



LIGAS V. MARAM FACT SHEET

Updated 2/4/10

Background on the lawsuit

Ligas v. Maram was filed in 2005 by nine people with developmental disabilities (plaintiffs) who reside in large private State-funded facilities (ICF-DDs) or who are at risk of being placed in such facilities. 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. 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 decertified the class. In September 2009, plaintiffs filed an Amended Complaint seeking relief only for people with developmental disabilities who requested community services. In January 2010, the parties reached a new Agreement, which, if approved, would provide community services to people living in ICF-DDs who have a current record of wanting community services, and also provide community services to an additional 3,000 people with developmental disabilities living in the community without services.

Illinois' current services for people with developmental disabilities

- Nearly 6,000 people with developmental disabilities live in 250 private ICF-DDs across the State. Thousands of other individuals are at risk of being placed in an ICF-DD.
- Illinois ranks 51st out of all the States and the District of Columbia in serving people with developmental disabilities in small community settings.

Unjustified institutionalization is against the law

In 1999, in *Olmstead v. L.C.*, the United States Supreme Court held that unjustified institutionalization of people with disabilities is discrimination under the Americans with Disabilities Act.

What is the current status of the case?

- Under the Amended Complaint, plaintiffs seek to proceed on behalf of people in ICF-DDs who have made a record requesting community services. People who are happy with their current ICF-DD placement would not be part of the proposed class and would not be forced to move.
- To ensure that they are part of the new proposed class, people with developmental disabilities and/or their legal guardians need to make a record with the State confirming their desire for community services.
- A form that people with disabilities 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 case, the proposed Agreement, or if you or someone you know lives in a private ICF-DD and wants to live in the community, please contact Barry Taylor at 312-895-7317 or barryt@equipforequality.org