



LIGAS V. HAMOS FACT SHEET

Background on the lawsuit

Ligas v. Hamos (formerly *Ligas v. Maram*) is a lawsuit filed in 2005 by nine people with developmental disabilities (Plaintiffs) who reside in large private State-funded facilities (ICF-DDs) or who are likely to be placed in such facilities. Plaintiffs want to receive community services, but their requests have been denied by the State of Illinois. In 2006, a Judge certified the case as a class action. Prior to trial, the parties reached an agreement, but at a Fairness Hearing in July 2009, the Judge found that the class definition was too broad as it included people who did not desire to live in the community. Accordingly, the Judge did not approve the agreement and de-certified the class. In January 2010, the parties reached a new agreement to provide community services to people living in ICF-DDs who have a current record of wanting community services, and provide community services to an additional 3,000 people with developmental disabilities living at home without services. Previous objectors again raised concerns and the Judge allowed them to join the case as Intervenors. After extensive negotiations, in January 2011, the Plaintiffs, the State, and the Intervenors reached a new agreement that all could support. The Judge will be accepting comments on the agreement until May 13, 2011, and a Fairness Hearing will be held on June 15, 2011. If approved by the Judge, the historic agreement would reflect momentous change in state policy for serving people with developmental disabilities.

If approved by the Judge, what will the Consent Decree achieve?

- ICF-DDs residents who desire community placement would receive an individualized, independent evaluation and the opportunity to live in the community with appropriate services.
- Over a six year period, any of the approximately 6,000 ICF-DD residents who desire placement in the community would transition to the most integrated community-based setting appropriate for their individual needs.
- All ICF-DD residents who are happy with their current placement would not be part of the proposed class and would not be required to move. The proposed Consent Decree ensures that resources necessary to meet the needs of those who choose to continue to reside in ICF-DDs will be made available.
- Over a six year period, 3,000 people with developmental disabilities currently living at home without services would be given community services.
- The Judge will appoint an Independent Monitor with expertise in developmental disabilities to oversee implementation and compliance with the Consent Decree.
- People with developmental disabilities who want to be part of the new proposed class need to make a record with the State confirming their desire for community services. A form that people with disabilities and/or their guardians can use to make a record of their desire for community services can be found at www.equipforequality.org

Questions?

If you have questions about the proposed Agreement, how to file comments with the judge, or how to become a member of the class, please contact Barry Taylor at 312-895-7317 or barryt@equipforequality.org