



JI-PA-001-005

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRUNNER, LUANN, on her behalf : CIVIL ACTION  
 and on behalf of all others :  
 similarly situated, :  
 Plaintiffs :  
 v. : NO. 77-4286  
 MRS. FRANCES C. CARTER, et al., :  
 Defendants : CLASS ACTION

**FILED**

MAR 27 1981

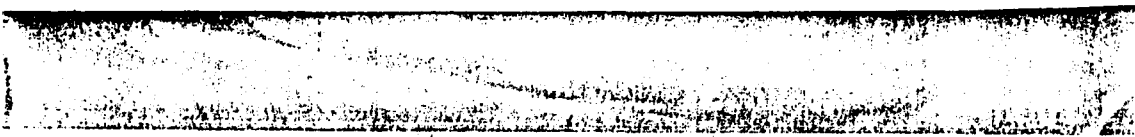
MICHAEL E. KUNZ, Clerk  
By [Signature] Dep. Clerk

STIPULATION IN PARTIAL SETTLEMENT

I. PREAMBLE

Plaintiff filed the Class Action Complaint in the above titled action on December 16, 1977 and an Amended Complaint on February 15, 1978, seeking declaratory and injunctive relief and damages. The Complaint alleged that the Pennsylvania Department of Public Welfare Regulations, Title 6400, regarding certain juvenile detention centers services and practices were unconstitutional. Specifically, plaintiffs challenged those department regulations which authorized the use of isolation absent procedural due process protections as a means to control behavior and to discipline residents of detention facilities. Further plaintiffs challenged other restrictions imposed on detention center residents including: mail censorship, denial of education programming, and intercom monitoring.

Plaintiff individually and as a class representative instituted this suit against various defendants including Frank S. Beal, Secretary of Welfare for the Commonwealth of Pennsylvania. On June 21, 1978 pursuant to Federal Rule of Civil Procedure 25(1) the Court ordered that Aldo Colautti, Secretary of Welfare for the



Commonwealth of Pennsylvania, be substituted for Frank S. Beal. Likewise in March, 1980 the Court ordered that Helen O'Bannon, the current Secretary of Welfare for the Commonwealth of Pennsylvania, be substituted for Aldo Colautti.

The aforementioned Commonwealth of Pennsylvania defendants have denied liability to plainiffs. On September 1, 1979 the Commonwealth of Pennsylvania, Department of Public Welfare under the signature of Helen O'Bannon promulgated new detention center regulations, sec. 2-28-2 et seq. to replace the Title 6400 regulations challenged by the plaintiffs. A copy of these regulations are attached hereto and marked Exhibit "A". Accordingly, without stipulating as to the constitutional sufficiency of the new regulations and recognizing that the provisions of this Stipulation shall not constitute any evidence against or any admission by any party with respect to any issue involved in this case is hereby agreed between the Attorneys for Plaintiffs and the Attorney for the Secretary of Welfare that:

1. The department will make available to the Attorneys for Plaintiffs, copies of the following documents which, pursuant to these Regulations, each detention facility in Pennsylvania is required to maintain:

(a) Copies of the logs maintained by each detention facility in Pennsylvania, pursuant to Regulation 2-28-158.

(b) Copies of all: Petitions requesting extended isolation, Court Orders extending isolation, and Incidents Reports relating to said Petition for each child who is isolated beyond the time authorized by these Regulations. Said records being required pursuant to Regulations 2-28-160 through 2-28-162.

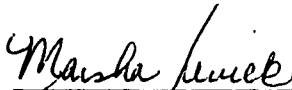
2. The department will make available to the Attorneys for Plaintiffs on a quarterly basis for a period of two years, starting on August 1, 1980, copies of all documents set forth

in paragraph 1(a) and (b) and which each detention facility in Pennsylvania is required to maintain pursuant to Regulations 2-28-158 and 2-28-160 through 2-28-162.

3. In providing the heretofore described information and documents the last names and any other information capable of identifying individual residents of detention centers may be deleted.

4. By October 1, 1980 the department shall make available to the Attorneys for Plaintiffs, copies of those portions of the Annual Program Description for each detention facility in Pennsylvania, subscribing: the procedure for grievances and appeals by detention center residents, the procedure for the use of isolation, methods for training staff in the use of alternative forms or crisis management, methods of training staff in the use of isolation, and each facility's policies for the use of isolation in specific situations such a program description is required by Regulation 2-28-62.

5. The Complaint against Frank S. Beal individually and Helen O'Bannon, as Secretary of Welfare for the Commonwealth of Pennsylvania, shall be dismissed without prejudice.



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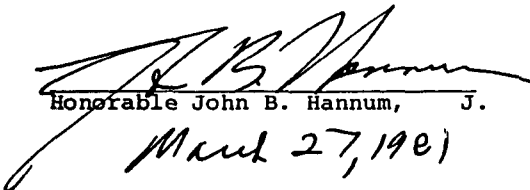
Counsel for Plaintiffs



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Counsel for Commonwealth Defendant

APPROVED BY THE COURT:

  
Honorable John B. Hannum, J.

March 27, 1981