

Consent Decrees



MH-IN-001-003

JAN 17 1984

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

STATE OF INDIANA; ROBERT ORR,)
Governor of the State of Indiana;)
INDIANA DEPARTMENT OF MENTAL HEALTH;)
DENNIS JONES, Commissioner, Indiana)
Department of Mental Health; STATE)
BUDGET AGENCY; JUDITH PALMER, Director,)
State Budget Agency; INDIANA)
DEPARTMENT OF ADMINISTRATION; ORVAL D.)
LUNDY, Commissioner, Indiana)
Department of Administration; INDIANA)
DEPARTMENT OF PERSONNEL; THOMAS J.)
BEASLEY, Commissioner, Indiana)
Department of Personnel; JEFFREY H.)
SMITH, Superintendent, Logansport State)
Hospital; RUTH STANLEY, Superintendent,)
Central State Hospital,)

Civil Action No.

IP84 411C

Defendants.)

DECREE

1) This case was filed by the plaintiff on March 16, 1984, pursuant to the Civil Rights of Institutionalized Persons Act of 1980, 42 U.S.C. §1997.

2) To avoid prolonged litigation and without making any admissions on the merits, the plaintiff and defendants entered into an agreement on March 16, 1984.

3) The Court has jurisdiction over this action pursuant to 28 U.S.C. §1345.

4) The United States has standing to initiate this action pursuant to 42 U.S.C. §1997a and has met all prefiling requirements stated in that statute.

5) The Court has examined the agreement entered into between the parties and has determined that it is a fair and appropriate resolution of the case.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1) The Settlement Agreement entered into between the parties on March 16, 1984, which is attached hereto, is approved by the Court and is entered as a part of this Decree as if fully set out herein.

2) This Decree, and the Settlement Agreement attached hereto and incorporated herein, shall be applicable to and binding upon all the parties, their officers, agents, servants, employees, assigns, and their successors, and upon those persons in active concert or participation with them who receive actual notice of this Decree.

3) Upon notice and at reasonable times, defendants shall give full access to the United States Department of Justice, its attorneys, staff, expert consultants, and agents to the Logansport and Central State Hospitals to inspect for compliance with this Decree.

4) The Court shall continue its jurisdiction of this matter until further notice. Any party may apply at any time for such further order as may be necessary or appropriate for

the construction or implementation of this Decree or for the enforcement of this Decree. Any party may move for such further relief as the interests of justice in this case may require. The parties expect that the defendants will achieve full compliance with the terms of this Decree by June 30, 1988, in which case the jurisdiction of the Court will terminate. Defendants may apply to terminate jurisdiction of this Court at any time if they can demonstrate compliance with all terms of the Decree provided adequate notice is given to the United States. Absent objection by plaintiff within 60 days, the Court shall terminate jurisdiction. If disputed, the matter shall be resolved by the Court.

5) Upon consideration of the foregoing, it is the opinion of the Court, and the Court so finds, that the foregoing and the attached Settlement Agreement incorporated by reference herein should be, and is hereby THE JUDGMENT of this Court.

IT IS SO ORDERED.

ENTERED on this 6th day of April, 1984, at Indianapolis, In
Indiana.

James E. Noland

UNITED STATES DISTRICT JUDGE

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