

OVERVIEW OF THE LIGAS V. HAMOS LAWSUIT

From the Illinois Department of Human Services, Division of Developmental Disabilities website at <http://www.dhs.state.il.us/page.aspx?item=58321>

The *Ligas v. Hamos* lawsuit was filed on July 28, 2005, on behalf of individuals with developmental disabilities who were residing in private, State-funded facilities (Intermediate Care Facilities for Persons with Developmental Disabilities or ICFs/DD) of nine or more persons or who were at risk of being placed in such facilities. Plaintiffs sought placement in Community-Based Settings and receipt of community-based services. On June 15, 2011, a fairness hearing was held and, on the same day, a Consent Decree was approved by the Court. The Consent Decree, which is available on the Division of Developmental Disabilities' (DDD) web site, identifies two groups of Class Members:

- Adult individuals in Illinois with developmental disabilities who qualify for Medicaid Waiver services, who reside in ICFs/DD with nine or more residents, and who affirmatively request to receive Community-Based Services or placement in a Community-Based Setting.
- Adult individuals in Illinois with developmental disabilities who qualify for Medicaid Waiver services, who reside in a Family Home, who are in need of Community-Based Services or placement in a Community-Based Setting, and who affirmatively request Community-Based Services or placement in a Community-Based Setting.

The Decree does not force individuals who do not want community-based services or placement to move. Nor does it force providers to close beds or enter into downsizing agreements with the State against their will.

The tenets of the Decree will assist the DDD in expanding its community-based system to meet the growing demand for those services, while continuing to honor an individual's choice in deciding on the types of services and settings he or she prefers in order to live a personally fulfilling and productive life. The Decree includes the following provisions:

1. Services for Individuals Currently Residing in ICFs/DD

Within six years of approval of the Decree, all individuals living in ICFs/DD as of the effective date of the Decree who have affirmatively requested Community-Based Settings will move to Community-Based Settings. Placements must be implemented for one-third of all such individuals every two years of this six-year period. For those individuals who wish to continue living in an ICF/DD, the Decree requires the State to honor that choice and to continue to provide adequate funding to meet the needs of such individuals.

2. Services for Individuals Currently Residing in the Family Home

The DDD will continue to expeditiously serve all people who meet the established crisis criteria. There will be no limit to the number of people served who meet the crisis criteria.

The DDD will serve 3000 individuals on the Waiting List for Community-Based Services or placement in a Community-Based Setting, as defined in the Decree, over the next six years (1,000 within the first two years and 500 each year the next four years) with home-based support services or in community-based residential settings. At the end of the six year period, all Class members on the Waiting List shall move off the Waiting List at a reasonable pace.

3. Other General Provisions

- Evaluations and Transition Service Plans will focus on individual desires and goals and will not be limited by existing services. All services and supports in the Transition Service Plan must be integrated into the community to the maximum extent appropriate and consistent with the choices of the class member and his or her legal guardian. The State, however, will not be required to develop or offer services that are not part of the approved Waiver or Medicaid State Plan.
- The Department of Human Services (DHS) will seek sufficient funds in annual budget requests to develop and maintain the services described in the Decree. Implementation of the Decree is not, however, dependent on legislative appropriation of new funds.
- A Monitor was appointed on July 19, 2011, by the Court to oversee compliance with the Decree and report on progress to the Court on an annual basis. After nine years of the approval of the Decree, the State may petition the Court to terminate the monitoring process.
- An Implementation Plan was filed with the Court on December 15, 2011.