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CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA OFFICE
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SOUTHERN DIVISION

9 RICHARD S., et al.,) Case No. SA CV 97-219-GLT(ANx)
10 Plaintiffs,)
11 vs.)
12 DEPARTMENT OF DEVELOPMENTAL) PERMANENT INJUNCTION
13 SERVICES OF THE STATE OF)
14 CALIFORNIA, et al.,)
15 Defendants,)
16 vs.)
17 BARBARA BELL, et al.,)
18 Intervenors.)

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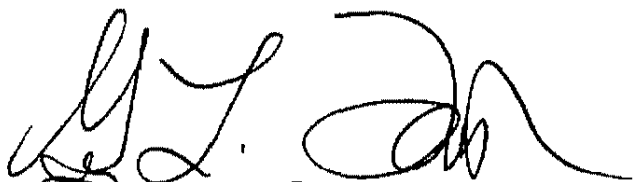
19 The parties' respective motions for summary judgment in this
20 matter were heard before this Court on March 20, 2000. Among these
21 motions was intervenors' motion for summary adjudication of their
22 claims against State Defendants challenging State Defendants' policy
23 of refusing to place adult developmental center residents in the
24 community if a family member, conservator, or legal representative
25 objects, absent a court order for placement. The Second claim for
26 Relief of intervenors' First Amended Complaint in Intervention alleged
27 that the policy violated 42 U.S.C. section 1983 based on a denial of
28 due process.

1 By Order on Motions for Summary Judgment, dated March 24, 2000
2 and filed March 27, 2000, this Court granted intervenors' motion
3 challenging the policy based on intervenors' section 1983 due process
4 claim. The Court held summary judgment on this aspect of intervenors'
5 claim is appropriate as a matter of law.

6 IT IS ORDERED, therefore, that State Defendants, Department of
7 Developmental services of the State of California (DDS), Fairview
8 Developmental Center (FDC), South Coast Regional Project (SCRCP),
9 Clifford Allenby, as Director of DDS, Hugh Kohler, as Executive
10 Director of FDC, Lilia Tan Figueroa, M.D., as Medical Director of FDC,
11 and Dawn Lemonds, as Director of SCRCP, their officials, employees and
12 agents, as well as successors, are permanently enjoined from
13 implementing or continuing any policy, practice or procedure of, as a
14 matter of course, refusing to place adult developmental center
15 residents in the community absent a court order for placement if a
16 family member, conservator, or legal representative objects. Views of
17 such third parties may be taken into consideration in a weighing
18 process to reach an appropriate decision, but such views must not be
19 treated as conclusive. The State Defendants must exercise their
20 discretion, and not abandon it to third parties or the courts.

21 State Defendants shall issue such written notice as is necessary
22 to inform their officials, employees and agents of the requirements of
23 this injunction.

24
25 DATED: April 24, 2000.



GARY M. TAYLOR
UNITED STATES DISTRICT JUDGE