

United States District Court

FOR THE

SOUTHERN DISTRICT OF NEW YORK

CIVIL ACTION FILE NO. _____

JOAN DARATSAKIS, PAULETTE CLECKLEY, THERESA HORTON and VIRGIL REGIS by their next friend and attorney, CHARLES SCHINITSKY, on behalf of themselves and all others similarly situated,

Plaintiffs,

-against-

J. HENRY SMITH, individually and as Administrator of the Human Resources Administration and as Commissioner of the Department of Social Services of the City of New York; CAROL PARRY, individually and as Assistant Commissioner of Special Services for Children for the Department of Social Services of the City of New York; ROBERT K. DAVIS, individually and as Director of the Bureau of Institutions and Facilities for the Department of Social Services of the City of New York; PAULINE PHILLIPS, individually and as Director of Children's Center,

Defendants

SUMMONS

To the above named Defendant :

You are hereby summoned and required to serve upon

CHARLES SCHINITSKY, ESQ.
THE LEGAL AID SOCIETY

plaintiff's attorney , whose address

189 Montague Street
Brooklyn, New York 11201

an answer to the complaint which is herewith served upon you, within _____ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Daratsakis v. Smith



JI-NY-002-002

Clerk of Court.

Deputy Clerk.

Date:

[Seal of Court]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOAN DARATSAKIS, PAULETTE CLECKLEY, :
THERESA HORTON and VIRGIL REGIS by :
their next friend and attorney CHARLES : COMPLAINT -
SCHINITSKY, on behalf of themselves : CLASS ACTION
and all others similarly situated, :

Plaintiffs, :

-against- :

76 Civ. _____

J. HENRY SMITH, individually and as :
Administrator of the Human Resources :
Administration and as Commissioner of :
the Department of Social Services of the :
City of New York; CAROL PARRY, indivi- :
dually and as Assistant Commissioner of :
Special Services for Children for the :
Department of Social Services of the :
City of New York; ROBERT K. DAVIS, in- :
dividually and as Director of the :
Bureau of Institutions and Facilities :
for the Department of Social Services :
of the City of New York; PAULINE PHILLIPS, :
individually and as Director of Children's :
Center, :

Defendants. :

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INTRODUCTION

1. This is a class action instituted under the Civil Rights Act for declaratory and injunctive relief. The named plaintiffs herein and members of the class they represent are residents at Children's Center, a shelter operated by the Department of Social Services of the City of New York. Plaintiffs allege that the conditions to which they are subjected while in residence at the shelter are unconstitutional and violate their rights under New York State Law.

2. Plaintiffs seek to represent a class of children who are in placement at or remanded to or are subject to placement at or remand to Children's Center as "Neglected children," "Abused children," "Voluntarily Placed children," or "Persons In Need of Supervision" ("PINS") as defined by the Family Court Act of the State of New York.

3. Plaintiffs and members of their class allege that their placement at Children's Center violates their right to be free from harm under the United States Constitution and constitutes cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments to the United States Constitution. Furthermore, they allege that Children's Center is a facility which is incapable of providing the care, supervision and treatment to which plaintiffs and their class are entitled under the due process clause of the Fourteenth Amendment.

4. Plaintiffs and members of their class are repeatedly subjected to violent assaults, rapes, fights and beatings with knives, sticks, chains, glass and other weapons at Children's Center. The facility lacks adequate recreation, including sports and social activities, on-going psychiatric care for those requiring therapy and skilled child counseling for those needing responsible adult advice and guidance. In addition, the facility does not provide adequate personal privacy and protection for personal property.

5. No society which professes that all its children receive both decent care and a fair opportunity to develop into

responsible adults can tolerate the debilitating and brutal conditions common to life at Children's Center.

6. Plaintiffs seek to have the aforementioned acts and omissions declared unconstitutional. Plaintiffs demand that defendants be enjoined from continuing the placement or remand of children in Children's Center and to transfer each and every child to placements where he or she can receive adequate and appropriate care, supervision and treatment.

JURISDICTION AND VENUE

7. This is a civil rights action for injunctive and declaratory relief authorized by Title 42 U.S.C. 1983, to redress the deprivation under color of state law of rights, privileges and immunities guaranteed to plaintiffs by the Eighth, Ninth and Fourteenth Amendments to the Constitution of the United States. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. 1343(3) and (4).

8. Plaintiffs' action for declaratory relief is authorized by 28 U.S.C. 2201 and 2202 and Rule 57 of the Federal Rules of Civil Procedure. Injunctive relief is authorized by 48 U.S.C. 1983 and Rule 65 of the Federal Rules of Civil Procedure.

9. Venue in this District is proper under 28 U.S.C. 1391(b) and 1392(a).

PLAINTIFFS

10. Plaintiffs are all boys and girls who are alleged to

be or have been adjudicated Abused or Neglected children and Persons In Need of Supervision ("PINS") pursuant to Articles 7 and 10 of the Family Court Act of the State of New York, or are determined by the Family Court to be Voluntarily Placed children pursuant to Sections 358-a and 384 of the Social Services Law of the State of New York.

11. Section 1012 of the Family Court Act defines an abused child as

a child less than sixteen years of age whose parent or other person legally responsible for his care

(i) inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ, or

(ii) creates or allows to be created a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ, or

(iii) commits, or allows to be committed, a sex offense against such child, as defined in the penal law, provided, however, that the corroboration requirements contained therein shall not apply to proceedings under this article.

12. The same section defines a Neglected Child as a child less than eighteen years of age

(i) whose physical, mental or emotional

condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his parent or other person legally responsible for his care to exercise a minimum degree of care

(A) in supplying the child with adequate food, clothing, shelter or education in accordance with the provisions of part one of article sixty-five of the education law, or medical, dental, optometrical or surgical care, though financially able to do so or offered financial or other reasonable means to do so; or

(B) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by using a drug or drugs; or by using alcoholic beverages to the extent that he loses self-control of his actions; or by any other acts of a similarly serious nature requiring the aid of the court; or

(ii) who has been abandoned by his parents or other person legally responsible for his care.

13. Section 712(b) of the Family Court Act of the State of New York defines a PINS as ". . . a male less than sixteen years of age and a female less than eighteen years of age who does not attend school in accord with the provisions of part one of article sixty-five of the education law or who is incorrigible, ungovernable, or habitually disobedient and beyond the lawful control of parent or other lawful authority." However, in A. v. City of New York, 31 N.Y.2d 83 (1972), the New York State Court of Appeals held that the portion of section 712 relating to PINS which provides for a maximum age of 16 for males and 18 for females for PINS jurisdiction unconstitu-

tionally discriminates against females, and in following the decision, the Family Court no longer subjects anyone 16 years of age or older to PINS proceedings.

14. A Voluntarily Placed Child is defined by Sections 358-a and 384 of the Social Services Law as a destitute or dependent child whose care and custody as a public charge has been transferred to a social services official, by means of an instrument executed by the child's parents pursuant to section 384 of the Social Services Law and approved by a judge of the Family Court.

15. Plaintiff JOAN DARATSAKIS is a fourteen year old girl, voluntarily placed with the Commissioner of Social Services who has resided at Children's Center since October 27, 1975, although on two occasions she was hospitalized at Bellevue Hospital and on July 14, 1976, was remanded by the Family Court to Hegeman Diagnostic Center for testing.

16. Plaintiff PAULETTE CLECKLEY is a fifteen year old girl who has been remanded to the Commissioner of Social Services and has resided at Children's Center since April 1, 1976, pursuant to a PINS petition filed against her by St. Mary's of the Field, an agency with which she had been in voluntary placement.

17. Plaintiff THERESA HORTON is a seventeen year old girl who was voluntarily placed with the Commissioner of Social Services by her mother and who has resided at Children's Center

since approximately May 3, 1976.

18. Plaintiff VIRGIL REGIS is a fifteen year old boy who has been remanded to the Commissioner of Social Services and has resided at Children's Center since June 4, 1976, pursuant to a PINS petition filed against him by his father.

CLASS ACTION ALLEGATIONS

19. Plaintiffs bring this action on behalf of themselves and all others similarly situated as a class pursuant to Rule 23 of the Federal Rules of Civil Procedure. They are members of a class of children who are in placement at or remanded to or are subject to placement at or remand to Children's Center as "Neglected Children," "Abused Children," "Voluntarily Placed Children," or "Persons In Need of Supervision," ("PINS") as defined by the Family Court Act of the State of New York.

20. This class action is properly brought because the above class:

a) is so numerous that joinder of all members is impracticable. Upon information and belief, there are approximately 70 boys and girls presently in Children's Center. During the course of any given 24 hour period, many children are subject to placement or remand and over the course of a year several hundred are so placed or remanded.

b) there are common questions of law and fact, namely whether defendants' action of placing or remanding plaintiffs' class or subjecting plaintiffs' class to placement or remand in Children's Center violates the rights of these young per-

sons under the Constitution of the United States, the Family Court Act and the Social Services Law of the State of New York.

c) the questions of law and fact common to the class predominate over any questions affecting only individual members, and a class action is superior to other available methods for a fair and efficient adjudication of the controversy. This Court is a desirable forum in which to concentrate the litigation of the claims of the class, since it has the power to hear all the claims and to grant appropriate relief.

d) the claims of the representative plaintiffs are typical of the claims of the members of the class, and it can reasonably be expected that defendants will interpose identical defenses to such claims.

e) The Legal Aid Society of the City of New York, Juvenile Rights Division, attorneys for plaintiffs, will fairly and adequately protect the interest of the class; and

f) furthermore, the prosecution of separate actions by or against individual members of the class would create a risk of inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for defendants. In addition, the defendants have acted or refused to act on grounds generally applicable to the class, thereby making appropriate injunctive and corresponding declaratory relief with respect to the class as a whole.

DEFENDANTS

21. Defendant J. HENRY SMITH is the duly appointed Administrator of the New York City Human Resources Administration and Commissioner of the Department of Social Services and as such is responsible for the administration of the New York City Welfare District. He is vested with direction and control over all Department of Social Services facilities and programs including shelters such as Children's Center. He is being sued individually and in his official capacity. He maintains offices at 250 Church Street, New York City.

22. Defendant CAROL PARRY is the Assistant Commissioner of Special Services for Children and as such is responsible for provision of services to all children in need of care in New York City, pursuant to § 395 of the New York Social Services Law. She is being sued individually and in her official capacity. She maintains offices at 250 Church Street, New York City.

23. Defendant ROBERT DAVIS is the Director of the Bureau of Institutions and Facilities for the Department of Social Services of the City of New York and as such is responsible for the operation of public facilities for the shelter care of children in New York City. He is being sued individually and in his official capacity. He maintains offices at 80 Lafayette Street, New York City.

24. Defendant PAULINE PHILLIPS is the Director of Children's Center, an institution operated by the Department of Social Services of the City of New York. As such she is responsi-

ble for the care, supervision and treatment of children residing at this shelter facility. She is being sued individually and in her official capacity. She maintains offices at Children's Center, 1 East 104th Street, New York City.

FACTUAL ALLEGATIONS

25. In doing all the acts herein alleged, all of the defendants, and each of them, were and are acting under color of state law, custom and usage and by virtue of the authority vested in each of them by the Constitution and the laws of New York State in the capacities as heretofore and hereinafter stated.

26. At all times relevant herein, Defendants and each of them knew or should have known, of the acts, omissions and conditions alleged herein.

27. Built in 1921, and operated by the City of New York under the Bureau of Child Welfare of the Department of Social Services since 1947, Children's Center is located at Fifth Avenue and 104th Street in New York City. Its population, upon information and belief consists of approximately 70 boys and girls ranging in age from 7 to 18. It can house in excess of 300 children although the City has limited the capacity to 186. It is a seven-story brick building which contains a school, an infirmary, a cafeteria and recreational and administrative facilities and a series of dormitories for eight children each located on several floors with living arrangements made upon the basis of age and sex. The children have access from one floor to another.

28. The Center contains a gymnasium, swimming pool and

billiard tables which are rarely used because the recreation staff has been assigned to other duties. These facilities have all been closed since approximately June 21st, because of lack of staff. There are no organized sports and few social activities.

29. The widely divergent pathologies manifested by the young people remanded to and placed at Children's Center are reinforced and intensified, at the institution. This is due to the particular combination of features inherent in the operation of Children's Center. These include a transient population having diverse physical, mental and emotional needs, a staff which is uncoordinated and in part incompetent, a critical lack of therapeutic services, and a building which is too large and impersonal.

30. The Center has a long and notorious history as an institution where young residents have been subjected to serious injury. No reforms or alterations can rescue this institution from the brutality and maltreatment which have plagued and continue to plague it. No relief short of its complete abandonment will end these practices.

31. Upon information and belief, the current cost for housing children at Children's Center is about \$200 per day per child.

32. At various times in response to public outcry and media investigations, defendants and others have issued reports analyzing the conditions at the Center and suggesting ways to ameliorate the situation. In December, 1974, the Child Task Force of the Resources Review Board of the Human Resources Administration reported to then Commissioner of Social Services, James

R. Dumpson, that Children's Center "[s]hould be [c]losed as [s]oon as [p]ossible." Defendant PARRY has publicly stated that she favors closing Children's Center but has not taken any affirmative steps to do so.

33. Upon information and belief, on May 26, 1976, a previously constituted ad hoc public group entitled the "Shelter Task Force" met at the offices of the Department of Social Services to discuss and plan what could be done to hasten the closing of Children's Center. This group also had met in the past to respond to earlier crisis situations at Children's Center. Impetus for this particular meeting came in part from the Citizen's Committee for Children which had visited Children's Center and was outraged by the conditions found there.

34. At present the conditions to which plaintiffs and their class are subjected at Children's Center are barbarous, cruel and inhuman as evidenced by repeated forced homosexual behavior, rapes, violent assaults, fights, beatings and attacks with a variety of weapons including knives, sticks, chairs, pipes, razor blades and glass. On one occasion a gun was found on the premises.

Homosexual Attacks

35. Upon information and belief, a number of the adolescent girls view themselves as "butches" and "fems" and seek out new arrivals to force into homosexual liaisons. Several girls have been taken from the facility after very short stays by their parents who had originally brought them to Family Court as PINS after the girls telephoned home begging to leave because they had been threatened with homosexual advances.

36. Upon information and belief, during the past six months gangs have formed and children have been assaulted and subject to homosexual advances by other residents including a rape of one young girl on the roof of the facility on New Years' Eve.

37. After she had been at Children's Center for approximately six weeks, plaintiff JOAN DARATSAKIS was approached by another resident who wanted plaintiff to enter a homosexual relationship. When plaintiff refused, the other resident tried to remove plaintiff's clothes.

38. On one evening in March, plaintiff DARATSAKIS was accosted while in bed by another resident who ripped plaintiff's shirt off. Several other girls came over and held her down while the first resident hit plaintiff with an ironing cord and a belt. At the point where the first resident began calling for someone to get a broom stick, plaintiff broke away and ran from the room. She was taken by staff to Flower and Fifth Avenue Hospital where she was treated for bruises and swelling.

39. Plaintiff VIRGIL REGIS has encountered homosexual activities among female residents on several occasions in the hallways at Children's Center and in one case observed a fight in the school in which several "butches" were seeking revenge for injuries sustained by a "fem." Both plaintiffs CLECKLEY and HORTON have also seen homosexual acts, and CLECKLEY has been asked to and has refused to have a homosexual relationship.

40. Recently a guard dragged a young boy down a hallway

in which plaintiff REGIS was sitting while beating the child because he had allegedly performed a homosexual act upon a younger retarded boy. The guard drew the boy up in front of plaintiff and demanded whether the boy would like to "try that faggot stuff" with plaintiff.

Riots and Fights:

41. Upon information and belief, there are riots of varying degrees of intensity virtually every night. In the morning after each riot numerous residents are regularly sent to nearby hospitals for examinations. Others are seen in nearby hospital emergency rooms immediately after the incidents.

42. Upon information and belief, fights among residents and with staff occur regularly each day at the Center. Often residents will appear "greased," which means covering their face and arms with vaseline or other substances as a defense against being grabbed, scratched or hit with a galvanizing blow. Although this is understood at the Center to be an indication that a fight is planned, the staff frequently does not respond appropriately to prevent the fight.

43. Upon information and belief, as a result of these occurrences and others, a number of children have received severe injuries including broken bones. One girl broke her arm while trying to escape by using bedsheets to lower herself from an upper story dormitory window. Numerous children have received lacerations including head wounds, many of which required suturing. A boy was recently severely bitten on the chest by a female resident.

A girl was recently cut with a razor blade.

44. When plaintiff DARATSAKIS first arrived at Children's Center, she was assaulted regularly. Recently she has been more able to avoid assaults by threatening to retaliate, although she was involved in an altercation with two other residents on or about June 10, 1976. After being taunted and pushed, plaintiff swung a fish bowl stand at the two girls cutting both of them. Plaintiff then went into her dormitory room and put her fist through four windows before a counselor stopped her. The next afternoon she was taken to Bellevue Hospital where she spent a week under psychiatric observation and was then returned to Children's Center.

45. When plaintiff DARATSAKIS arrived at Bellevue, several youngsters on the ward referred to Children's Center as "the gay place" where "butches" and "fems" live and asked her if she was a butch or fem. The assumption that she was homosexual was extremely upsetting.

46. Plaintiff dislikes Children's Center intensely. She has been constantly afraid. She has been struck with a pipe and with a chair and has had her head banged against a wall. She has also seen many fights and homosexual "parties" in the dormitories.

47. Plaintiff REGIS lives in a dormitory with five other adolescent boys and since his arrival at Children's Center has observed numerous fights. Recently he was personally involved in two altercations. There have also been fights with counselors

in his dormitory in which counselors have struck residents and in which chairs were thrown.

Fires and Drugs:

48. Upon information and belief, there have been a number of fires at the facility, and false alarms have occurred repeatedly, often in the middle of the night. Defendants have allowed alcoholic beverages and marijuana to be commonly used by residents in the Center. Occasionally they are sold to residents by outsiders who pass them in by tying the items to ropes which are then hoisted into the dormitories.

Delinquency Petitions:

49. Upon information and belief, defendants maintain a policy and practice of filing juvenile delinquency petitions in Family Court on behalf of one child and against another or even on behalf of staff members based upon incidents which take place at Children's Center and over which defendants have authority and control.

50. Upon information and belief, during the last five months defendants have filed numerous juvenile delinquency petitions against more than 30 residents alleging, among other charges, rape and assault.

51. Upon information and belief, defendants maintain a similar policy regarding residents of Children's Center who are over the age of sixteen wherein criminal complaints are filed at Criminal Court.

52. This policy constitutes an admission that defendants are unable to adequately care for, supervise and treat children

placed at or remanded to Children's Center.

Staff:

53. Upon information and belief, the staff at Children's Center is comprised of approximately fifteen case workers of whom only two have master's degrees in social work and a large staff of poorly trained, and in some cases untrained, child care workers, known as "Home Life Staff." The caseworkers, whose director is not clinically trained, are primarily responsible for finding placements for the children. In addition, there are approximately twelve uniformed guards assigned to Children's Center.

54. Upon information and belief, staff members are unable to control the children.

55. Upon information and belief, staff members and guards have been physically and verbally abusive to residents and some staff members also have sexually abused residents.

56. Upon information and belief, a group of security guards dressed in state trooper-like attire and carrying guns and nightsticks, control the entrance to the building and maintain a room on the first floor where children are held who have engaged in fights and who are waiting to be taken to the local police precinct for booking. These children are often required to remain standing with legs spread apart and hands and fingers extended and touching a wall for up to two hours.

57. Plaintiff DARATSAKIS is afraid of the guards who hit her on one occasion because she wouldn't remain in her dormitory after a fight and who have made her stand with her legs

spread and hands touching a wall for extended periods. She has also had her hair pulled and has been hit by a counselor.

58. On one occasion when plaintiff CLECKLEY returned from a movie outside the Center at approximately 11:30 p.m., she was refused entry by the guards who finally allowed her to enter the building at approximately 3:30 a.m. She was told by the guard that she was late and as punishment would have to wait outside.

59. Upon information and belief, as a result of defendants' failure to prevent repeated physical abuses from occurring at Children's Center, the teachers at P.S. 35-M, the public school located at Children's Center, recently stopped work for an afternoon and sent telegrams to the defendant Commissioner as well as to Irving Anker, Chancellor of the Board of Education among others expressing their alarm at the situation and fear for their own safety.

Psychiatric Care:

60. Upon information and belief, initial psychiatric diagnoses are available to residents, but there is no program of on-going therapy. Requests for psychiatric crisis intervention, but not on-going therapy for the many residents who have serious emotional problems, are sometimes made by a caseworker to Metropolitan Hospital.

61. Plaintiff DARATSAKIS was sent to Bellevue Hospital from Children's Center on a second occasion when she cut her wrist with a razor blade after a particularly upsetting telephone conversation with her mother.

62. Plaintiff DARATSAKIS, who has resided at Children's

Center for eight months, has received no psychiatric therapy at Children's Center nor has she received any professional counseling.

63. Plaintiffs and members of their class are forced to reside in a facility which manifests other degrading and dangerous conditions including vermin in food, lack of doors on toilets in dormitory bathrooms and repeated theft of personal belongings and an almost total lack of privacy.

64. Plaintiffs and the class they represent have suffered and will continue to suffer irreparable harm from the conditions set forth above unless and until the declaratory and injunctive relief sought herein is granted by the Court.

LEGAL CLAIMS

65. For plaintiffs' claims, each enumerated below, they re-allege paragraphs "1" through "64" above, as are fully set forth herein in each statement of claim and further allege:

FIRST CLAIM

66. The confinement of plaintiffs in Children's Center under the conditions complained of herein constitutes cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments to the United States Constitution.

SECOND CLAIM

67. The confinement of plaintiffs in Children's Center under the conditions complained of herein violates their right to be free from harm under the Eighth, Ninth and Fourteenth Amendments to the United States Constitution.

THIRD CLAIM

68. Plaintiffs and their class have been or shall be deprived of their liberty by defendants and placed at or remanded to Children's Center ostensibly for the purpose of providing them with the care, supervision and treatment which they had not otherwise been receiving in the natural homes. Pursuant to the due process clause of the Fourteenth Amendment, such deprivation of liberty is justified only if plaintiffs and their class in fact receive adequate and appropriate care, supervision and treatment. Children's Center does not provide and cannot provide adequate and appropriate care, supervision and treatment, and therefore the residence of plaintiffs and their class at Children's Center violates the Due Process Clause.

FOURTH CLAIM

69. Defendants' failure and inability to provide adequate and appropriate care, supervision and treatment to plaintiffs violates the Social Services Law of the State of New York, §§ 358-a, 384, 395 and 398 and the Family Court Act of the State of New York, Articles 7 and 10, which require that such services be provided.

70. Plaintiffs have no plain, adequate or complete remedy at law to redress these wrongs.

RELIEF REQUESTED

WHEREFORE, plaintiffs respectfully demand:

A. That an order issue permitting this action to proceed as a class action.

B. That a judgment issue declaring that the acts and omissions complained of herein:

(1) constitute cruel and unusual punishment in violation of the rights of plaintiffs and their class under the Eighth and Fourteenth Amendments to the United States Constitution;

(2) violate the rights of plaintiffs and their class to be free from harm under the Eighth, Ninth and Fourteenth Amendments to the United States Constitution;

(3) violate the rights of plaintiffs and their class to receive adequate and appropriate care, supervision and treatment as required under the due process clause of the Fourteenth Amendment to the United States Constitution;

(4) deprive plaintiffs and their class to their rights under the Social Services Law of the State of New York, §§ 358-a, 384, 395 and 398 and the Family Court Act of the State of New York, Articles 7 and 10.

C. That plaintiffs and their class be granted preliminary and permanent injunctions sufficient to rectify the unconstitutional acts and omissions and statutory violations alleged herein.

D. That the Court issue an order enjoining and restrain-

ing defendants from placing or remanding or continuing remand or placement of plaintiffs and their class at Children's Center.

E. That defendants be further enjoined to transfer, place or remand plaintiffs and their class to adequate and suitable homes and facilities which can provide suitable and adequate care.

F. That this Court retain jurisdiction over defendants and each of them until such time as the Court is satisfied that their acts and omissions alleged herein no longer exist and will not reoccur.

G. That plaintiffs be awarded the costs of this proceeding and such other and further relief as to this Court seem just and proper.

Dated: Brooklyn, New York
July 20, 1976

Respectfully submitted,

CHARLES SCHINITSKY, ESQ.
THE LEGAL AID SOCIETY
JUVENILE RIGHTS DIVISION
By:

Michael J. Dale

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