IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
UNION COUNTY, ILLINOIS

American Federation of State County and Municipal Employees, Council 31, Tyler Tripp in his official capacity as the States Attorney of Union County, Ona Rivera Winfield,	)
Plaintiffs,	)
vs.	)
State of Illinois, Department of Human Services, Dulce Quintero, the Secretary of the Illinois Department of Human Services, JB Pritzker, the Governor of Illinois,	)
Defendants.	)

Verified Complaint for Declaratory and Injunctive Relief

The plaintiffs complain against defendants as follows:

I. Introduction

1. In 2023, the defendants announced a "transformation plan" for the Choate Mental Health and Developmental Center ("Choate"). Defendants promised that achievement of the goals in this plan would solidify Choate's place in the State's system for the provision of mental health care and that Choate would have a unique place in the treatment and care of individuals with developmental disabilities. The "transformation plan" had another alleged benefit: it would maintain hundred of good State jobs in Southern Illinois for dedicated employees who provided essential services to individuals with mentally illness and developmental disabilities.

2. The employees at Choate were told that these plans were on track in 2024, in 2025, and again in 2026, when they were reassured that the DHS budget for the 2027 fiscal year did not contain any layoffs during the 2027 fiscal year.

3. In July 2026, just a few weeks into the 2027 fiscal year, the Director of DHS announced that the "transformation plan" had succeeded. The result: the Department was eliminating the psychiatric hospital, and the facility that provided general care to the developmentally disabled. These actions presaged hundreds of layoffs. DHS never explained what had changed and why it reversed course. And, it has begun an unseemly rush to transfer residents of the facilities to other placements.

4. In the rush to implement the "successful" transformation, the State has violated several statutes designed to protect the social safety net for individuals who need state funded care and assistance and the economic safety net designed to make sure decisions of this kind are not implemented rashly without consideration for affected employees and communities. As set forth below, these statutes require the Court to stop the process that has begun and enforce the right of the public and communities to open and transparent consideration of the policies that have significant effect on the State's obligation to provide essential services to those who need them the most.

II. The Parties

5. Plaintiff AFSCME Council 31 is a labor union. It is the exclusive bargaining representative of approximately 468 employees at Choate Mental Health and Developmental Center ("Choate") in Anna, Illinois. As the exclusive bargaining representative, it represents those employees with respect to their wages, hours and conditions of employment, including their economic security. Council 31 also represents the professional interests of its members, in providing quality and essential State services in all regions of the State of Illinois.

6. Plaintiff Ona Rivera Winfield is a member of Council 31 and is employed at Choate. She lives in ___, Illinois. She is a taxpayer and citizen of the State and has an interest in

ensuring that essential State services are provided in all areas of the State. She is President of AFSCME Local 141, which represents the employees at Choate.

7. Plaintiff Tyler Tripp is the States Attorney of Union County, Illinois. He sues in his official capacity on behalf of the people of that county. He sues to support the public concern and interest in access to quality local mental health services and to participate in the public permit process set forth in the Health Facilities Planning Act in Union County.

8. Defendant Illinois Department of Human Services is responsible for State Operated Developmental Centers ("SODCs") and State Operated Mental Health Centers ("SOMHCs). Currently, it operates seven SODCs and seven SOMHCs. Choate is unique because its campus contains both a mental health and center and a center for individuals with developmental disabilities.

9. Defendant Dulce Quintero is the Secretary of the Illinois Department of Human Services. As Secretary of IDHS she is responsible for ensuring that ensuring that IDHS follows the statutes of the State and the requirements of the Mental Health Code at the facilities operated by IDHS that provide services to people with developmental disabilities and mental illnesses.

10. Defendant JB Pritzker is the Governor of the State of Illinois. As Governor he has the obligation to faithfully execute the laws of the State and to ensure that the agencies subject to the Governor also faithfully execute the laws of the State.

III. The Closure of the Facilities at Choate

11. The first facility on the Choate campus was a psychiatric hospital. It opened in 1873. Almost one hundred years later, in 1968, the State added facilities for individuals with developmental disabilities. Thereafter, the facilities were designated the Anna Mental Health and Developmental Center. In 1988 the facilities were renamed the Choate Mental Health and

Developmental Disabilities Center.

12. The needs and characteristics of the residents in the developmental disabilities facility and those in the psychiatric hospital are different and distinct. While there is one Facility Director, the developmental disabilities facilities and the mental health facilities serve different populations and needs and report to different divisions in the Department of Human Services.

13. In 2023 the State announced a plan to "transform" the services provided by Choate and other State Operated Developmental Centers. This "transformation" included a plan to "re-purpose" the services Choate provided to "meet patient capacity and other urgent State needs." It also included "improvements and upgrades" to the psychiatric hospital, to an IDHS local public benefits office and to two case processing centers so that the campus could be put to public uses "for many years to come." At the time the State announced the transformation plan, State officials told Union officials that the plan did not include the closure of the facilities at Choate or layoffs. The press release that accompanied this “transformation” is attached as Exhibit 1.

14. Notwithstanding the “transformation plan” the number of general population developmentally disabled residents at Choate has steadily declined since 2023 from more than 170 to approximately 16. Most of the developmentally disabled individuals at Choate have been transferred to other SODCs.

15. In 2024, the defendants announced a revised initiative for Choate that expanded the number of mental health beds at the facility. This decision was announced by Illinois Governor JB Pritzker. The press release issued by DHS at the time of the announcement said that the decision to expand the mental health services provided at the facilities “was informed by

recommendations from Southern Illinois University (SIU) School of Medicine and was made in close collaboration with IDHS's Division of Mental Health and Division of Developmental Disabilities." The press release further stated that this "much needed additional civil capacity expansion will benefit the entire state as it will accept former forensic patients who are ready to move to a less restrictive environment as they work towards their goal of returning to the community." This press release is attached as Exhibit 2. A program that moves forensic patients to a less restrictive environment is commonly known as a "step down program."

16. In April 2025, Union officials met with DHS officials regarding their plans for the future of Choate. DHS officials provided a power point presentation that described their projections. This April 2025 power point is attached as Exhibit 3. At the time of the meeting Choate had 224 residents: 111 in the general facilities for developmentally disabled individuals, 37 in the forensic developmentally disabled facility and 76 in the psychiatric hospital and mental health facilities. Power Point, p. 21. The power point projected that in 2026 that Choate would have 75 residents in the psychiatric hospital and 108 specialized developmental disability residents. Power Point, p. 4.

17. During meetings on the DHS budget for the 2027 fiscal year, DHS officials assured state representatives and AFSCME representatives that the budget did not "contemplate any layoffs." DHS officials also represented that Choate would continue to provide services to intellectually and developmentally disabled individuals along with other State Operated Developmental Centers. Based upon these representation, AFSCME did not oppose the budget requested by DHS.

18. The 2027 fiscal year began on July 1, 2026. On July 23, 2026, the State announced that it intended to close the facilities at Choate that served general population individuals with

intellectual and developmental disabilities by September 30, 2026. Only 16 individuals remain in those facilities. It also announced that it intended to close the facilities for mentally ill individuals by March 2027. The letter to staff describing these actions is attached as Exhibit 4. The center is now also transferring mentally ill individuals to other State facilities for the mentally ill.

19. According to a document issued to staff on August 26, 2026, these actions will lead to an "estimated 280 fewer positions needed at Choate" and the layoff of the employees holding those positions. This document is attached as Exhibit 5. According to this document "services to the general intellectual and developmental population, currently 15, will conclude by the end of September 2026. Exhibit 5, p. 4. In addition, the Mental Health Civil Beds " will be phased down by March 2027." Exhibit 5, p. 4.

20. Council 31 received no official notice when the State reversed its plan and decided to close the facilities for general population developmentally disabled and for indiviudals with mental illness. As of this date, Council 31 has received no official notice of layoffs. Nor have defendants explained what has changed since the budget was enacted that requires the services at Choate to be modified or relocated to other State facilities.

IV. Causes of Action

Count I - Violation of the Health Facilities Planning Act

21. One of the purposes of the Health Facilities Planning Act is to ensure that the residents in every region of the State have access to physical and mental health care. The Act seeks "to establish an orderly and comprehensive health care delivery system that will guarantee the availability of quality health care to the general public." The Act also seeks to "assure that the reduction and closure of health care services or facilities is performed in an orderly and

timely manner, and that these actions are deemed to be in the best interests of the public." 20 ILCS 3960/2

22. Choate is a health care facility as defined by Section Three (4) of the Facilities Planning Act. That section of the Act defines the term health care facility to include "[h]ospitals, nursing homes, ambulatory surgical treatment centers or kidney disease treatment centers maintained by the State or any department or agency thereof." 20 ILCS 3960/3(4).

23. The Facilities Planning Act requires health care facilities to receive either a permit or an exemption from the Health Facilities Planning Board if seeks to reduce the health care services provided by a covered facility in certain ways. The Act states:

> A permit or exemption shall be obtained prior to the acquisition of major medical equipment or to the construction or modification of a health care facility which:_
>
> > _(a) requires a total capital expenditure in excess of the capital expenditure minimum; or
> >
> > _(b) substantially changes the scope or changes the functional operation of the facility; or
> >
> > (c) changes the bed capacity of a health care facility by increasing the total number of beds or by distributing beds among various categories of service or by relocating beds from one physical facility or site to another by more than 20 beds or more than 10% of total bed capacity as defined by the State Board, whichever is less, over a 2-year period.

20 ILCS 3960/5.

24. The elimination of the facilities for general population individuals with intellectual and developmental disabilities and the facilities for individuals with mental illness substantially change the scope and functional operation of Choate. In addition, these changes reduced the

number of beds devoted to these individuals by more than 20 and by more than 10%.

25. Section 5 of the Health Facilities Planning Act required the DHS to obtain a permit or an exemption prior to making the changes that it has already made.

26. DHS has not obtained a permit or an exemption prior to implementing its decision to eliminate the general developmental disabilities or the mental health facilities at Choate. Accordingly, DHS has violated the Health Facilities Planning Act.

27. Defendants will continue to violate this Act unless restrained by an order of this Court.

28. Plaintiffs have no adequate remedy at law for this ongoing violation of State statute.

Wherefore, plaintiffs pray for the following relief:

a) that the Court issue a declaratory judgment that defendants are required to seek a permit or exemption from the Health Facilities Planning Board before undertaking any further actions connected with the closure of the facility for individuals with general developmental disabilities or the mental health facilities at Choate;

b) that the Court enjoin the defendants from transferring residents of the general developmental disabilities facilities and the mental health facilities until it has received either a permit to do so or an exemption under the Facilities Planning Act;

c) that the Court order the defendants to admit sufficient number of individuals with developmental disabilities and mental illnesses to the general developmental disabilities and the mental health facilities to restore these facilities to the population levels they had prior to the implementation of the Defendants plan to close these facilities;

d) that the Court order the defendants to maintain these facilities at their pre-existing population levels until defendants have either received a permit or an exemption

from the Facilities Planning Board to proceed with their plan to close the facilities; and

e) any other relief the Court deems equitable and just.

Count II - Violation of the Illinois State Facilities Closure Act

Plaintiffs re-allege and incorporate by reference paragraphs 1 to 28 of this Complaint.

29. Prior to closing a State facility, the State must comply with the notice and hearing requirements of the State Facilities Closure Act, 30 ILCS 608/5-1 et seq.

30. Defendants are closing the psychiatric hospital at Choate which provides mental health services to individuals with mental illness. This facility is a separate and distinct operation at Choate. The facility is located in different buildings than the facility for individuals with developmental disabilities and is overseen by the Division of Mental Health in DHS instead of the Division of Developmental Disabilities. The populations are distinct. The residents of this facility are transferring to SOMHCs not to SODCs. The workforces are largely distinct on a day to day basis.

31. Defendants are also closing the facilities that provide care to the general population of residents with developmental disabilities at Choate. These facilities are separate and distinct operations which are overseen by the Division of Developmental Disabilities in DHS. The population of these facilities are being transferred to other SODCs.

32. The State Facilities Closure Act defines a facility as follows:

> "State facility" means any facility (i) that is owned and operated by the State or leased and operated by the State and (ii) that is the primary stationary work location for 25 or more State employees. "State facility" does not include any facility under the jurisdiction of the legislative branch, including the Auditor General, or the judicial branch.

30 ILCS 608/5-5.

33. The Choate Mental Health Center meets this definition.

34. The Choate Developmental Disabilities Center meets this definition.

35. Both the Choate Mental Health Center and the Choate Developmental Disabilities Center are primary stationary work locations for 25 or more State employees. The employees of each facility will lose their positions when the facilities close.

36. Defendants have taken no steps to comply with the Facilities Closure Act. They have violated that Act.

37. Defendants will continue to violate the Act unless restrained by this Court.

38. Plaintiffs have no adequate remedy at law for this ongoing violations of State statute.

Wherefore, plaintiffs pray for the following relief:

a) that the Court issue a declaratory judgement that defendants have violated the State Facilities Closure Act;

b) that the Court enjoin the defendants from taking any further action to implement the closure of the mental health facilities at Choate until they have complied with the Facilities Closure Act;

c) that the Court enjoin the defendants from taking any further action to implement the closure of the general developmental disabilities facilities at Choate until they have complied with the Facilities Closure Act;

d) that the Court order the defendants to admit sufficient numbers of individuals with mental illnesses to the mental health facilities to restore the unit to the population level that it had prior to the implementation of the defendants' plan to close the facilities;

e) that the Court order the defendants to admit sufficient numbers of individuals with general developmental disabilities to the developmental disability facilities to restore the

general population of the facilities to the levels which existed prior to the implementation of defendant's plan to close the facilities;

f) that the Court order the defendants to maintain the mental health facilities at their pre-existing population levels until defendants have complied with the provisions of the Facilities Closure Act;

g) that the Court order the defendants to maintain the the general population developmental disability facilities at their pre-existing population levels until defendants have complied with the provisions of the State Facilities Closure Act; and

h) any other relief the Court deems equitable and just.

Count III - Violation of Mental Health Inpatient Facility Access Act

Plaintiffs re-allege and incorporate by reference paragraphs 1 to 38 of this Complaint.

39. In 2022, in response to a shortage of publicly funded services for the care of individuals with mental illness, the General Assembly enacted the Mental Health Inpatient Facility Access Act. 405 ILCS 140/1 et seq.

40. The Inpatient Facility Access Act prohibited reductions in the number of State operated psychiatric inpatient beds. It states:

> ____Sec. 20. Prohibition on reduction of State-operated psychiatric inpatient beds. The Department shall make no further reductions in State-operated inpatient mental health bed capacity. Nothing in this Section shall affect the authority of the Governor to issue emergency executive orders to protect the health or safety of recipients or employees of State-operated inpatient psychiatric facilities.

405 ILCS 140/20.

41. The Inpatient Facility Access Act also required the State to create a strategic plan to improve access to inpatient mental health care in all regions of the State. 405 ILCS 140/10.

42. Notwithstanding these statutory provisions there is still a shortage of inpatient psychiatric beds in Southern Illinois. This means that mentally ill individuals are held in county jails far longer than is desirable. As a result, individuals do not get the care they need and county jails do not have the resources they need to function properly.

43. The defendants are implementing a plan to eliminate 75 psychiatric inpatient beds at Choate. This action will make the situation in Southern Illinois worse. For that reason, the Illinois Sheriffs Association opposes the closing of the mental health facilities at Choate. In a recent letter to defendants, the Association stated that [c]communities near Choate are strugglong to cope with a growing mental health crisis and the region's sheriffs,it counties, cities and towns do not have the resources to absorb and offset the loss of services Choate provides. And yet that is exactly what DHS is asking them to do." The full is attached as Exhibit 7.

44. The defendants have to date taken no action to increase the available inpatient psychiatric beds at other State Mental Health Centers.

45. In particular, Madden Mental Health Center, which has been identified as an alternative to Choate, is close to full capacity and has been close to full capacity for a substantial length of time. Madden is not currently able to serve the patients in the "step down" program at Chocate. The elimination of capacity at Choate will therefore decrease the number of psychiatric impatient beds in the State.

46. The defendants are currently violating the Inpatient Facility Access Act.

47. Defendants will continue to violate the Inpatient Facility Access Act unless restrained by this Court.

48. Plaintiffs have no adequate remedy at law for this ongoing violation of State statute.

Wherefore, plaintiffs pray for the following relief:

a) that the Court issue a declaratory judgement that defendants have violated the Inpatient Facility Access Act;

b) that the Court enjoin the defendants from taking any further action to implement the closure the mental health facility unit at Choate until it has complied with the Inpatient Facility Access Act;

c) that the Court order the defendants to maintain 75 inpatient psychiatric beds at Choate until it has created an additional 75 beds at other SOMHCs;

d) that the Court enjoin any layoffs from Choate due to the closure of the mental health facility until the defendants have created an additional 75 beds at other SOMHCs; and

e) any other relief the Court deems equitable and just.

Respectfully submitted,

/s/Stephen A. Yokich