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SENATE JOINT RESOLUTION

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WHEREAS, The United States Supreme Court in *Olmstead v. L.C. Ex Rel. Zimring*, 119 S.Ct. 2176 (1999), held that the unjustifiable institutionalization of a person with a disability who could live in the community with appropriate supports and services, and wishes to do so, is unlawful discrimination in violation of the Americans with Disabilities Act (ADA); and

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WHEREAS, Many individuals with developmental disabilities in Illinois who desire home or community-based residential services are unable to obtain them due to the unavailability of such options; and

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WHEREAS, As a result of insufficient home and community-based service options for individuals with developmental disabilities in Illinois, many individuals and their families must choose between living with their parents or other family members without the supports and services they need, or living in a State-operated development center or another institution, even if they could live successfully in a less restrictive setting with appropriate supports and services; and

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WHEREAS, There are now over 15,000 individuals with

1 developmental disabilities in Illinois with documented
2 emergency, critical or future service needs who are on the
3 Department of Human Services' PUNS waiting list for services
4 and supports, and the need is probably greater because this
5 number only represents those individuals who have actually
6 signed up for the PUNS database; and

7 WHEREAS, Almost 10 years after the Olmstead decision, a
8 recent report titled "The State of the States in Disabilities
9 2008" by the Department of Psychiatry and Coleman Institute for
10 Cognitive Disabilities of the University of Colorado ranks the
11 State of Illinois 51st in the nation in terms of making small
12 community living arrangements (6 residents or fewer) available
13 to individuals with developmental disabilities; and

14 WHEREAS, The State of Illinois ranks near the very bottom
15 both nationally and among other Midwest states in per capita
16 spending for home and community-based supports and services for
17 individuals with developmental disabilities; and

18 WHEREAS, The level of need for individuals with
19 developmental disabilities in Illinois will grow each year as
20 the number of aging caregivers increases; and

21 WHEREAS, Numerous legislative measures and lawsuits over
22 the last decade have attempted to address the shortcomings of

1 Illinois' fragmented and inadequate system of services and
2 supports to individuals with developmental disabilities; and

3 WHEREAS, Until the State breaks the cycle of underfunding
4 and lack of significant growth of home and community-based
5 services and supports for people with developmental
6 disabilities and their families which perpetuates short-term
7 measures to address crises in the system and which, in the long
8 term, has maintained and fostered the competition among many
9 for scarce public resources; therefore, be it

10 RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL
11 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES
12 CONCURRING HEREIN, that the Department of Human Services,
13 Division of Developmental Disabilities, shall develop a 7-year
14 Plan with yearly benchmarks to enhance and expand access to
15 quality community services and supports as described in the
16 recommendations of the "Blueprint for System Redesign"
17 (January 2008) and other reports that have been done, by
18 December 1, 2009; and be it further

19 RESOLVED, That any increase in the resources available to
20 the Department shall be appropriated to services and supports
21 consistent with the action steps in the Plan considering, but
22 not limited to, funding incentives, maximizing current revenue
23 sources, creating opportunities for capacity building and new

1 rate methodologies that enhance quality service and quality
2 assurance, crisis intervention and workforce development; and
3 be it further

4 RESOLVED, That the Secretary of Human Services shall
5 provide an annual report on the implementation of the Plan to
6 the Governor and to each member of the General Assembly by not
7 later than July 1 of each year and interim progress reports to
8 the Governor and to the members of the General Assembly not
9 later than December 31 of each year until the Plan is fully
10 implemented; and be it further

11 RESOLVED, That appropriate committees of the House of
12 Representatives and the Senate shall convene at least one
13 hearing not later than July 1 of each year on the subject of
14 the Plan; and be it further

15 RESOLVED, That copies of this Resolution be sent to the
16 Governor, the Secretary of Human Services, the Director of the
17 Governor's Office of Management and Budget, and all members of
18 the General Assembly.