

Written by Vicky Albers – Breese Journal Editor
Attorney Stewart Freeman files affidavit documenting
disturbing conditions at selected CILAs where Murray Center
residents have been transferred.

It only took six unannounced visits to certain community integrated living arrangements, or CILAs, in the Centralia and Mt. Vernon area to raise a red flag for attorney Stewart Freeman, the state-appointed guardian for several residents of Murray Developmental Center in Centralia who are considered wards of the state. Last Thursday, Freeman filed a scathing affidavit in federal court recommending that at least two of his clients should be returned to Murray Center.

Attorney Stewart Freeman

He documented multiple problems, including: inadequate security, inadequate staffing (long hourly shifts for several consecutive days), lack of staffing experience, lack of supplies and home supports (fireproofing, padding, bedding, etc.), unsafe conditions and exposed hazards, lack of knowledge of client care, low pay, little training and little to no decoration or personalization for the residents. “Based on what I have seen during the course of my inspections, I have concerns about the placement and welfare of my wards who are unable to communicate and have such severe disabilities that they are vulnerable to abuse or neglect,” Freeman wrote. “If the conditions I have seen and heard about exist now, what will happen to my wards two, three or five years from now after the scrutiny of the facilities has passed. I fear that severe abuse and maybe even a possible premature death could occur in the future.”

On July 29, Clinton County Circuit Court Resident Judge Dennis Middendorff appointed Freeman as guardian ad litem on behalf of 24 wards of the Office of the State Guardian and issued a temporary order preventing the wards of the state from being transferred out of Murray Center without the guardian’s consent. In August, Circuit Judge William Becker upheld the temporary order and reaffirmed Freeman as the legal guardian appointed to defend the residents’ rights. On Sept. 27, one day after Freeman filed his affidavit in federal court, Illinois Attorney General Lisa Madigan filed paperwork with the Fifth District Court of Appeals in Mt. Vernon seeking an appeal of Judge Becker’s ruling. State Rep. Charlie Meier of Okawville said this week that he believes Madigan’s appeal was filed in response to Freeman’s affidavit. “I find the timing to

be very convenient that the attorney general decides to appeal Mr. Freeman's court ordered guardianship the day after an affidavit made by Mr. Freeman alleging such things as unsafe conditions, lack of proper medication, and untrained staff is released," Rep. Meier said. "I have to wonder if this is retribution for speaking out about the conditions at the CILAs Mr. Freeman visited." Currently, 10 of Freeman's wards reside at Murray Center, and 14 are on what the Illinois Department of Human Services (DHS) calls "pre-transitional visits" to other 2-4 bedroom CILAs. Freeman noted in his affidavit, "Some of my clients have been on pre-transitional visits since early May and others for several months now, even though such visits usually last a short period of time. "These pre-transitional visits therefore are, in actuality, moves from Murray Center without the full transfer paperwork." Since it is his responsibility to inspect the conditions under which his clients are living to determine whether the homes are an appropriate fit, Freeman conducted several unannounced visits at CILAs in the Centralia and Mt. Vernon area where his clients are currently residing. "Based upon what I have discovered to date, I do not have a high opinion of the CILAs and their ability to care for my medically fragile clients and clients with behavioral issues," he said. One client was hospitalized from a seizure after not receiving proper seizure medication for three days because of a shortage. A staff member told Freeman about another one of his clients whose doctor-prescribed feeding tube nutrition had run out. In lieu of the proper nutrition, the staff member fed the client Ensure nutritional shakes for a few days. A staff worker also showed Freeman pay stubs documenting she had worked 140, 150 and even over 180 hours over her two-week pay periods. Upon his inspection of a CILA on Aug. 27, Freeman found one staff member with just a few months of experience and a second staff member who had just worked at the home for just three weeks. "One of my clients at this home has a history of self-injurious behavior. She is wheelchair bound and is required to wear mittens on her hands at all times because she will try to induce vomiting. She is also in need of a feeding tube and specialized prescribed nutrition through this tube," Freeman said. "I am deeply concerned with placing clients like her in a CILA, because they could easily be abused and no one would know. I also believe that she will never be integrated in the community and should not have been placed in a community placement." Freeman's affidavit gives the supporters of Murray Center some new, powerful evidence in their lawsuit aimed at keeping Murray Center open. The federal lawsuit was filed by the Illinois League of Advocates for the Developmentally

Disabled, Murray Parents Association and 11 legal guardians of developmentally disabled adults against the Illinois DHS, its director Kevin Casey, and Community Resource Alliance (CRA), the company hired by the state to handle the transfer of residents out of Murray Center. Plaintiffs in the federal case are seeking a preliminary injunction preventing the closure of Murray Center and the transfer of its residents to other locations if those residents have not consented to such a transfer. The plaintiffs also ask that the federal court enjoin the defendants, including CRA from conducting any pre-transfer assessments or related activities unless done with a guardian's approval. A hearing in that case, which had been scheduled for Oct. 1, has been postponed until Nov. 4.