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HARTFORD

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

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CLERK
U.S. DISTRICT COURT
HARTFORD, CONN.

JANE DOE, a minor by and through
her next friend, JOHN DOE,
individually and on behalf of
all others similarly situated,
et al.

Plaintiffs

v.

ANTHONY MILANO, et al.

Defendants

CIVIL NO. H-87-673 (AHN)

MJQC

JUNE 28, 1988

STIPULATION OF DISMISSAL

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, the plaintiffs and defendant Adamick in the above-captioned case, through their undersigned counsel, stipulate to dismissal of this action as to defendant Adamick, stating:

This action was filed September 1, 1987 by Jane Doe, a minor through her next friend John Doe, and by Elizabeth Doe, a minor and through her next friend, Brian Carlow. The defendants in this action are Anthony Milano, Secretary, Office of Policy and Management, John Herrington, Supervisor, Hartford Juvenile Detention Center, John Borys, Deputy Director, Juvenile Matters for the State

1/6/88. APPROVED. *Admitted*

Alan H. Nevas
ALAN H. NEVAS, U.S.D.J.

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of Connecticut Judicial Department, and Amy Wheaton, Commissioner of the Department of Children and Youth Services (collectively referred to herein as the "state defendants") and Richard Adamick, an officer with the Newington Police Department (referred to herein as "defendant Adamick"). All defendants were sued in their official capacities only.

2. This action challenged defendants' policy and practice, pursuant to C.G.S. §§46b-149(e), 46b-149a, and 17-75 et seq., of detaining out-of-state nondelinquent runaway children in secure juvenile facilities in Connecticut. Plaintiffs asserted that defendants' actions violated plaintiffs' federal constitutional rights under the First, Fourth, Ninth, and Fourteenth Amendments to the United States Constitution and plaintiffs' rights under the Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. §5633(a)(12)(A).

3. On February 2, 1988, this Court approved a Consent Judgment between plaintiffs and the state defendants which provided, inter alia, that the state defendants would submit to the Connecticut General Assembly in its 1988 Session a bill to amend the challenged state statutes so as to prohibit the continued detention of out-of-state nondelinquent runaway children in Connecticut's secure juvenile facilities. The Judgment further provided that should this bill fail to pass, the Judgment could be reopened and the litigation resume.

4. The Connecticut General Assembly recently passed, and the Governor signed, s.H.B. 5249 - "An Act Concerning Runaway Juveniles from Other States" - which amended the challenged statutes in the manner as agreed to by the plaintiffs and the state defendants. This Act has been designated P.A. 88-214.

5. Because the challenged practice is now expressly prohibited by state law, the plaintiffs and defendant Adamick stipulate to dismissal of the action as to defendant Adamick, the sole defendant not bound by the Consent Judgment of February 2, 1988.

Respectfully Submitted,

BY: Shelley Geballe
Shelley Geballe
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Attorneys for Plaintiffs

BY: Frank Borowy
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Newington, CT 06111

Attorney for Defendant Adamick

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been mailed postage prepaid to Judith Merrill Earl, Attorney for the State Defendants, MacKenzie Hall, 110 Sherman Street, Hartford, CT 06105 this ^{SL}28^{July}th day of ~~June~~, 1988.

Shelley Geballe

Shelley Geballe