

Dentons

**COLBERT v. PRITZKER FACT SHEET**

**Background on the Lawsuit**

In *Olmstead v. L.C.* (1999), the Supreme Court held that unnecessary institutionalization of people with disabilities is discrimination under the Americans with Disabilities Act (ADA). People with disabilities are entitled to receive services in the most integrated setting appropriate to their needs.

*Colbert v. Pritzker* (originally *Colbert v. Blagojevich)* is an ADA lawsuit filed in 2007 by people with disabilities (plaintiffs) who reside in Cook County nursing facilities and who want to live in community and receive community services. The Court certified the case as a class action, so the case could move forward against the state on behalf of the approximately 16,000 Medicaid-eligible people living in Cook County nursing facilities. The parties reached an agreement and the Court approved the Consent Decree on December 20, 2011.

**What does the Consent Decree achieve?**

* In accordance with *Olmstead,* provide class members with the opportunity to receive services in the least restrictive environment that is appropriate to their needs.
* In the first 30 months, provide housing assistance that will permit more than 1,000 class members currently living in nursing facilities to move into housing in the community who otherwise would not be able to do so.
* People who desire to remain in nursing facilities will not be required to move
* Require the State to develop a plan to transition other nursing facility residents into less restrictive and less costly community-based settings.
* Develop community-based services and housing for class members moving out of nursing facilities, with the default being permanent supported housing.
* The Judge appointed an Independent Monitor with expertise in the development and provision of community-based services to persons with mental illness and physical disabilities.
* Through September 2019, the State has provided over 2,500 people with services under the Decree, but was found out of compliance by the Monitor for not meeting the required transitions this past year. The State has developed a new Implementation Plan to address the deficiencies identified by the Monitor.
* Documents related to the case can be found at: <https://www.equipforequality.org/issues/community-integration/documents-from-efes-class-actions/>

**Questions?**

If you have questions about the Consent Decree you can call the State’s Colbert Helpline at **1-800-252-8966** or contact Stephen Libowsky, lead counsel for the class, at 312-876-2529 or [stephen.libowsky@dentons.com](mailto:stephen.libowsky@dentons.com)