

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES,

Plaintiff,

M. ANNE HART, the
DISTRICT OF COLUMBIA LONG TERM
CARE OMBUDSMAN,

Plaintiff-Intervenor,

v.

THE DISTRICT OF COLUMBIA et al.,

Defendants.

U.S. v. District of Columbia



NH-DC-001-034

C.A. No. 95-0948 TFH

FILED

AUG 22 1996

NANCY MAYER-WHITTINGTON, CLERK
U.S. DISTRICT COURT

ORDER

Now pending before the Court is the defendants' motion to terminate the appointment of the Monitor on a date not later than September 1, 1996. The plaintiffs oppose the motion.

The defendants claim that because the D.C. Village facility is now closed, and all former residents have been placed elsewhere, there is nothing left for the Monitor to oversee. They claim that the Monitor has had ample time to determine the appropriateness of placements, since the last resident left D.C. Village on June 24, 1996, and that any further problems should be handled by the ombudsman, not the Monitor.

The defendants have misconstrued the scope of the Court's order. The Court has ordered the Monitor not only to oversee the closing of the D.C. Village facility, but also to determine that "all residents are transferred to appropriate residences which meet their

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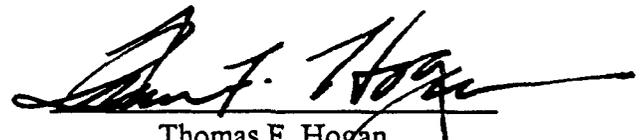
individual needs." Order Mod. Stip. Order of July 6, 1995, Nov. 7, at 2. The order asks the Monitor to ensure that not only the discharges, but also the placements, of the residents are sufficient and that they satisfactorily fit their individual needs. This necessarily contemplates individualized inspections and evaluations of post-discharge placement. Until the Monitor has completed and reported to the Court on such an inspection and evaluation for each of the former D.C. Village residents, her duties under the order are not finished, and termination of her position is premature.

The thorough inspections and evaluations necessary to proper completion of the Monitor's duties must naturally take some time. The Monitor is taking all steps to ensure the swift completion of her tasks and should be given a reasonable time to fulfill her duties.

Since the Monitor has not yet indicated to the Court that she has evaluated all the placements of former D.C. Village residents and determined them to satisfactorily meet the residents' needs, termination of her duties at this time would be premature.

It is therefore **ORDERED** that the defendants' motion to terminate the appointment of the Monitor is **DENIED**.

August 22nd, 1996


Thomas F. Hogan
United States District Judge