

**Stanley Ligas, et al. v. Grace Hou, et al.**

**Case No.:1:05-cv-04331**

**Court Monitor Status Update and Assessment of Substantial Compliance**

**This Ligas Consent Decree Court Monitor Report, filed on June 10, 2025, contains the following:**

**Section 1:** State Fiscal Year (SFY) 2026 Implementation Plan

**Section 2:** Data Discipline

**Section 3:** Ligas Class Member State Operated Developmental Center (SODC) Report

**Section 4:** Court Monitor SODC, Intermediate Care Facility (ICF-DD) and Misericordia Site Visits

**Section 5:** Court Monitor Assessment of Substantial Compliance

**Section 6:** Court Monitor Next Steps

**State Fiscal Year (SFY) 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.

The proposed SFY 2026 Implementation Plan was developed to identify and address the core systems barriers that continue to impact Class Members' access to community-based services and prevent Defendants' from demonstrating substantial compliance with the Consent Decree.

In order to expedite the development of the SFY 2026 Implementation Plan and to gain timely consensus from all Parties on a final plan, the Court Monitor drafted a framework for the 2026 Implementation Plan. The framework provided suggested metrics for addressing and resolving the systemic issues and barriers preventing Ligas Class Members from accessing community-based services, and a roadmap for Defendants to demonstrate meaningful progress toward achievement of substantial compliance with the Ligas Consent Decree.

All Parties were asked by the Court Monitor to participate in Teams meetings (weekly for Defendants, bi-weekly for Plaintiffs and one ad hoc meeting for Intervenors) in order to ensure robust review and discussion of the proposed metrics in the draft framework. Parties were asked to provide written feedback and suggested edits at the conclusion of each meeting.

Plaintiffs and Intervenors elected, on their own initiative, to suggest additional metrics to those proposed by the Court Monitor.

The Court Monitor incorporated feedback from all parties, as appropriate, and developed a proposed 2026 Implementation Plan for review and endorsement by all Parties. The proposed plan was provided to all Parties on October 23, 2024 in anticipation of the court's October 30, 2025 deadline for submission of the SFY 2026 Implementation Plan.

On October 29, 2025, Defendants indicated they needed more time to review the proposed plan and requested an extension until December 5, 2025. This request was conveyed to the court and an order was issued allowing for the extension. The Court Monitor will continue to work with all Parties to facilitate compliance with the extended timeframe for completion of the SFY 2026 Implementation Plan no later than December 5, 2025.

### **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 on an annual basis.

In order 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.

For example, until September 2025, Defendants were unable to reliably report on the number of Ligas Class Members admitted to an SODC, identify the location of the SODC the Class Member was admitted to or how long the Class Member had been living at the SODC following crisis or interim placement. Defendants also failed to track and offer community placement to Ligas Class Members who went into ICF/DDs in crisis between 2017 and 2023.

Defendants recognize the need for greater data discipline and are making a good faith effort to improve Ligas Consent Decree data collection and reporting. Over the past five months Defendants worked closely with the Court Monitor to develop a more reliable process for tracking and reporting data for Ligas Class Members placed in SODCs and provided a newly developed Ligas Class Member SODC Census Report to the Court Monitor and Parties in August 2025. The SODC Census report will be used, moving forward, to measure the extent to which Defendants' are continuing to admit Ligas Class Members to SODCs in violation of the Consent Decree and the extent to which Ligas Class Members are being expeditiously transitioned to community-based services following admission to an SODC.

In the first quarter of calendar year 2026, the Court Monitor intends to undertake a full review of data collected and reported by Defendants' regarding Ligas Class Members admitted to ICF-DDs to evaluate the reliability of the data currently being provided and the extent to which the data being submitted is providing the information needed for Defendants to demonstrate substantial compliance with the Consent Decree.

### **Ligas Class Member SODC Report**

On January 22, 2025, the court ordered the Court Monitor to submit a report setting forth the most current available information regarding the usage and placement of Ligas Class Members in State Operated Developmental Centers (SODCs) located in the state of Illinois, including the number of Ligas Class Members placed in SODCs, how long those Ligas Class Members have been placed in SODCs and the types of facilities that are being used as SODCs.

The Ligas Class Member SODC Report was filed by the Court Monitor on April 24, 2025 and highlighted a troubling trend of admission to and long-term placement of Ligas Class Members in SODCs.

Recommendations were made for Defendants to explore and address the reliability of its SODC data collection and reporting, the reasons why Ligas Class Members admitted to SODCs are not being expeditiously transitioned to less restrictive community-based services, the rationale for legal guardians not consenting to discharge or transition planning, and the extent to which Ligas Class Members had access to effective community-based clinical supports for management of behavioral health and behavioral management challenges.

On October 15, 2025, Defendants provided a comprehensive response to the Court Monitor's findings, outlining the steps being taken to address the recommendations in the April 2025 report. Continued monitoring and reporting on Ligas Class Members living in SODCs will, moving forward, be incorporated into the SFY 2026 Implementation Plan.

### **Court Monitor SODC and ICF-DD Onsite Visits with Ligas Class Members**

Onsite visits were conducted with Ligas Class Members living at the Ludeman Developmental Center (SODC) on September 29, 2025, and the Kiley Developmental Center (SODC) on September 30, 2025. Visits with Ligas Class Members were also conducted at three privately operated ICF-DDs and one Day Habilitation program on October 3, 2025. An onsite visit was conducted at the Misericordia campus on September 30, 2025, at the invitation of Intervenors.

It should be specifically noted that there are currently no Ligas Class Members living on the Misericordia campus and *none* of the observations made in this report regarding the three privately operated ICF-DDs visited by the Court Monitor or the two SODCs visited by the Court

Monitor on September 29, 2025 and September 30, 2025, pertain to the Misericordia campus onsite visit.

The purpose of the onsite visits was to visit with and meet Ligas Class Members living in SODCs and ICF-DDs.

In summary, the Ligas Class Members observed during the onsite visits to ICF-DDs do not appear to be receiving active treatment or to be receiving the benefit of a training program. As a result, they are at risk for loss of skills, lost opportunities to build skills, increased behavioral management challenges, and general loss of function, all of which put them at a disadvantage when trying to access services in less restrictive environments. Likewise, no evidence of the provision of person-centered approaches, or the provision of services and supports designed to assist Ligas Class Members to build skills necessary for successful community living was observed for Ligas Class Members living in the SODCs that were visited.

Many of the Ligas Class Members visited in ICF-DDs and in SODCs were unable to communicate using spoken language, yet only one of the Class Member visited in all of the facilities had any kind of communication system or device. This failure to provide even the most basic support for communication leaves Ligas Class Members with communication disorders unable to express their preferences or make meaningful choices of any kind and renders them unable to meaningfully participate in treatment or discharge/transition planning activities.

While visiting with Ligas Class Members in ICF-DDs, the Court Monitor observed the living conditions and services provided to Ligas Class Members in ICF-DDs. The facilities were generally observed to be impersonal, institutional, unkempt, and in various stages of disrepair. In many cases, bedrooms and common areas were observed to have visible staining and wear on furniture, floors and walls. Most contain only a bed and bureau for each person sharing a bedroom. All had large "day rooms" where people congregate to watch TV or to simply sit and watch others as they engage in daily activities. Group shower facilities were the norm.

The conditions under which institutionalized Ligas Class Members are living is highly relevant to the Consent Decree, because, without appropriate supports and services, institutionalized Ligas Class Members are not afforded opportunities to learn or maintain the basic skills necessary to succeed in the community, learn effective coping strategies that could assist in behavior management, or attain/maintain skills to achieve greater independence in everyday activities. This results in greater risk of Ligas Class Members being rejected by community service providers, and puts Ligas Class Members at significant risk for more prolonged, restrictive institutional placements.

With regard to expeditious transition to community-based services, one Class Member was visited in the ICF-DD where she has been living for between 3-5 years after being admitted

following the death of her mother. She indicated she wants to live with fewer people, prepare or cook her own food, have more privacy and get a retail job similar to the one she held prior to admission to the ICF-DD.

When asked when she expects her transition to the community to happen, she said “My “Q” said it would happen when it happens”. She was presumably referring to the facility’s QIDP (Qualified Intellectual Disability Professional), who is, per federal regulation, the person responsible for integrating, coordinating and monitoring each person’s active treatment plan and for ensuring appropriate discharge planning supports are provided. Given this mindset and approach to transition planning it is highly unlikely, in the Court Monitor’s opinion, that this Class Member’s transition to home and community-based services will occur at any time in the near future without direct intervention by Defendants.

A detailed report outlining the Court Monitor’s observations during the onsite visits can be found in Appendix A.

### **Substantial Compliance**

The following information is offered in response to the Court’s request that the Court Monitor submit a report advising the Court on what constitutes substantial compliance under the Consent Decree and suggest potential metrics for measuring substantial compliance moving forward to inform resolution of the Consent Decree.

According to Defendants’ December 2023 Memorandum in Support of Their Motion to Vacate the Consent Decree <sup>1</sup>, “While no system is perfect, the current system no longer results in systemic violations of federal law, and there are programmatic structures, processes, and policies in place that ensure that the same systemic violations that led to the lawsuit and Decree will not recur.”

In the same filing, Defendants indicate that some courts have applied a two-step standard for determining substantial compliance. “These courts ask (1) “whether the state has achieved compliance with the federal-law provisions whose violations the decree sought to remedy,” and (2) “whether the State would continue that compliance in the absence of continued judicial supervision.”

The Court Monitor agrees that no system is perfect. The Court Monitor does not agree that Defendants’ have achieved compliance with the federal-law provisions whose violations the Ligas Consent Decree sought to remedy, i.e.: continued placement of Ligas Class Members in restrictive, institutional placements when community based services are not available and failing to ensure expedient transition to community-based services and supports following crisis

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<sup>1</sup> Case: 1:05-cv-04331 Document #: 837 Filed: 12/08/23 Page 4 of 39 PageID #:14739

related admissions. The Court Monitor also disagrees that Defendants have 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.

Paragraph 4 of the Ligas Consent Decree indicates, “The choices of Individuals with Developmental Disabilities, including Ligas Class Members, to receive Community-Based Services or placement in a Community-Based Setting or to receive ICF/MR services in an ICF-DD will be honored; provided, however, that this commitment to honoring choice does not alter Defendants’ current obligations under existing law regarding licensed ICF-DD capacity system-wide or at any specific ICF-DD, and provided that, under current applicable law, this commitment does not entitle an Individual with Developmental Disabilities to receive ICF/MR services in a specific ICF-DD.

Paragraph 4 of the Ligas Consent Decree goes on to indicate, “Defendants shall implement sufficient measures to ensure the availability of services, supports and other resources of sufficient quality, scope and variety to meet their obligations to such Individuals under the Decree and the Implementation Plan consistent with such choices.”

According to paragraph 21, “Defendants shall ensure that all Ligas Class Members who are determined to be in a situation of Crisis, and who request to receive Community-Based Services and/or placement in a Community-Based Setting, receive such services and/or placement in such setting expeditiously.”

According to SODC census data reported in September 2025, Defendants continue to admit Ligas Class Members to SODCs in violation of the Consent Decree, despite their clearly stated desire for community-based services. These admissions, initially approached as crisis driven or interim placements for the purpose of addressing behavioral health or behavioral management challenges, often result in years-long placements with no clear pathway for transitioning the Ligas Class Member to community-based services and supports.

According to the September 2025 SODC Census Report, nearly two-thirds of the 300 Ligas Class Members living in SODCs were admitted due to failures to ensure the availability of services, supports and other resources of sufficient quality, scope and variety to meet Defendants’ obligations under the Decree. Eighty-three of the Ligas Class Members currently living in SODCs were admitted to SODCs for behavioral management or medical reasons that presumably could not be addressed while receiving community-based services, and forty-five were admitted because their service provider closed or no provider could be located. Thirty-seven Ligas Class Members were placed in SODCs following service provider terminations.

Eight Ligas Class Members were admitted as "emergency placements" that have lasted for an average of 2.5 years. Fifty-seven had no reason listed for admission.

One hundred 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 ICF-DD data provided in October 2025, Defendants continue to routinely admit Ligas Class Members to ICF-DDs when they are found to be in a situation of crisis, despite their clearly stated desire for community-based services. These admissions, which are supposed to be interim placements for use when no placement in a community-based setting is immediately available, often result in years-long placements with no clear pathway for transitioning the Ligas Class Member to community-based supports.

Data for state fiscal year 2023 showed 379 Ligas Class Members living in an ICF-DD, with 205 seeking/waiting to be transitioned to community-based services. In state fiscal year 2024, there were 359 Ligas Class Members living in an ICF-DD and 182 were seeking/waiting to be transitioned to community-based services. And, most recently, data for state fiscal year 2025 shows 444 Ligas Class Members Living in an ICF-DD with 261 seeking/waiting to be transitioned to community-based services.

In an October 18, 2023<sup>2</sup>, court filing, Defendants indicate that one of the six fundamental objectives in the Decree is to "develop services, supports, and resources of sufficient quality, scope and variety to meet the Defendants' obligations under the Decree".

The Court Monitor agrees that ensuring services, supports and resources of sufficient quality, scope and variety are essential to preventing admission to and long-term placement in SODCs and ICF-DDs. Unfortunately, Defendants inability to ensure the availability of sufficient community-based services, supports and resources is at least one of the driving factors behind continued institutionalization of Ligas Class Members in SODCs and ICF-DDs.

Defendants have asked the Court Monitor to specifically address Defendants' compliance with the "reasonable pace" requirement found in paragraph 23 that "all Ligas Class Members who are on the Waiting List after the end of the sixth year following Approval of the Decree shall receive appropriate Community-Based Services and/or placement in a Community-Based Setting, such that they move off the Waiting List at a reasonable pace, provided that the Ligas Class Members have requested such services and/or settings at the point when they are to move off the Waiting List and that the requests are confirmed and documented in accordance with Paragraph 10."

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<sup>2</sup> Case: 1:05-cv-04331 Document #: 828 Filed: 10/18/23 Page 2 of 24 PageID #:14600

Defendants describe the Reasonable Pace obligation as having two components in its June 2024 Defendants' Reply in Support of Their Motion to Vacate the Consent Decree<sup>3</sup>, stating "Defendants' Reasonable Pace obligation has two components: reducing the wait time on the waiting list (PUNS list) to no more than 60 months by FY2025 and selecting for services a minimum number of individuals each year between FY2020-FY2025, totaling 3,120. Dkt. No. 719 at 29-30. Defendants have satisfied both components."

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 receipt of community-based services and/or placement in a community-based setting.

This makes it impossible 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. As a result, further clarification regarding this requirement is needed in order for the Court Monitor to assess Defendants' compliance with the reasonable pace requirement as described in paragraph 21.

As noted previously, in order to fully evaluate Defendants' compliance with the Consent Decree, the Court Monitor must have access to reliable data. Concerns regarding the availability, clarity, timeliness and overall reliability of data provided by Defendants have been well documented in prior filings by Plaintiffs, the previous Court Monitor and the present Court Monitor. Moving forward, it will be critical for Defendants to continue work with the Court Monitor to ensure the reliability of the data being used to measure Defendants' substantial compliance with the Consent Decree.

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.

Based on multiple anecdotal accounts, it does not appear Ligas Class Members and their family caregivers/guardians are truly "choosing" services in institutional settings. Instead, it appears the "choice" for many Ligas Class Members and their family caregivers/guardians is to accept interim (which often results in long-term) placement in an ICF-DD or SODC or no services at all due to Defendants' inability to ensure appropriate access to community-based services and supports.

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<sup>3</sup> Case: 1:05-cv-04331 Document #: 856 Filed: 06/10/24 Page 10 of 16 PageID #:15182

In summary, the Court Monitor does not believe Defendants have demonstrated the current system no longer results in systemic violations of federal law. Defendants also have not demonstrated there are programmatic structures, processes, and policies in place to ensure the same systemic violations that led to the lawsuit and Consent Decree will not recur.

The proposed 2026 Implementation Plan was developed to identify and address the core systemic barriers that impact Ligas Class Members' access to community-based services and drive them into restrictive, institutional placements. Once endorsed by all Parties, the plan will make clear the metrics for determining substantial compliance with the Consent Decree and create a meaningful pathway to resolution of the Consent Decree.

Respectfully submitted,

Lorene Reagan

Ligas Court Monitor

## **APPENDIX A**

### **Ligas Consent Decree**

### **Court Monitor Report**

### **Onsite Visits with Ligas Consent Decree Class Members**

### **Living in SODCs and ICF-DDs**

**October 24, 2025**

**REVISED October 29, 2025**

#### **Introduction**

This document reiterates and summarizes the Court Monitor's observations during onsite visits with institutionalized Ligas Consent Decree Class Members (Class Members). The Court Monitor was accompanied on the onsite visits by facility administrators and staff, IDHS legal counsel, Plaintiffs, IDHS DDD Administrators and, on one SODC visit, Intervenors.

The purpose of the onsite visits was to visit with and meet Class Members living in State Operated Developmental Centers (SODCs) and Intellectual and Developmental Disabilities (ICF-DDs).

The observations outlined in this report were shared with Parties during the onsite visits and reinforced further by the Court Monitor immediately following each visit during debrief sessions. A summary of the Court Monitor's observations was also shared during the Ligas Consent Decree All Parties meeting on October 7, 2025. This report was reviewed with Defendants during the weekly IDHS/Court Monitor meeting on October 24, 2025.

#### **Onsite Visits**

Onsite visits were conducted with Class Members living at the Ludeman Developmental Center on September 29, 2025, and the Kiley Developmental Center on September 30, 2025. Both are SODCs.

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

#### **October 29, 2025 Addendum:**

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

It should be specifically noted that *none* of the observations made in this report regarding the three 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.

During the Misericordia campus onsite visit, the Court Monitor observed residents to be actively engaged in adult-oriented activities including oil painting, working with textiles and creating other types of artwork, depending on their preference. Others were participating in activities in the greenhouse. Residents were observed using the pool and the workout center; others were observed receiving physical or occupational therapy. Many of the residents observed during the visit lacked the ability to communicate using spoken communication but had communication systems/devices which they used to communicate with the Court Monitor and others.

A number of residents are engaged in paid employment. Some were directly observed working on campus in the café which is open to the public, others are reportedly engaged in paid employment off-campus. The physical surroundings were consistently found to be clean and well-kept. Several parents of residents were encountered during the visit and expressed satisfaction with the services being provided by Misericordia.

According to the Ligas Consent Decree “The choices of Individuals with Developmental Disabilities, including Class Members, to receive Community-Based Services or placement in a Community-Based Setting or to receive ICF/MR services in an ICF-DD will be honored; provided, however, that this commitment to honoring choice does not alter Defendants’ current obligations under existing law regarding licensed ICF-DD capacity system-wide or at any specific ICF-DD, and provided that, under current applicable law, this commitment does not entitle an Individual with Developmental Disabilities to receive ICF/MR services in a specific ICF-DD.”

The Decree also specifies that “Defendants shall implement sufficient measures to ensure the availability of services, supports and other resources of sufficient quality, scope and variety to meet their obligations to such Individuals under the Decree and the Implementation Plan consistent with such choices.”

## **Placement of Class Members in ICF-DDs and SODCs**

IDHS continues to routinely place Class Members in ICF-DDs and in SODCs, often because no home and community-based services options are available. Unfortunately, these placements, initially intended to provide interim supports until home and community-based services can be secured, often last for years. This leaves Class Members living in highly restrictive institutional settings while they wait for the transitional supports and home and community-based supports to which they are entitled.

As an example, one Class Member visited at an ICF-DD had been living with her mother in another state and was competitively employed in the community. Upon her mother's death, she was moved to Illinois to be closer to her brother and was ultimately placed in an ICF-DD. She is able to clearly articulate her wants, needs and desires and has been living in the ICF-DD for approximately three years. She stated she wants to live with fewer people, prepare or cook her own food, have more privacy and get a retail job similar to the one she held prior to her move to Illinois and ultimate admission to the ICF-DD.

When asked when she expects her transition to the community to happen, she said "My "Q" said it would happen when it happens". She was presumably referring to the facility's QIDP (Qualified Intellectual Disability Professional), who is, per federal regulation, the person responsible for integrating, coordinating and monitoring each person's active treatment plan and for ensuring appropriate discharge planning supports are provided.

### **Intermediate Care Facilities for Persons with Intellectual/Developmental Disabilities (ICF-DDs)**

According to federal regulations at 42 CFR Part 483 Subpart I, ICF-DDs are required to be in compliance with all applicable provisions of Federal, State and local laws, regulations and codes pertaining to health, safety, and sanitation. This federal regulation articulates the expectations for active treatment and training programs for people living in ICF-DDs as follows:

#### **Active Treatment**

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.

### **Written Training Programs**

Written training programs are required and must:

- (i) Describe relevant interventions to support the individual toward independence.
- (ii) Identify the location where program strategy information (which must be accessible to any person responsible for implementation) can be found.
- (iii) Include, for those clients who lack them, training in personal skills essential for privacy and independence (including, but not limited to, toilet training, personal hygiene, dental hygiene, self-feeding, bathing, dressing, grooming, and communication of basic needs), until it has been demonstrated that the client is developmentally incapable of acquiring them.
- (iv) Identify mechanical supports, if needed, to achieve proper body position, balance, or alignment. The plan must specify the reason for each support, the situations in which each is to be applied, and a schedule for the use of each support.
- (v) Provide that clients who have multiple disabling conditions spend a major portion of each waking day out of bed and outside the bedroom area, moving about by various methods and devices whenever possible.
- (vi) Include opportunities for client choice and self-management.

### **ICF-DD Onsite Visit Observations**

While visiting with Class Members in ICF-DDs, the Court Monitor observed the living conditions and services provided to Class Members in ICF-DDs. The facilities were generally observed to be impersonal, institutional, unkempt, and in various stages of disrepair. In many cases, bedrooms and common areas were observed to have visible staining and wear on furniture, floors and walls. Most contain only a bed and bureau for each person sharing the bedroom. In one bedroom, the heating/air conditioning unit had apparently been damaged and was repaired using chicken wire screwed onto the front of the unit.

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. When asked for examples of the active treatment being provided, the Court Monitor was told that 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.

It was not uncommon to observe Class Members wearing dirty, mismatched clothes stained with food, saliva and other debris. One person was wearing shoes that appeared to be several sizes too large. When asked about this, ICF-DD personnel indicated the shoes likely belonged to

another resident because the person frequently “stole” other people’s belongings. Others were observed sleeping in their beds during the daytime or waiting in the group dining area for the next meal to be served.

Group shower rooms separated by shower curtains were the norm and shower facilities were generally dirty and worn. In one ICF-DD, a group shower room also included a toilet; there was no toilet paper, no hand soap and the towel dispenser was empty. One of the sinks was visibly clogged and backed up with a milky white substance.

One Class Member was observed wandering the hallways in his wheelchair, wearing no shoes or socks. His feet and lower legs were extremely swollen, purple and blistered. When the program administrator was asked why his feet were so swollen, they indicated he refuses to wear his “Teds” compression stockings and shrugged. The nurse working on the unit was asked about this, but indicated they couldn’t comment on whether the Class Member’s physician had been made aware of this and suggested this concern be communicated to a nurse working on another unit.

The Class Members visited have little to no control over the food they eat, which is prepared in industrial kitchens. They have no free access to food, which is served at specified times during the day, leaving no opportunities for choice or control regarding what or when they will eat. There are no opportunities for people to learn about meal preparation. When asked how they are given choices about food, one ICF-DD administrator indicated there is an opportunity to request something different from what is on the menu one time per month.

One person followed the Court Monitor and other site visitors from room to room for almost an hour, seeking attention by holding our hands and bringing our hands to his face, then hitting himself in the head repeatedly with his fist so loudly it could be heard down the hallway- with no intervention of any kind from ICF-DD personnel. This kind of meaningless wandering throughout the facility or sitting in wheelchairs in hallways seeking attention from those walking by was consistently observed in all of the ICF-DDs visited.

Many of the Class Members observed living in the ICF-DDs lacked the ability to communicate using spoken communication. When asked why none of the Class Members had communication systems, devices or other communication supports, ICF-DD personnel provided various responses including that the person wouldn't know how to use a communication system or device, that they might break a device if it was provided and/or that they didn't think communication devices were needed because facility staff could discern what they want or need without the use of a communication device.

Class Members who were able to communicate using spoken communication frequently indicated they wanted to leave the ICF-DD and live in the community. Some indicated they were interested in getting a job.

When asked to describe the active treatment and/or training being provided in the ICF-DD, the Court Monitor was told that 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.

One Class Member was observed being taken via a small bus/van to a nearby off-site Day Habilitation program. The Court Monitor visited this program and found no discernible differences in the activities he was engaged in than those observed in the ICF-DD where he lives. It appeared he had simply been transported from one large room to another to engage in activities such as coloring and watching movies.

When asked to describe the habilitative care being provided in the day program, the program administrator indicated that people participated in making their own sandwiches for lunch, colored in children’s coloring books, solved children’s puzzles, played tabletop games and watched TV. There is a small room designated for what was described as Pre-Vocational activities where Class Members can participate in two primary activities: screwing nuts on bolts (and then unscrewing them) purportedly to gain skills needed in order to pursue employment and using fake paper money to learn money skills in order to make purchases at the Dollar Store and places.

During visits with Class Members living in ICF-DDs there was little to no evidence, based on observations by the Court Monitor, that Class Members are receiving active treatment or have a training program in place.

Class Members placed in the ICF-DDs do not appear to be receiving the supports they are entitled to- and which are necessary to prevent loss of functional skills, and to help the Class Member prepare for life in a less restrictive environment. Class Members living in ICF-DDs also do not appear to be receiving assertive discharge or transition planning supports which are fundamental to ensuring timely transition from the ICF-DD to a less restrictive environment.

### **State Operated Developmental Centers (SODCs)**

According to the IDHS website, “Today, the Elisabeth Ludeman Center holds the same value and philosophy as it’s forefathers, to create an environment which will simulate as closely as possible, a home-like atmosphere. The Ludeman Center supports the shared mission, vision, and values of all Illinois State Operated Developmental Centers to assist individuals in attaining independence in a safe and supportive environment by offering a person-centered approach

that strives to provide high quality services and supports, individual and family involvement, dignity, and respect for all.”

### **SODC Onsite Visit Observations**

While visiting with Class Members in SODCs, the Court Monitor observed the living conditions and services provided to Class Members in SODCs.

Class Members living in State Operated Developmental Centers (SODCs) were observed to be living in conditions and under circumstances very similar to those living in ICF-DDs.

The majority of Class Members observed in the two SODCs visited are essentially locked in their cottages with up to 10 housemates, and are required to earn “privileges” such as independent walks on campus. They have little to no personal privacy, are offered little to no autonomy to make decisions or choices, and have little to no meaningful access to the community.

Class Members’ surroundings are unkempt, in visible disrepair, and devoid of the personal touches one would expect to find in a homelike environment. Couches resemble wooden crates and many are worn down, dirty and torn. One piece of living room “furniture” was a visibly dirty and worn office chair. Group shower facilities are the norm and stalls are separated only by shower curtains.

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 throughout the day, to the exclusion of meaningful adult-oriented hobbies, interests, or other activities, SODC personnel indicated that Class Members were engaging in these activities by their own choice.

Class Members asked when they were going to 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 had been rejected by all of them. The Court Monitor was told that several Class Members were in the process of visiting CILAs in anticipation of transition to the community.

When asked about participation in community-based activities, most of the Class Members visited said they’d like to spend time in the community. They and facility personnel indicated this typically occurs around once or twice per month and could only offer occasional trips to Walmart, Culvers Restaurant or the Dollar Store as examples of community activities available to Class Members- but only if/when there were a program van and sufficient staffing available.

A visit to an on-campus day program showed the room prepped for the next day’s programming with children’s coloring book pages placed at each person’s seat and shelving containing boxes of games, children’s toys and children’s puzzles.

Only one of the Class Members with a communication disorder living in either of the two SODCs visited had a communication system or device. This consisted of a white board, erasable markers and a damp rag. When asked what he likes to do in the community, he wrote that he likes to go to Pizza Hut and Kentucky Fried Chicken. When asked when he was last supported to go to either of these places, he could not recall. When SODC personnel were asked when he last went to either Pizza Hut or Kentucky Fried Chicken, they could not recall when this last occurred, and then directed the Class Member to erase the message written on his white board.

None of the Class Members living in either of the two SODCs was afforded privacy for discussions with the Court Monitor. All were monitored during discussions with the Court Monitor and it was not uncommon for SODC personnel to prompt the person to stop talking about a particular topic of concern or to intervene by speaking for the person instead of allowing the person to express themselves freely. Others were completely unable to communicate with the Court Monitor in any meaningful way because they are unable to communicate using spoken language and had no communication system or device.

Most of the Class Members visited had multiple missing teeth and it was unclear if they were being assisted to brush their teeth regularly. When asked if Class Members were assisted with oral hygiene, the Court Monitor was told that people have a choice about whether or not to brush their teeth.

Like Class Members living in ICF-DDs, many Class Members visited in SODCs have been waiting for years to transition to the community. This is borne out in the state's own data which show that Class Members admitted to SODCs remain institutionalized for an average of 3.8 years. One Class Member has been living in an SODC for more than seven years.

No evidence of the provision of person-centered approaches, or high-quality services and supports was observed or discerned for Class Members during the SODC visits. This is highly relevant to the Consent Decree, because, without these supports and services, Class Members lose out on opportunities to learn or maintain the basic skills necessary to succeed in the community, learn effective coping strategies that could assist in behavior management, or attain/maintain skills to achieve greater independence in everyday activities. This results in greater risk of Class Members being rejected by community service providers, and puts Class Members at significant risk for prolonged institutional placements.

## **Summary**

Ligas Consent Decree Class Members are, by definition, people with intellectual/developmental disabilities (IDD) who, like all people with IDD, are entitled to services, programs and activities in the most integrated setting appropriate to their needs. They are entitled to choose services that are integrated into and within the community.

Class Members continue to be routinely admitted to ICF-DDs and SODCs on an interim basis when home and community-based services are not available to them, often because their service needs are perceived to be too complex for Community IDD Service Providers to manage. Interim stays are lasting for years and it was not uncommon, during the Court Monitor's visit, to meet with Class Members who had been in an institution for 1-3 years or longer following what was intended to be an interim placement.

Class Members living in ICF-DDs do not appear to be receiving active treatment or to be receiving the benefit of a training program. As a result, they are at risk for loss of skills, lost opportunities to build skills, increased behavioral management challenges, and general loss of function- all of which put them at a disadvantage when trying to access services in less restrictive environments.

Many of the Class Members visited in ICF-DDs and in SODCs are unable to communicate using spoken language and only one Class Member visited in all of the facilities had any kind of communication system or device. This leaves Class Members with communication disorders unable to make meaningful choices of any kind and renders them unable to fully participate in treatment, or in discharge/transition planning activities.

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

Based on multiple anecdotal accounts, it does not appear Class Members and their family caregivers/guardians are truly choosing services in these institutional settings. Instead, it appears the "choice" for many Class Members and their family caregivers/guardians is to accept interim (and often long-term) placement in an ICF-DD or SODC or no services at all due to lack of access to home and community-based services and supports.

In conclusion, it is the opinion of the Court Monitor that the observations made during the onsite visits described in this report represent significant departures from nationally accepted standards for the care, support and treatment of people with intellectual and developmental disabilities.

This report will be included in the Court Monitor's November 2025 status update to the court.

Respectfully submitted,

Lorene Reagan, MS, RN

Ligas Consent Decree Court Monitor