



Transition Services Under Colbert/Williams

April 8, 2025

Presenters:

Andrea Rizer, Senior Attorney

Sara Cohen, Staff

Attorney/Fellow



Americans with Disabilities Act (ADA) and Community Integration

Congress found:

- Segregation of people with disabilities was a pervasive problem in US.
- Segregation perpetuates unjustified assumptions that institutionalized persons are incapable or unworthy of participation in community life.
- Institutionalization severely diminishes everyday activities like family relations, social contacts, work, educational advancement, and cultural enrichment.



Discrimination under the ADA is prohibited

42 U.S.C. §12132 Discrimination

“Subject to the provisions of this subchapter, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”



Federal Regulations

- **Department of Justice:** Issues regulations and enforces Title II of ADA.
- Federal Regulations state:
28 CFR § 35.130(d): A public entity shall administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.



United States Supreme Court Case interpreting the ADA

Olmstead v. L.C. 527 U.S. 581 (1999)

- Two women with mental illness and I/DD institutionalized in state-operated hospital in Georgia.
- Appropriate for community placement.
- Denied due to insufficient community resources.
- Both sued under the ADA's integration mandate.

Olmstead Decision

The Supreme Court Held: Unjustified institutionalization is discrimination under the ADA.

The Court further held that States must provide community based services when:

1. Community based services are appropriate.
2. The affected person does not oppose community services.
3. And services can be reasonably accommodated given the resources available to the entity.

Three Prominent Illinois Cases filed after the *Olmstead* Decision

- Various post-*Olmstead* efforts by State of Illinois did not result in meaningful change.
- No response from Illinois Governor to letter sent by advocates on 5th anniversary of *Olmstead*.
- Continued to see Illinois' over-reliance of institutional settings.
- EFE, ACLU of IL, and Access Living (and firms) joined to bring three *Olmstead* class actions.
- Watch Equip for Equality Video on the ADA and these cases for more background.

<https://youtu.be/f0XIlohE9wY?si=sMX9McxIHBaxmUWW>

1. *Ligas v. Eagleson*

- Community integration lawsuit filed in 2005 on behalf of individuals with I/DD.
- Certified as Class Action: Class included both people in institutions and people living at home waiting for services. [2006 WL 644474](#) (N.D. Ill. Mar. 7, 2006).
- Around 6000 people were living in large private ICFDDs (of 9 or more residents) and thousands were at risk of being institutionalized at the time.
- Case settled under a consent decree in 2012 and remains subject to Court oversight.

2. *Colbert v. Pritzker*

- Colbert is another community integration lawsuit filed in 2007 by people with disabilities who reside in Cook County nursing facilities and who want to receive community services instead.
- Certified as a class action in 2008 - [2008 WL 4442597](#) (N.D. Ill. Sept. 29, 2008).
- Over 16,000 class members.
- Class comprises of people with physical disabilities and mental illness.
- Consent Decree Approved in 2011 and remains under Court oversight.

Colbert Continued

- Among many other things:
 - ❖ The consent decree requires the State, in accordance with *Olmstead*, to provide class members with the opportunity to receive services in the least restrictive environment appropriate to their needs.
 - ❖ It requires the State to develop community-based services and housing supports for class members moving out of nursing facilities.
 - ❖ And it requires the appointment of an Independent Monitor with expertise in the development and provision of community-based services to persons with mental illness and physical disabilities to oversee the State's administration of the consent decree.

Colbert Continued

- Around 5,000 people have moved into community under the Decree as of today.
- A study of cost neutrality demonstrated that the State saves money by serving people in the community instead of nursing homes.

Complaint, Consent Decree, Implementation Plan, Monitor Report and Fact Sheet can be found at:

<https://www.equipforequality.org/systemic-litigation/#colbert>

Williams v. Pritzker

- *Williams* is a lawsuit filed in 2005 by two people with mental illness residing in large private State-funded facilities called Institutions for Mental Diseases (“IMDs” or “SMHRFs”).
- Certified as a class action in 2006 - [2006 WL 3332844](#) (7th Cir. Nov. 13, 2006)
- Approximately 4,500 people resided in IMDs statewide.
- Consent Decree was approved in 2010 and still under Court oversight.

***Williams* – Consent Decree**

- Over a 5-year period, all SMHRF residents not opposing community services were to be placed in the most integrated community-based setting.
- Decree requires SMHRF residents to be informed of community-based options, receive individualized, independent evaluations, and be given the opportunity to live in the community (including permanent supportive housing) with appropriate services.
- Permanent Supportive Housing is considered most integrated setting for most class members.
- Illinois receives federal money to support community services (whereas IMDs are 100% state funded).



Williams Continued

- Over 4000 class members have moved into the community under the decree.
- Front Door Diversion is a new program under the decree that provides expeditious supports to prevent people from entering a SMHRF who otherwise could be served in the community with proper supports.

Front Door Diversion Program (FDDP)

- Program is for people at risk of SMHRF placement.
- Requires SMHRF screening by Maximus.
- Maximus will determine SMHRF eligibility and ask if you want an FDDP referral.
- Services offered under FDDP include immediate transitional housing supports and other robust community supports.
- Often these are supports provided to allow discharge from hospital directly to community.

Williams/Colbert Services

- ❖ Evaluations
- ❖ Housing assistance (finding housing, Bridge subsidy)
- ❖ Transition funds (to cover move-in costs, furniture, etc.)
- ❖ Long-term Case management/Case coordination
- ❖ Community supports such as personal care and nursing
- ❖ Employment supports
- ❖ Help securing financial entitlements and identification
- ❖ Long term case coordination and supports
- ❖ And more



Navigating the Consent Decree Programs

- You are a class member if:
 - Living in a Cook County nursing home
 - Living in any SMHRF
 - Want to transition to the community
 - Medicaid-eligible
- Outreach (everyone should receive outreach within 70 days of admission and annually).
- You can request outreach or assessment at any time.



Navigating the Consent Decree Programs

- Assessment - conducted by Maximus.
- After assessment, hand off to Prime agency or Managed Care (MCO) entity.
- Service Planning phase.
- Housing Supports phase.
- Transition and implementation of community supports.
- Each phase has timeline standards, but flexible enough should *you* want more time.

The Process Takes Time

- Transition typically take more than 3-4 months from start to finish.
- Keep in contact with your transition team.
- Do not be afraid to tell them what you truly need. Very few people are told they cannot transition under the program; and when they are – they have a right to appeal.
- Facilities do not control whether you can be in the program and cannot retaliate against you.
- The State is currently analyzing ways to improve the process for class members.

Know your rights...

- You can appeal almost any decision.
- You can file a grievance if unhappy with your services.
- You continue to receive services and remain a class member after transition.
- Equip for Equality can further advise you of your legal rights under the programs and help you navigate issues.

Williams/Colbert: **Important Contacts**

- Maximus: (833) 727-7745, option #4 or ILOA@maximus.com
- [Prime agency assignments link](#)
- [Prime agency contact link](#)
- EFE contact:
 - (312) 341-0022
 - [Online intake form](#)



Williams/Colbert Consent Decree Programs

QUESTIONS?