



## **A NEW WAY TO DEVELOP A SERVICE PLAN FOR LIGAS CLASS MEMBERS**

The Ligas Implementation Plan offers important opportunities for adults residing in ICFDD's and persons moving off the PUNS Waiting List. Recently, 800 individuals received official notice that they were moving off the waiting list. The Disability System in Illinois is changing and knowing about the new changes in service planning will offer individuals more opportunities for community inclusion and new community living opportunities.

We have developed this document to assist you in the development of your Individual Transition Services Plan or if you live at home, the Individual Service Plan. This plan is meant to be an authentic person-centered process which is very different from service planning in the past. The new system allows the individual to direct their resources in a "money follows the individual" model. Expect to develop an individual support budget. You should plan for positive outcomes that are measurable. Supports and services should integrate natural supports and paid services. More emphasis should be on employment, smaller living opportunities and individualized day supports. Just like the Individual Education Plan, if a support or service is not written into the Transition Service Plan, that support/service does not have to be delivered to the individual. Planning should be responsive to changing needs. Invite friends to be a part of this planning process. The plan determines your supports/services.

It is critical that you have in mind first the needs of the individual and what they will need to make a life for themselves in the community before you write the Transition Service Plan or the Individual Service Plan. You do not have to settle for the "status quo" rather what life does your loved one need to prosper in the community. Look at what is being done with Micro Boards and Cooperatives to see incredible success stories: <http://iambc.org/index.php/microboard-stories> . Kids Together has an excellent resource section on writing goals for inclusive educational supports and preparing for the meeting for plan development. I recommend looking over their recommendations before you begin your plan: <http://www.kidstogether.org/IEP.htm> . You're not writing an IEP but the process is very similar.

This report has six sections to assist you in your planning for supports/services:

1. Ligas Lawsuit Background
2. Services for Class Members
3. Evaluations and Transition Service Plans
4. Appeal Process
5. Class Counsel
6. The Court Monitor
7. Important Links

I have inserted sections of the Ligas Implementation Plan into this report so if some of this sounds like legalese, it is!

In addition, The Arc is hosting new “Dreaming New Dreams” sessions beginning in May and well into the Fall to give you more knowledge about how you can make supports in Illinois meet your unique needs. Here is a link to “Dreaming New Dreams” events which will be updated periodically as other dates and sites become known:

<http://www.thearcofil.org/events>

Our team at Illinois Life Span, <http://www.illinoislifespan.org/>, and our partners at the Family Support Network, <http://www.familysupportnetwork.org/>, are gathering information to assist you in navigating the new opportunities in disability supports/services because of the Ligas Implementation Plan.

Let me know what you think about this document and your ideas to improve it.

**Tony Paulauski**  
**Executive Director**  
**The Arc of Illinois**  
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## **SECTION ONE: THE LIGAS LAWSUIT BACKGROUND**

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<sup>i</sup> and receipt of community-based services. On June 15, 2011, a Consent Decree was approved by the Court. The Consent Decree, which is available on the Division of Developmental Disabilities' (DDD) website,<sup>ii</sup> 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.

## **SECTION TWO: SERVICES FOR CLASS MEMBERS**

### **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.

### **Services for Individuals Currently Residing in the Family Home**

The Division of Developmental Disabilities (DDD) will serve 3,000 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.

### **SECTION THREE:**

#### **EVALUATIONS AND TRANSITION SERVICE PLANS**

Implementation of the use of Transition Service Plans will be a system change for the entire service delivery system. Time will be needed in order to affect this change.

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 Transition Service Plan shall describe the services the Class Member requires in a Community-Based Setting or through Community-Based Services; where and how such services can be developed and obtained; the supports and services the Class Member will need during his or her transition to a Community-Based Setting; and a timetable for completing that transition.

The Division of Developmental Disabilities will develop a process for completion of a Transition Service Plan for each class member seeking services in a Community-Based Setting. A standardized format will be developed and required. As the Implementation Plan is being written, it is envisioned that the PAS/ISC agencies will complete the Transition Service Plans with the Class Member and his or her guardian.

Transition Service Plans will be completed for each individual leaving an ICF/DD or the Family Home. Transition Plans are not required for those individuals who will be receiving Home-Based Support Services (HBS) in their own or family's home. An Individual Service Plan is still required for each individual in the HBS Program as described in the Waiver.

In the meantime, no individuals will be required to wait for the development and implementation of this process in order to move to a Community-Based Setting. PAS/ISC agencies will follow the processes described in the DD PAS Manual to assist individuals in obtaining needed services.

#### **SECTION FOUR: APPEAL PROCESS**

Any Class Member who disputes a decision by Defendants or a Community Service Provider regarding eligibility for, or delivery of, Community-Based Services or placement in a Community-Based Setting shall, pursuant to governing law, have the right to appeal or seek administrative or judicial review of such decisions through Defendants' existing Fair Hearings process (as set forth in 89 Ill. Adm. Code Part 120) or as otherwise provided by law. Class Members also may avail themselves of any informal appeal process that currently exists.

#### **SECTION FIVE CLASS COUNSEL**

Equip for Equality and our co-counsel are the attorneys for the Ligas Class. If class members are experiencing problems or have questions about the Decree, they are the ones designated by the court to address individual issues. Barry Taylor is the person class members should contact when issues arise. Here is his contact information:

Barry C. Taylor  
Vice President for Civil Rights and Systemic Litigation Equip for Equality  
20 North Michigan Ave, Suite 300  
Chicago, IL 60602  
312-895-7317 (v)  
312-341-0295 (f)  
800-610-2779 (tty)  
[barryt@equipforequality.org](mailto:barryt@equipforequality.org)

#### **SECTION SIX: THE COURT MONITOR**

Tony Records has been appointed by the Court to be the Court Monitor for the Ligas Consent Decree. The duties of the Monitor shall include gauging Defendants' (the state) compliance with the Decree, identifying actual and potential areas of noncompliance with the Decree, facilitating the resolution of compliance issues without Court intervention, and recommending appropriate action by the Court in the event an issue cannot be resolved by discussion and negotiation among the Monitor, and the Parties.

In a nutshell, the Court Monitor will do everything he can to keep the parties from going back to court. The Court Monitor is the key advocate for Class Members.

Tony Records  
Ligas Court Monitor  
301-529-9510  
[TRAConsult@MindSpring.com](mailto:TRAConsult@MindSpring.com)

## SECTION SEVEN: IMPORTANT LIGAS LINKS

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- ii The link for the *Ligas* Consent Decree is [http://www.dhs.state.il.us/OneNetLibrary/27896/documents/By\\_Division/Division%20of%20DD/LigasConsentDecree061511.pdf](http://www.dhs.state.il.us/OneNetLibrary/27896/documents/By_Division/Division%20of%20DD/LigasConsentDecree061511.pdf).
- ii The link to Form IL1238, Choice of Supports and Services, is <http://www.dhs.state.il.us/OneNetLibrary/27897/documents/Forms/IL462-1238.pdf>.
- ii The link to the DDPAS-10 Form is <http://www.dhs.state.il.us/OneNetLibrary/4/documents/PAS/DDPAS100111.pdf>.
- ii The link to the PUNS Manual is <http://www.dhs.state.il.us/OneNetLibrary/27897/documents/Manuals/DD%20Manuals/Illiinois%20PUNS%20Manual.pdf>.
- ii The link to the PUNS brochures, flyers, and posters is <http://www.dhs.state.il.us/page.aspx?item=31104>.
- ii The Department of Human Services' procurement practices prohibit non-State employees from serving as voting members.
- ii The link to the new provider page is <http://www.dhs.state.il.us/page.aspx?item=47336>.
- ii The link to the adult DD Waiver is [http://www.dhs.state.il.us/OneNetLibrary/27896/documents/By\\_Division/Division%20of%20DD/Adult%20DD%20Waiver.pdf](http://www.dhs.state.il.us/OneNetLibrary/27896/documents/By_Division/Division%20of%20DD/Adult%20DD%20Waiver.pdf).
- ii The link to the DDD's training information is <http://www.dhs.state.il.us/page.aspx?item=45209>.
- ii The link to the DD Pre-Admission Screening Manual is <http://www.dhs.state.il.us/page.aspx?item=53018>.
- ii The link to the ROCS Software is [http://www.dhs.state.il.us/OneNetLibrary/27896/documents/By\\_Division/MentalHealth/DHSCRSManual.pdf](http://www.dhs.state.il.us/OneNetLibrary/27896/documents/By_Division/MentalHealth/DHSCRSManual.pdf).
- ii The link to the ISSA Problem Resolution Protocol is <http://www.dhs.state.il.us/page.aspx?item=56642>.

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- ii The link to the crisis criteria is  
<http://www.dhs.state.il.us/OneNetLibrary/27897/documents/DD%20Reports/Community%20Emergency%20Criteria%20-%20Adults.pdf>.
  - ii The PUNS database categorizes individuals into emergency, critical, and planning needs. See the PUNS Manual for definitions of these categories. The link to the PUNS Manual is  
<http://www.dhs.state.il.us/OneNetLibrary/27897/documents/Manuals/DD%20Manuals/Illiinois%20PUNS%20Manual.pdf>.
  - ii The link to the PUNS summary reports is  
<http://www.dhs.state.il.us/page.aspx?item=51905>.
  - ii The link to the crisis criteria is  
<http://www.dhs.state.il.us/OneNetLibrary/27897/documents/DD%20Reports/Community%20Emergency%20Criteria%20-%20Adults.pdf>.
  - ii The link to Rule 120 is  
<http://www.ilga.gov/commission/jcar/admincode/059/05900120sections.html>.
  - ii The link to Form IL462-1202, Notice of Individual's Right to Appeal is  
<http://www.dhs.state.il.us/OneNetLibrary/27897/documents/Forms/IL462-1202.pdf>.
  - ii The link to the DDPAS-10 Form is  
<http://www.dhs.state.il.us/OneNetLibrary/4/documents/PAS/DDPAS100111.pdf>.
  - ii The first eight staff to be hired will be the compliance coordinator, the class list person, three quality assurance staff, two transition services staff, and one appeals unit staff.
  - ii The link to the adult DD Waiver is  
[http://www.dhs.state.il.us/OneNetLibrary/27896/documents/By\\_Division/Division%20of%20DD/Adult%20DD%20Waiver.pdf](http://www.dhs.state.il.us/OneNetLibrary/27896/documents/By_Division/Division%20of%20DD/Adult%20DD%20Waiver.pdf).