

Judge David L.

BAZELON CENTER
for Mental Health Law

NEWS

Federal Court Advances Challenge to Illinois Policy Warehousing Residents with Mental Illnesses

November 20, 2006--Thousands of people with mental illnesses who are “needlessly segregated and inappropriately warehoused” in large nursing homes in Illinois now have an opportunity to challenge the state policies that inhibit their access to life in the community. U.S. District Court Judge William Hart has granted class-action status to a lawsuit, brought by four individuals, charging that Illinois is in violation of federal laws, including the Americans with Disabilities Act (ADA), that entitle people with disabilities to choose community living.

The ruling came in *Williams v. Blagojevich*, originally filed in August 2005 by two individuals forced into nursing homes in the Chicago area. Judge Hart’s latest ruling allows the lawsuit to move forward on behalf of all people with mental illnesses who are confined in for-profit, state funded nursing homes known as “institutions for mental diseases” (IMDs). More than 5,000 people are housed in such facilities in Illinois.

“We are pleased for our clients,” said Benjamin Wolf, associate legal director for the ACLU of Illinois, one of five legal organizations representing the plaintiffs. “Thousands of individuals who should be living in smaller, community-based settings will benefit from a successful conclusion of this lawsuit. We look forward to the opportunity to present information to the court about how Illinois’ antiquated policies keep these individuals confined in large institutions.”

Judge Hart’s decision, issued on November 13, comes in the wake of a similar ruling by another federal judge in Illinois earlier this year. In *Ligas v. Maram*, Judge James Holderman permitted a class of individuals with developmental disabilities living in large private, state funded facilities to challenge state policies that denied them the choice to reside in community-based settings.

According to state statistics, Illinois currently licenses 27 IMDs, with more than 5,000 beds, at an annual cost of more than \$160 million. Estimates are that Illinois could save more than \$57 million by transitioning 2,000 residents to the community over the next five years. The Illinois General Assembly has approved such legislation, but it has not been implemented.

“Illinois’ failure to provide sufficient community services to people with mental illnesses is not only a civil rights violation, it also is bad fiscal policy,” said Barry C. Taylor, Legal Advocacy Director for Equip for Equality. “The State can access federal Medicaid funds for community services that are not available for IMDS. In a time of tight budgets, the State should maximize federal funding for the citizens of Illinois.”

Lawyers representing the plaintiffs are from a collaborative of organizations interested in basic rights for all persons, including Access Living, the Bazelon Center for Mental Health Law, Equip for Equality, the Roger Baldwin Foundation of the ACLU of Illinois and the Chicago office of the law firm Kirkland & Ellis LLP.