

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Stanley Ligas, et al.,)	
)	
Plaintiffs,)	
)	Case No. 05 C 4331
v.)	
)	Judge Sharon Johnson Coleman
Felicia Norwood, et al.,)	
)	
Defendants.)	

AGREED ORDER TO MAINTAIN COMPLIANCE WITH CONSENT DECREE¹

This case is before the Court on the parties’ Joint Motion to Approve Agreed Order. The parties have advised the Court that the State of Illinois has not yet passed a budget appropriation for the State Fiscal Year beginning on July 1, 2017 (the “FY 2018 budget”). In the absence of a FY 2018 budget appropriation, Defendants will continue to provide all resources, programs, services and personnel required by the Consent Decree (Dkt. #549), including without limitation any Implementation Plans issued pursuant to Section XIII of the Consent Decree approved by this Court on June 15, 2011 (Dkt. #549). It is the position of the Illinois State Comptroller that, without an appropriation, the Comptroller does not have the authority to continue to make payments for services, programs and personnel that are necessary to maintain compliance with the Consent Decree unless specifically ordered to do so by the Court.

In order to maintain compliance with the Consent Decree, IT IS HEREBY ORDERED
THAT:

¹ On April 7, 2017, Plaintiffs and Intervenor filed a Joint Motion to Enforce the Consent Decree (Dkt. # 666-1). As of the date of the instant Order, that motion remains pending. Neither Party nor the Intervenor waives any argument related to the Motion to Enforce the Consent Decree in this filing.

1. “Beneficiaries” of the Consent Decree and covered by this Order include Class Members (as defined in the Consent Decree), Individuals with Developmental Disabilities (as defined in the Consent Decree) who have chosen to reside in Intermediate Care Facilities for the Developmentally Disabled (“ICF-DDs”), Individuals with Developmental Disabilities receiving Community-Based Services (as defined in the Consent Decree), and Individuals with Developmental Disabilities receiving services in Community-Based Settings (as defined in the Consent Decree) throughout the State of Illinois.

2. Until the FY 2018 budget takes effect, the Comptroller shall continue to timely make all payments for all services, programs and personnel, within the time period that such payments were made and at a level no less than the levels paid in Fiscal Year 2015, 2016, and 2017, that are necessary to comply with the Consent Decree and any enforceable Implementation Plans and Supplemental Orders related to the Consent Decree or Implementation Plan(s). The Court’s previous Orders of June 30, 2015 (Dkt. #597), August 18, 2015 (Dkt. #610), September 1, 2015 (Dkt. #624) and June 28, 2016 (Dkt. # 637) are incorporated herein and shall continue in effect. This order shall remain in effect until the earlier of the effective date of the FY 2018 budget, July 1, 2018, or until further order of the Court.

3. On or before July 1, 2017, Defendants shall publish this Order by (i) posting it on the DHS website, and (ii) transmitting a copy of the Order to all personnel and to all contractors and providers of services under the Consent Decree via email where available and by such other additional means as the Defendants employ for communications to the foregoing persons and entities in their usual course of business.

4. The Illinois Department of Healthcare and Family Services, the Department of Human Services, and the Illinois State Comptroller shall provide such information to the Court


Monitor on a monthly basis to enable her to evaluate and to advise the Court and the Parties regarding the State's compliance with the Consent Decree and the Orders entered by this Court.

5. If at any time the State believes that it may not be able to comply with any provision of the Consent Decree or this Order, the State must immediately bring the State's potential non-compliance to the attention of the Court, the Monitor, the Plaintiffs, and the Intervenors before such non-compliance occurs.

6. The State shall maintain its expedited payments consistent with the terms and conditions that existed during FY 2015.

Date: June 21, 2017

SO ORDERED

BY: 

Judge Andrea R. Wood