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JI-KS-001-006

KANSAS LEGAL SERVICES, INC. IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

11-21-94 2pm

W. Cooper

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 11/21/94

Case No. 94-4079-DES



ORDER

This matter is before the Court on the motion of the plaintiffs for a preliminary injunction. This case is 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 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.

On July 26, 1994, the plaintiffs and the defendants entered into a Joint Stipulation of Partial Settlement of Motion for Preliminary Injunction, in which they reached an agreement with respect to all of the issues raised in the plaintiffs' motion except for overcrowding at the SCYC facility. This agreement was presented to the Court for its approval and incorporation into a court order, which was done by order of the Court dated August 2, 1994. This order also continued the hearing on the plaintiffs' motion to afford the parties an additional opportunity to reach an agreement on the remaining issue of overcrowding.

Negotiations among the plaintiffs, defendants and third-party defendants Department of Social and Rehabilitation Services of the State of Kansas (SRS), and Donna L. Whiteman, Secretary, continued in an attempt to resolve the issue of overcrowding at

SCYC, but the parties were unable to reach a final agreement. Consequently, an evidentiary hearing on this issue was held by the Court on October 12, 13, and 14, 1994. On October 17, 1994, and again on October 31, 1994, this hearing was continued by the Court, with the agreement of all parties, in order to enable the parties to persevere their efforts to reach an accord on this issue.

The Court is now informed that the plaintiffs, defendants and third-party defendants SRS and Donna Whiteman have arrived at an agreement resolving the issues of overcrowding at the SCYC facility. This agreement is set out in a Joint Stipulation of Partial Settlement dated November 21, 1994, and presented by the parties to the Court for its approval and incorporation into a court order.

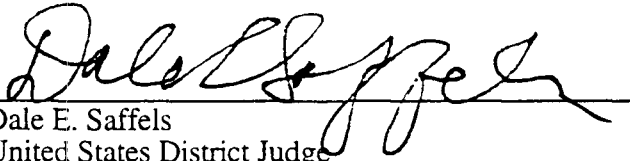
The Court finds that the Joint Stipulation of Partial Settlement is fair and reasonable, and that it should be approved and made a part of the order of the Court. The Court specifically finds that the parties intend that this Joint Stipulation should be part both of the Court's order on the plaintiffs' motion for a preliminary injunction and of any final order by the Court in this action.

IT IS BY THE COURT THEREFORE ORDERED that the Joint Stipulation of Partial Settlement dated November 21, 1994, is hereby approved and made a part of the order of this Court on the plaintiffs' motion for a preliminary injunction.

IT IS FURTHER ORDERED that the above-referenced Joint Stipulation of Partial Settlement constitutes the final order of the Court in this case with respect to the issue of overcrowding at the SCYC facility, and that it be incorporated into any subsequent order of this Court finally resolving the other issues in this action.

IT IS SO ORDERED.

Dated this 21 day of November, 1994, at Topeka, Kansas


Dale E. Saffels
United States District Judge

