



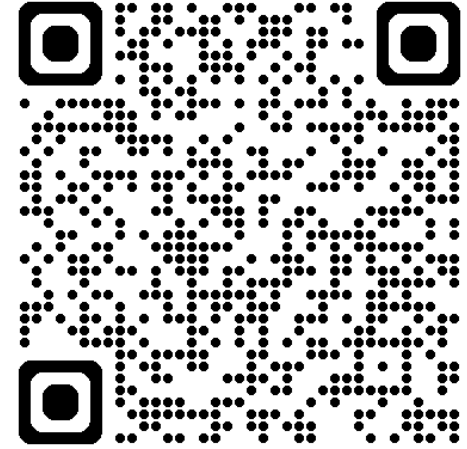
LIGAS CONSENT DECREE

2025 Annual Court Monitor Report

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Ligas Court Monitor

OVERVIEW



- 2005 Lawsuit
- Adults Living in Large (9+) Private Intermediate Care Facilities for people with Developmental Disabilities (ICF-DDs) or Living in the Family Home Seeking Services
- 3 “Parties”
- Reached Agreement on the Consent Decree in 2011
- Preserves the Rights of ICF-DD Residents Who Wish to Live in an ICF-DD

COURT MONITOR ROLE

Gauge Compliance with the Decree by Identifying Actual and Potential Areas of Noncompliance and to Facilitate Resolution of Compliance Issues

2025 ANNUAL REPORT



“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.”

STATE OPERATED DEVELOPMENTAL CENTER (SODC) REPORT

In January 2025, the Court ordered the Monitor to submit a report on the usage and placement of Ligas Class Members in 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.

The SODC Report was filed on April 23, 2025, focusing on the need to explore and address:

1. Data Collection
2. Extended Interim Stays Following Crisis Admissions
3. Access to Clinical Supports for Behavioral Health Conditions
4. Legal Guardian Consent for Discharge/Transition Planning
5. Expeditious Discharge/Transition
6. Sufficiency of Stabilization Services
7. Use of Community Reintegration Funding
8. Need for Monthly Face-to-Face Visits with Class Members by Unbiased Entity

ONSITE VISITS WITH LIGAS CLASS MEMBERS

According to 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.”

- Kiley Developmental Center
- Ludeman Developmental Center
- 3 Privately Operated ICF-DDs and 1 Day Habilitation Program
 - Visited in September and October 2025
 - Misericordia Campus also visited- no Ligas Class Member Residents

ONSITE VISIT OBSERVATIONS: ICF-DDS

- Living Conditions crowded, impersonal, institutional, unkempt, visible disrepair
- Active Treatment centered on children's coloring books, children's toys, and children's crafts
- Residents sleeping during the day, sitting in wheelchairs, wandering the hallways, waiting for meals to be served
- Grooming and general hygiene are a concern
- Lack of communication devices for those with communication disorders
- Individual choice is cited as the reason for poor oral hygiene, engagement in children's activities to the exclusion of meaningful supports and services, and adult-oriented activities

ONSITE VISIT OBSERVATIONS: SODCS

- Conditions similar to those found in the ICF-DDs: furniture worn, dirty, torn, crowded conditions
- Active Treatment centered on children's coloring books, children's toys, and children's crafts
- Individual choice is cited as the reason for poor oral hygiene, engagement in children's activities to the exclusion of meaningful adult-oriented activities
- Only one person had a (homemade) communication device
- Not uncommon to meet with Class Members who had been admitted for interim placement and are still waiting to leave after 3-4 years
- Minimal engagement in community activities

HOW ARE THESE OBSERVATIONS RELEVANT TO THE DECREE?

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 to learn or maintain the basic skills necessary to succeed in the community

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.

This also leaves them unable to fully participate in treatment decisions or in discharge/transition planning activities, putting them at risk for even more prolonged institutionalization.

EFFECTS OF LONG-TERM 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.

According to the United States Department of Justice:

“Life in an institution leads not only to stigma and isolation, but also to regression, increased negative behaviors, learned helplessness, and physical harm.”

DATA DISCIPLINE

The state recognizes the need for greater data discipline and is making a good-faith effort to improve data collection and reporting under the Ligas Consent Decree.

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.

IMPLEMENTATION PLAN

The Consent 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 State Fiscal Year 2026 Implementation Plan is structured around overarching “Pillars”. Each Pillar includes “Key Actions” that the state intends to take to achieve the outcomes described within it.

Note: The SFY 2026 Implementation Plan was still under negotiation at the time the Annual Report was submitted.

Some Pillars have changed slightly, and an additional Pillar focusing on the implementation of the Guidehouse Rate Study Recommendations and the provision of PT/OT/ST in ICF-DDs.

STATE FISCAL YEAR 2026 IMPLEMENTATION PLAN

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.

STATE FISCAL YEAR 2026 IMPLEMENTATION PLAN

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.

STATE FISCAL YEAR 2026 IMPLEMENTATION PLAN

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 Mental Health, behavioral management, and/or Physical Health challenges.

STATE FISCAL YEAR 2026 IMPLEMENTATION PLAN

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.

STATE FISCAL YEAR 2026 IMPLEMENTATION PLAN

Pillar 5

Address the findings and recommendations in the 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

STATE FISCAL YEAR 2026 IMPLEMENTATION PLAN

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.

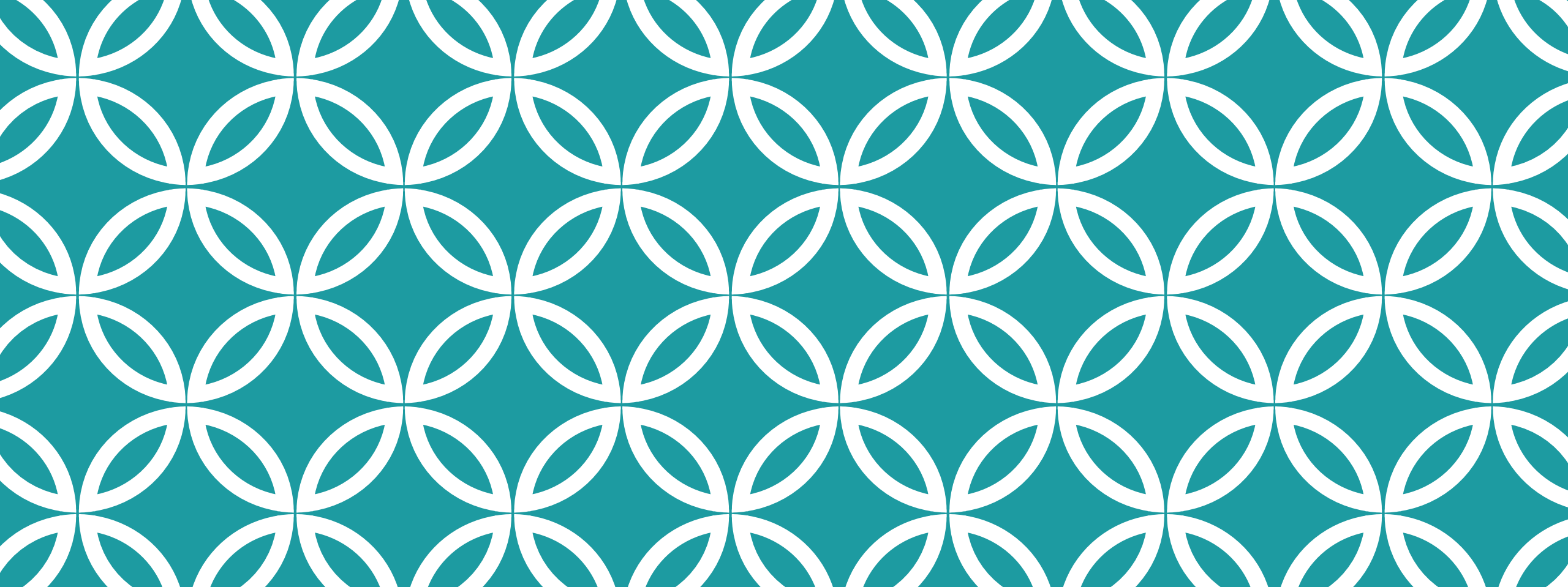
ASSESSMENT OF SUBSTANTIAL COMPLIANCE

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

The 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.

NEXT STEPS

- Finalize the elements of the Implementation Plan that are still under negotiation
- Continue to work on data discipline
- Focus on the systemic issues driving institutionalization
- Continue efforts to ensure Class Members admitted to institutions for interim placement are expeditiously discharged and transitioned to the community



THANK YOU!

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