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United States District Court
District of Connecticut
FILED AT NEW HAVEN

July 26 1995
Kevin F. Rowe, Clerk

UNITED STATES DISTRICT COURT

S. P. [Signature]
Deputy Clerk

DISTRICT OF CONNECTICUT

.....
CONNECTICUT TRAUMATIC BRAIN :
INJURY ASSOCIATION, ET AL. :
Plaintiffs :
:
v. :
:
MICHAEL HOGAN, COMMISSIONER :
OF MENTAL HEALTH, ET AL. :
Defendants :
.....

CIVIL NO. H-90-97 (PCD)

JRS
JULY 25, 1995

STIPULATION AND ORDER

The parties to the above-captioned case, desiring to resolve without further trial this action as to those class members with mental retardation hereby stipulate, agree and submit for court approval this Stipulation and Order. A status report concerning class members with mental retardation as of this date is attached hereto as Exhibit "A".

1. The DMR defendants, with the assistance and cooperation from the DMH defendants, will place all class members with retardation in community settings by June 30, 1996 for at least one-half of such class members and by June 30, 1997 for the

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MR-CT-002-003

remainder. The parties recognize that Norwich Hospital and/or Fairfield Hills Hospital may close before community placements for all class members can be made in accordance with the schedule contained in paragraph 1 of this agreement. In order to prevent the transfer of class members with retardation to other state psychiatric hospitals, such as CVH, the parties agree that one interim short term placement until no later than June 30, 1997 of class members who cannot be placed before the dates set out in paragraph 1 will be permitted. Such interim placements shall not be made to Southbury Training School, or to facilities with a total capacity that exceeds one hundred persons with disabilities. Interim placements shall also be limited to DMR licensed or operated facilities which meet the program standards of the C.A.R.C v. Thorne Consent Decree. All class members shall be placed in community setting by no later than June 30, 1997. Discharged class members shall not be re-admitted to or committed to State Psychiatric Hospitals.

2. The defendant shall implement the following requirements in accordance with an approved Implementation Plan:

- a. The community placement by DMR of all identified class members by the dates set forth in paragraph 1;

- b. The development and provision by DMR, directly or under contract with private agencies, of placements, programs, services, protections and quality assurance for all class members in accordance with the standards, policies and procedures developed through the CARC v. Thorne, Civ. No. H-78-653, litigation;
- c. The provision through DMR of adequate independent advocacy services during placement and program planning, transition and community placement;
- d. Establishment of policies and procedures to assure prompt assessment of new admissions to Norwich and Fairfield Hills Hospitals, re-admission of class members previously placed in the community to such hospitals, and implementation of the community placement and program standards of CARC v. Thorne by DMR as expeditiously as possible for each class member identified in this manner;
- e. Establish policies, procedures and strategies to avoid inappropriate admission of class members with mental retardation to the Fairfield Hills and Norwich hospitals;

- f. Guarantee return to DMR placement for any class member admitted to the Fairfield Hills or Norwich Hospitals from a DMR placement;
- g. Establish DMR dispute resolution procedures including the opportunity for a hearing before an independent hearing officer of disputed DMR decisions relating to discharge, community placement, and eligibility for DMR services.

2.

3. The defendants shall, by September 15, 1995, submit to the District Court for approval a plan to implement the requirements of this Stipulation and Order. The plan shall include, but not be limited to identification of all class members and a status report on the program and placement plans for each class member. The plaintiffs, within ten (10) days thereafter may submit written objections to the plan and be heard on their objections.


4. This Stipulation and Order represents a compromise resolution of that part of this case pertaining to class members with mental retardation and does not constitute an admission of liability or of violation of constitutional or statutory rights on the part of the defendants, the State of Connecticut, nor any officer, employee, or agent thereof. As to the DMH defendants,

the portion of this case relating to class members with mental retardation shall be dismissed at such time as the Fairfield Hills Hospital and Norwich Hospital are closed. The court shall retain continuing jurisdiction over this Stipulation and Order until such time as the case is dismissed.

5. The parties expressly reserve the issues of attorneys' fees ^{and} ~~or~~ costs for resolution or other proceedings.

AGREED TO BY THE UNDERSIGNED:


PLAINTIFFS



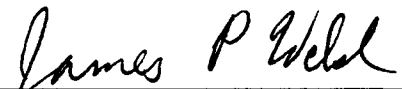
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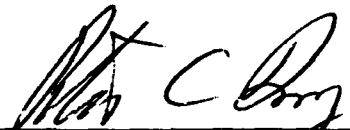
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The foregoing Stipulation and Order, having been submitted
by the parties to the Court for approval, IT IS HEREBY SO ORDERED
this 2nd day of August, 1995.


The Honorable Peter C. Dorsey
Chief Judge
District of Connecticut

JPW2187AC