



LIGAS V. MARAM FACT SHEET

Background on the lawsuit

Ligas v. Maram was filed in 2005 by nine people with developmental disabilities (plaintiffs) who reside in private state-funded institutions or who are at risk of being placed in such institutions. Plaintiffs wanted to receive community services, but their requests were denied by the State of Illinois. In 2006, a federal judge certified the case as a class action. The parties recently reached an Agreement and are seeking judicial approval of a proposed Consent Decree

Illinois' current services for people with developmental disabilities

- Nearly 6,000 people with developmental disabilities live in 250 private institutions across the state. Thousands of other individuals are at risk of institutionalization.
- Illinois ranks 51st out of all the states and the District of Columbia in serving people with developmental disabilities in small settings.
- In the neighboring State of Michigan, 82% of people with developmental disabilities are served in small community-based settings, whereas in Illinois only 30% are served in small settings.
- The experience in other States has been that most people with developmental disabilities would live in the community if services were available to them.

Unnecessary institutionalization is against the law

In 1999, in *Olmstead v. L.C.*, the United States Supreme Court held that unnecessary institutionalization of people with disabilities is discrimination under the Americans with Disabilities Act. In addition, the Social Security Act requires states to give individuals the opportunity to choose alternatives to institutional care, to provide services with reasonable promptness and to ensure against the "unnecessary utilization" of institutional settings.

What does the Agreement achieve?

- All people with developmental disabilities living in private institutions will receive individualized evaluations and the choice to live in a community-based setting, with appropriate services.
- Within six years, all developmentally disabled people living in institutions who do not oppose community placement shall transition to the most integrated community-based setting appropriate for their needs.
- All people with developmental disabilities living with their families who are determined to be in "Crisis", as well as approximately 3,000 people who are determined to be in "Emerging Crisis", will receive services to meet their individual needs.
- Independent monitoring of the Consent Decree will be required.
- No money damages were sought.

No one will be forced out of institutions against their will

Under the terms of the Agreement, anyone who wishes to remain in an institution is free to do so, and nothing will change for that person. People who choose to remain in institutions will not be required to move.