



JI-KS-001-004

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

U.S. DISTRICT COURT DISTRICT OF KANSAS

AUG 23 04 PM '94

BY [Signature] CLERK

T.Y., a minor, by her next friend, Lynette Petty, B.A., a minor, by his next friend, P.C., D.S., a minor by his next friends, A.M. and Lynette Petty, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

Board of County Commissioners of the County of Shawnee, DONALD J. COOPER, Chairman, VICTOR W. MILLER, Vice-Chairman, WINIFRED KINGMAN, member of the Shawnee County Commission in their official capacities;

EARL HINDMAN, Director of the Shawnee County Department of Corrections, in his official capacity;

GARY BAYENS, Administrator of Shawnee County Youth Center, in his official capacity,

Defendants and Third-Party Plaintiffs,

v.

STATE OF KANSAS, Department of Social and Rehabilitation Services; and Donna L. Whiteman, the Secretary of Social and Rehabilitation Services, in her official capacity;

BOARD OF EDUCATION-UNIFIED SCHOOL DISTRICT 501, Shawnee County, Kansas,

Third-Party Defendants.

ENTERED ON THE DOCKET DATE: 08/02/94

Case No. 94-4079-DES

ORDER

This matter is before the court on the motion of the plaintiffs for a preliminary injunction. This is brought as a class action for declaratory and injunctive relief brought by children confined at the Shawnee County Youth Center (SCYC) to challenge the conditions of their confinement and certain of the defendants' practices and policies pertaining thereto. In this motion the plaintiffs seek an order enjoining the defendants, pending a final resolution of this matter, from continuing to employ certain of these practices and policies which they deem most harmful to their welfare, and to require the defendants to comply with applicable statutes and regulations of the state of Kansas. The areas encompassed by the plaintiffs' motion as alleged are: (1) overcrowding of the SCYC facility; (2) use of isolation; (3) use of force and restraint; (4) provision of adequate and necessary medical care; and (5) confidentiality of communications between children confined at SCYC and their attorneys. The defendants deny that their practices and policies in these areas are in any way illegal, and they maintain that they are currently in full compliance with all applicable statutes and regulations. They do not waive any defenses to this litigation or objection to class certification.

At the hearing on the plaintiffs' motion on July 27, 1994, the court was informed by the parties that they have reached an agreement with respect to all of the issues raised in the plaintiffs' motion except for overcrowding at the SCYC facility. This agreement is set out in a Joint Stipulation of Partial Settlement of Motion for Preliminary Injunction, which the parties have presented to the court for its approval and for incorporation into the court's order on the plaintiffs' motion. The parties have further requested that the court continue the hearing on the

remaining issue of overcrowding for an additional thirty (30) days so that they may continue efforts to reach an agreement on that issue.

The court finds that the Joint Stipulation of Partial Settlement of Motion for Preliminary Injunction is fair and reasonable, and that it should be approved and made a part of the order of the court. The court further finds that the hearing on this matter should be continued for an additional thirty (30) days in order to afford the parties an opportunity to reach agreement on the outstanding issue in the plaintiffs' motion.

IT IS BY THE COURT THEREFORE ORDERED that the Joint Stipulation of Partial Settlement of Motion for Preliminary Injunction is hereby approved and made a part of the order of this court.

IT IS FURTHER ORDERED that the parties be given until August 29, 1994, to reach an agreement on the remaining issue of overcrowding at the SCYC facility. If the parties are unable to reach such an agreement, a hearing on the plaintiffs' motion for a preliminary injunction with respect to the issue of overcrowding at the SCYC facility will be held before this court on September 1, 1994, at 9:00 am.

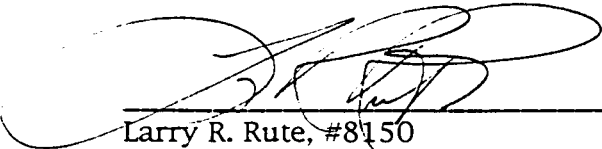
IT IS SO ORDERED

Dated this 2 day of August, 1994, at Topeka, Kansas.


DALE E. SAFFELS
United States District Judge




Submitted by:



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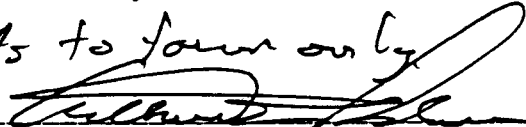
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