacity as needed to meet demand. Ensure CILA Providers are supported to enhance their capacity within the current service array consistent with the requirements of the Decree, and address barriers that may limit access to CILA placement for Class Members due to complex MH, behavioral management, and/or PH challenges.”

Pillar 4

“Evaluate Class Members’ satisfaction with the services they are receiving, including where they are living, the community service providers/staff who are supporting them, and the ISC supports they are receiving.”

Pillar 5

“Address the findings and recommendations in the June 10, 2025, SODC report submitted by the Court Monitor.”

Pillar 6

“Ensure the availability of services, supports and other resources of sufficient quality, scope and variety to meet [Defendants’] obligations under the Decree consistent with Individuals’ choice of ICF/DD or home and community-based services.”

Pillar 7

“Continue to meet Reasonable Pace via a maximum 60-month wait time on PUNS, with a minimum of 630 individuals entering service each year. In addition, increased focus will be placed on the transition of all “in-before” LCM to community-based settings, as well as on the timely transition of residents of ICF/DDs who enroll on PUNS to seek community-based placement.”

Plaintiffs Objection to Defendants' Proposed 2026 Implementation Plan

Plaintiffs filed an objection to Defendants' Implementation Plan on December 5, 2025. Their objections are summarized below.

With regard to Pillar 1, Plaintiffs request that Defendants revise the Key Actions to clearly indicate they will cease crisis-driven admission of Ligas Class Members into SODCs, indicating “such use of SODCs is not permitted under the Decree” and that “Defendants must eliminate use of SODCs as a placement (whether interim or otherwise) for Ligas Class Members in crisis.” Plaintiffs also request that the Plan be revised to add language indicating that a key outcome will be that the “use of SODCs for interim placement for LCM [Ligas Class Members] in crisis has stopped”.

About Pillar 5, Plaintiffs support Defendants' planned response to the findings and recommendations in the SODC report, but believe “the Key Actions that Defendants have proposed do not provide sufficient detail regarding when and how Ligas Class Members currently residing in SODCs will be moved to the community in accordance with their preference. Similarly, Defendants proposed Key Actions do not confirm that the State will do what is necessary to cease all use of SODCs as an interim or emergency placement for individuals in crisis.”

Plaintiffs request specific language indicating Defendants will “move all LCM in SODCs into the community consistent with their preference [and] cease use of SODCs for individuals experiencing crisis. At least 10% of the LCM currently in SODCs will be moved on or before June 30, 2026.”

Additionally, “while LCM in SODCs await their move to the community, Defendants will ensure the LCMs are receiving active treatment and any additional supports or services needed to prepare them for their move.”

Further, Plaintiffs request language clearly indicating that the outcomes in this Pillar will be considered achieved when all of the findings and recommendations in the SODC report have been addressed.

Plaintiffs' objections to Pillar 6 pertain to Defendants' description of what constitutes satisfaction of this Pillar, citing it as inadequate. Plaintiffs request that Defendants revise the Key Actions to include a statement indicating that the result is “that the system in Illinois sufficiently provides services and supports as required by the Consent Decree to promptly serve individuals according to their choice of ICF/DD or home and community-based services.”

About Pillar 7, Plaintiffs' objections center on Defendants' statement regarding “continue[d]” achievement of the Reasonable Pace requirements of the Consent Decree, indicating “There has been no finding that Defendants have achieved Reasonable Pace, and Plaintiffs categorically dispute the characterization.” Plaintiffs also request inclusion in the Key Activities in this Pillar a specific reference

to Ligas Class Members in SODCs and other Ligas Class Members waiting to leave ICF/DDs, in addition to “in before” Ligas Class Members.

Additionally, Plaintiffs request that Defendants commit to transitioning 65% of “in before” identified in February 2026 as actively pursuing home and community-based services to community-based settings before the end of FY 2026. The plaintiffs also noted it is essential that Ligas Class Members receive active treatment and other necessary supports while they await discharge from the facility.

Finally, Plaintiffs request that the Key Actions in Pillar 7 be revised to require that individuals selected from PUNS be promptly served in accordance with their preference, consistent with the requirements of the Decree.

Intervenors Objection to Defendants' Proposed 2026 Implementation Plan

Intervenors objections are confined to Pillar 6 and are summarized below.

Intervenors request that Defendants implement a process for earlier filing of State Plan Amendments pertaining to approval of ICF-DD rate changes to the Centers for Medicare and Medicaid Services in order to facilitate earlier approval of the requested amendments.

Intervenors request that the Plan be amended to require implementation of all of the Guidehouse Rate Study recommendations in sections relevant to ICF-DD funding.

Additionally, Intervenors request that Defendants commit to the adoption of an appropriate reimbursement policy for physical, occupational, and speech therapy in ICF-DDs.

FY 2026 Implementation Plan Next Steps

All Parties and the Court Monitor are in agreement that the Implementation Plan, as filed on December 5, 2025, will be implemented immediately, while efforts, facilitated by the Court Monitor, are undertaken to address Plaintiffs' and Intervenors' objections to the Proposed Plan.

The Court Monitor recognizes and appreciates the significant time and effort expended by All Parties in developing the Implementation Plan and looks forward to continuing to work with all Parties to expeditiously resolve outstanding objections to the Plan.

Court Monitor's Assessment of Substantial Compliance

The Court Monitor's Assessment of Substantial Compliance with the elements of the Consent Decree was filed on November 4, 2025. The following is a summary of the Court Monitor's assessment.

According to paragraph 4 of the decree, Defendants are required to implement sufficient measures to ensure the availability of services, supports, and other resources of sufficient quality, scope, and variety.

In assessing Defendants' compliance with the Consent Decree, the Court Monitor applied a two-step test to determine substantial compliance. This process involved determining (1) whether the State has achieved compliance with the federal law provisions whose violation the decree sought to remedy, and (2) whether the State would continue that compliance in the absence of continued judicial supervision.

The Court Monitor found that Defendants have not achieved substantial compliance with the federal law provisions whose violations the Ligas Consent Decree sought to remedy as evidenced by its continued placement of Ligas Class Members in restrictive institutional placements because of their inability to provide sufficient home and community-based services, supports, and other resources, and by its ongoing inability to ensure expedient transition to community-based services and supports following admission.

According to data provided by Defendants, at least one hundred¹¹ of the Ligas Class Members listed as "looking for placement" and who should be receiving assertive discharge and transition planning to facilitate expeditious placement in a community-based setting, have been waiting to leave the SODC for an average of 5.8 years.

Likewise, according to the ICF-DD data Defendants provided in October 2025, covering Fiscal Years 2023 through 2025¹², Ligas Class Members continue to be admitted to ICF-DDs because no home and community-based services are available to them. These admissions, which are supposed to be interim, often result in years-long placements with no clear discharge or transition pathway to community-based supports.

In fiscal year 2023, 379 Ligas Class Members were living in an ICF-DD, and 205 were awaiting transition to community-based services.

¹¹ There is significant disagreement among the Parties regarding whether all Ligas Class Members living in SODCs should be receiving expeditious discharge and transition planning, not solely those identified by Defendants as "looking for [community] placement". This will be explored further in calendar year 2026.

¹² ICF-DD Admission data for Ligas Class Members admitted due to the crisis from 2011 through 2022 reportedly are not available.

In fiscal year 2024, there were 359 Ligas Class Members living in an ICF-DD, and 182 were awaiting transition to community-based services.

In fiscal year 2025, there were 444 Ligas Class Members living in an ICF-DD, and 261 were awaiting transition to community-based services.

Further exploration of Defendants' October 2025 ICF-DD data is warranted in order to ensure a full understanding of the number of Ligas Class Members who are awaiting transition to community-based services.

The Court Monitor also assessed Defendants' substantial compliance with the Consent Decree's Reasonable Pace obligations. Defendants do not currently collect or report data showing when a Ligas Class Member has actually begun to *receive* community-based services or the length of time between when a Ligas Class Member is *selected* for services and actual *receipt* of community-based services and/or placement in a community-based setting.

As a result, the Court Monitor is unable at this time to determine whether or not Ligas Class Members who were selected from the PUNS list have actually "receive[d] appropriate Community-Based Services and/or placement in a Community-Based Setting" per paragraph 23 of the Consent Decree. Further information is needed regarding this requirement for the Court Monitor to assess Defendants' compliance with the reasonable pace requirement.

In conclusion, the Court Monitor found Defendants have failed to demonstrate they have implemented a durable remedy for their ongoing institutionalization of Ligas Class Members and cannot demonstrate that it would not continue to institutionalize Ligas Class Members without the oversight provided through the Consent Decree.

Defendants' Response to the Court Monitor's Assessment of Substantial Compliance

On December 5, 2025, Defendants filed their response to the Court Monitor's Assessment of Substantial Compliance.

Defendants assert that they have substantially complied with the terms of the Consent Decree, citing the number of Ligas Class Members served in home and community-based waiver settings since 2011 and indicating that the majority of individuals served by Defendants are placed directly into such settings.

Defendants note that substantial compliance does not mean perfection or that no work remains to be done, and cite the same standard referenced by the Court Monitor in their assessment of substantial compliance by emphasizing that substantial compliance exists

when Defendants have “*implemented a durable remedy* [emphasis added] and satisfied the objectives” of the Consent Decree.

Defendants also indicate that substantial compliance must be “discerned within [the] four corners” of a consent decree, not its claimed spirit or purpose, and that Defendants need not show the absence of individual violations of the decree but only that there are no longer any significant, systematic violations of the law.”

Defendants write that “it is unclear what the Court Monitor would have Defendants do for individuals in crisis who are at risk for homelessness, abuse, or neglect and are unable to secure community placement, if that is their preference,” and further state that placement in an SODC is only utilized as a placement of last resort.

Defendants also posit that they have exceeded the “reasonable pace” requirement within the Decree by selecting Ligas Class Members from the PUNS list, indicating they are not required to ensure home and community-based services are actually provided or that the services are provided within a specified timeframe following selection.

Plaintiffs’ Response to the Court Monitor’s Assessment of Substantial Compliance

On December 5, 2025, Plaintiffs filed their response to the Court Monitor’s Assessment of Substantial Compliance.

Plaintiffs concur that Defendants’ data systems for tracking Class Members and their outcomes are deficient, impeding the Monitor’s ability to understand whether Defendants are honoring their obligations to Class Members.

Plaintiffs support the determination that Defendants have not yet demonstrated substantial compliance, citing Defendants’ continued institutionalization of hundreds of Class Members in highly restrictive SODCs and ICF-DDs due, in part, to the failure of Defendants to offer community-based services to Class Members with high support needs.

Plaintiffs also concur that Defendants have not demonstrated that there are programmatic structures, processes, and policies in place today to consistently provide services and supports in less restrictive settings and to avoid continued institutionalization of Ligas Class Members in SODCs and ICF-DDs.

Conclusion

In conclusion, there is much to be done to ensure the availability of services, supports, and other resources of sufficient quality, scope, and variety to enable Ligas Class Members to access timely home and community-based services and to avoid the systemic, ongoing institutionalization of Ligas Class Members. There is also much to be done to address the

extent to which institutionalized Ligas Class Members are provided with appropriate supports and services to prevent regression while institutionalized, and to ensure they receive assertive, expedient discharge and transition supports to leave the institution and live in the community as required by the Consent Decree.

Defendants' Fiscal Year 2026 Implementation Plan identifies many of the key actions needed to address these issues, and the Court Monitor is confident that through continued negotiations with all Parties, the Plan will be strengthened even further.

The Court Monitor recognizes and appreciates the significant efforts of all Parties in Calendar Year 2025 to identify the barriers to achieving substantial compliance with the Consent Decree and looks forward to working with all Parties to support the implementation of measures to address these barriers in Calendar Year 2026.

Respectfully submitted,

Lorene Reagan, MS, RN

Ligas Court Monitor