

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

K.W., by his next friend D.W, <i>et al.</i> ,)	Case No. 1:12-cv-00022-BLW
)	(lead case)
Plaintiffs,)	
)	PARTIAL DECLARATORY
)	JUDGMENT
)	
RICHARD ARMSTRONG, in his official capacity)	
as Director of the Idaho Department of Health and)	
Welfare, <i>et al.</i>)	
)	
Defendants.)	
_____)	
)	
TOBY SCHULTZ, <i>et al.</i> ,)	Case no. 3:12-cv-00058-BLW
)	
Plaintiffs,)	
)	
vs.)	
)	
RICHARD ARMSTRONG, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

Pursuant to the findings made by the Court during the Partial Settlement Hearing held on June 29, 2016, and finding good cause therefore

NOW THEREFORE IT IS HEREBY ORDERED,

(a) The Court has jurisdiction to enter the following declaratory relief under 28 U.S.C. § 1331 and the Declaratory Judgment Act allowing adjudication and remedial relief for alleged violations of the Constitution and laws of the United States.

(b) The Court hereby declares pursuant 28 U.S.C. § 2201 and Fed. R. Civ. P. 57 that any

applicant, participant, or a duly-authorized representative in the adult developmentally disabled (“DD”) program administered by Defendants pursuant to Idaho Code 56-255(e) or a successor provision of Idaho law, shall have the right to inspect and copy all of the following information and data: the Idaho Department of Health and Welfare’s (“Department”) present, future and past budget setting methodologies, models, and tools used to calculate DD budgets and the applicant or participant’s individual DD budget(s), and the software, applications, spreadsheets, reports, studies, data, and other non-privileged records relied upon by the Department in developing such methodologies, models, and tools, and any training manuals and instructions provided to assessment personnel employed by or contracted with the Department, that are used in connection with determining individual DD budgets. This partial judgment does not address the right to inspect or copy the Scales of Independent Behavior-Revised interview book, response booklet and complete software program that analyzes answers, scores them and generates a summary report (“SIB-R Material”).

(c) The Court hereby further declares pursuant to 28 U.S.C. § 2201 and Fed. R. Civ. P. 57 that any person shall have the right to inspect and copy all of the following information and data: the Department’s present, future and past budget setting methodologies, models, and tools used to calculate DD budgets, and the software, applications, spreadsheets, reports, studies, data, and other non- privileged records relied upon by the Department in developing such methodologies, models, and tools, and any training manuals and instructions provided to assessment personnel employed by or contracted with the Department, that are used in connection with determining individual DD budgets. This partial judgment does not address the right to inspect or copy SIB-R Material.

(d) Except where necessary to protect identifying information of a Medicaid applicant or participant or to preserve an otherwise lawful privilege, the information to be inspected and copied as described above shall be unaltered and unredacted and shall include those records that are electronically stored.

(e) The Court hereby declares that the information and data described in paragraphs (b) and (c) above, with the exception of the SIB-R Material, is not subject to the exemptions found in the Idaho Public Records Act that are currently at Idaho Code §§ 74-107(1) or (15).



DATED: June 29, 2016

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill
Chief Judge
United States District Court