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**State of Illinois**  
**COMMISSION ON GOVERNMENT**  
**FORECASTING AND ACCOUNTABILITY**  
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**DEPUTY DIRECTOR**  
Trevor J. Clatfelter

October 9, 2008

Carol Adams, Secretary  
Illinois Dept. of Human Services  
100 S. Grand Avenue, East  
Springfield, IL 62762

Dear Secretary Adams:

On September 5, 2008 the Department of Human Services notified the Commission on Government Forecasting and Accountability of the intent to close Howe Developmental Center in Tinley Park, Illinois. The Commission, by statute, must request a formal "recommendation for closure" in the circumstance of a developmental center being closed operated by the Department of Human Services. The intent of the State Facility Closure Act is to provide transparency on the closure process, and to allow both the administration and opponents of such initiatives to formerly interject their support or opposition regarding the closure in a public hearing. In order to provide adequate transparency in the process the act states very clearly in (30 ILCS 608 section 5-10d) that "No action may be taken to implement the recommendation for closure of a state facility until 50 days after the filing of any recommendation." The Commission received a letter from AFSCME Council 31 on October 7, 2008 stating that the Department of Human Services is already taking steps to close Howe Developmental Center. The Commission is requesting the Department of Human Services respond to the following assertions made by AFSCME.

1. Has the department distributed packets to family members at two meetings after the initial closure announcement in which guardians were urged to complete to designate transfer of their loved one to another facility?
2. Has the department contacted all Howe residents' families and guardians- either at the meetings noted above, or by phone or by mail-to discuss placement options for their loved one.

3. Has the Department of Human Services developed a new document entitled "Living Arrangement Preference Form" which staff was to have completed for all persons served at Howe Developmental Center by September 30, 2008.
4. Has the Department of Human Services retained a consultant to expedite the resident placement process?
5. Has the Department of Human Services begun preparing units at other state operated developmental centers to accept current Howe residents?

The State Facility Closure Act clearly states that no action can be taken to initiate the closure of a state facility until 50 days after the recommendation for closure. If the Department of Human Services is indeed moving forward with the items discussed above it may be in violation of the act. The Commission has attached the official timeline for closure of Howe Developmental Center to this letter. Due to the important nature of this process, the Commission requests that the Department of Human Services respond to this correspondence by October 17, 2008.

Sincerely,

Dan R. Long  
Executive Director

DRL:dkb  
S88 Howe

cc: Randy Wells, Legislative Liaison

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**ILLINOIS DEPARTMENT OF HUMAN SERVICES HOWE  
DEVELOPMENTAL CENTER CLOSURE  
TENTATIVE TIMEFRAME**

The Illinois Department of Human Services notified the Commission on Government Forecasting and Accountability that the Department was closing the Howe Developmental Center located in Tinley Park, Illinois on September 5, 2008. The State Facility Closure Act (30 ILCS 608) requires the Commission to seek a recommendation for closure from the Department of Human Services. The State Facility Closure Act has specific time frames in which requirements of the act must be met. Below is a timeline showing specific dates for the closure of the Howe Developmental Center:

- ☞ **(Initial Announcement Date)** *The Department of Human Services notified the Commission of the intent to close the Howe Developmental Center on September 5, 2008.*
- ☞ **(10 Days)** *September 19, 2008 the Commission requests recommendation for closure.*
- ☞ **(30 Days)** *November 3, 2008 deadline for recommendation from the Department of Human Services.*
- ☞ **(30 Days)** *A public comment period from November 5<sup>th</sup>-December 19<sup>th</sup>, 2008.*
- ☞ **(35 Days)** *November 5<sup>th</sup>-December 30<sup>th</sup>, 2008. The Commission must have a public hearing during this time frame. This hearing must take place within a twenty-five miles radius of the Department of Human Services facility.*
- ☞ **(50 Days)** *January 21st, 2009. Deadline for the Commission to issue an advisory opinion.*

The timeline above is based on business days excluding weekends and holidays. Should the Department of Human Services supply the Commission with a recommendation prior to the statutorily required 30 day period, the timeline would be adjusted to reflect any changes.

OCT-07-2008 16:05

A F S C M E

# AFSCME Council 31



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of State, County and  
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October 7, 2008

Trevor Clatfelter  
Deputy Director  
Commission on Government Forecasting and Accountability  
703 Stratton Office Building  
Springfield, IL 62706  
VIA FAX: 217-782-3513

Dear Mr. Clatfelter:

It has come to our attention that the Department of Human Services is moving to implement the closure of the Howe Developmental Center in violation of the State Facilities Closure Act. We urge you to enforce the Act by informing the Department that moving to implement a closure prior to the completion of the COGFA process is illegal under the Act, and by directing DHS to cease these actions.

As you know, the State Facilities Closure Act (30 ILCS 608 section 5-10 d) states: "No action may be taken to implement the recommendation for closure of a State facility until 50 days after the filing of any required recommendation." Yet DHS has already taken the following steps toward implementation of the closure:

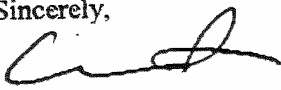
- Distributed packets to family members at two meetings after the initial closure announcement which guardians were urged to complete to designate transfer of their loved one to another facility.
- Contacted all Howe residents' families and guardians – either at the meetings noted above, by phone or by mail – to discuss placement options for their loved one. We have available redacted copies of several e-mails that indicate this process is ongoing. The e-mails show that family members are being solicited for placement options as if the closure was already a certainty. Given the sensitive nature of the communication we are reluctant to share the e-mails, but could provide them to you if they are treated as confidential documents.

- Developed a new document – Living Arrangement Preference form – which staff were to have completed for all persons served at Howe DC by 9/30/08 (see attached e-mail).
- Retained a consultant to expedite the resident placement process. DHS has retained Robert Kifowit of Pennhurst Group LLC specifically to facilitate the placement process. Engaging Mr. Kifowit's services is further evidence that what is happening at Howe is not comparable to a normal, ongoing community placement process, but is directly related to the closure.
- Begun preparing units at other state operated developmental centers to accept current Howe residents. For example:
  - At Murray DC, a contractor has been identified to perform renovations to accommodate Howe residents, with work to be completed by Nov. 30<sup>th</sup>. The facility is submitting staffing requests, known as "epars", to hire additional staff to handle the residents. See attached newspaper article from the Centralia Sentinel.
  - At Ludeman DC, maintenance staff report that they are renovating two houses -- including cleaning and painting -- that have been closed for some time, and that this is being done to accommodate Howe residents.

At this juncture DHS has indicated an intention to close Howe DC, and COGFA has requested the required recommendation. DHS has not even submitted that recommendation to COGFA. These actions cited above are thus clear violations of the Act.

We urge you to communicate with DHS quickly regarding the illegality of these and any other actions aimed at implementing the closure. Please keep us informed of the steps you have taken to enforce the Act.

Sincerely,



Anne Irving  
Director of Public Policy