

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

James and Lorie Jensen, as parents, guardians,
and next friends of Bradley J. Jensen; James
Brinker and Darren Allen, as parents,
guardians, and next friends of Thomas M.
Allbrink; Elizabeth Jacobs, as parent, guardian,
and next friend of Jason R. Jacobs; and others
similarly situated,

Civil No. 09-1775 (DWF/BRT)

Plaintiffs,

v.

ORDER

Minnesota Department of Human Services,
an agency of the State of Minnesota; Director,
Minnesota Extended Treatment Options, a
program of the Minnesota Department of
Human Services, an agency of the State of
Minnesota; Clinical Director, the Minnesota
Extended Treatment Options, a program of
the Minnesota Department of Human Services,
an agency of the State of Minnesota; Douglas
Bratvold, individually and as Director of the
Minnesota Extended Treatment Options, a
program of the Minnesota Department of Human
Services, an agency of the State of Minnesota;
Scott TenNapel, individually and as Clinical
Director of the Minnesota Extended Treatment
Options, a program of the Minnesota Department
of Human Services, an agency of the State of
Minnesota; and the State of Minnesota,

Defendants.

Shamus P. O'Meara, Esq., and Mark R. Azman, Esq., O'Meara Leer Wagner & Kohl,
PA, counsel for Plaintiffs.

Scott H. Ikeda, Aaron Winter, and Anthony R. Noss, Assistant Attorneys General, Minnesota Attorney General's Office, counsel for State Defendants.

On January 5, 2017, the Court held a Biannual Status Conference in this matter to receive updates on the status of the *Jensen* Settlement Agreement and the Comprehensive Plan of Action ("CPA"). (Doc. No. 611.)¹ Prior to the Status Conference, the Court received multiple submissions relating to the *Jensen* Settlement Agreement and the CPA. In particular, the Court received Defendants' Semi-Annual Compliance Report covering the period of October 1, 2015 to June 30, 2016 (Doc. No. 589), the Court Monitor's Amended Compliance Assessment (Doc. No. 604), and Defendants' Response to the Court Monitor's Compliance Assessment (Doc. No. 606).

During the January 5, 2017 Biannual Status Conference, representatives from the Department of Human Services ("DHS") presented to the Court on selected Evaluation Criteria ("ECs") identified by the Court. Specifically, ECs in the following topic areas were covered: (1) Restraints (ECs 6, 8, 9); (2) Abuse and Neglect (ECs 25, 26, 27); (3) Minnesota Life Bridge Community Homes and Services (ECs 89, 90, 91, 92, 93, 94, 96); and (4) the Successful Life Project (EC 98). Plaintiffs' Class Counsel also provided comments in addition to the Ombudsman for Mental Health and Developmental Disabilities, the Executive Director of the Minnesota Governor's Council on Developmental Disabilities (together, "Consultants"), and the Court Monitor.

¹ The Court's agenda for this status conference was provided to the parties and invited attendees in advance and may be reviewed at Docket Number 608.

The Court took the presentations under advisement and has reviewed the submissions addressed at the January 5, 2017 Biannual Status Conference. The Court now issues the following order.

ORDER

Based upon the presentations and submissions before the Court, and the Court being otherwise duly advised in the premises, **IT IS HEREBY ORDERED** that:

1. DHS shall submit the following reports according to the schedule identified in the Court's Order for Reporting on Settlement Agreement (*see* Doc. No. 545):

a. Semi-Annual Compliance Report covering the period of July 1, 2016 to December 31, 2016 (due February 28, 2017).

b. Annual Report covering the period of January 1, 2016 to December 31, 2016 (due March 31, 2017).

2. In all future reports, DHS shall incorporate the improvements and clarifications it identified in its Response to the Court Monitor's Compliance Assessment with respect to ECs 1, 51, 65, 66, 69, 93, and 96. (*See* Doc. No. 606-2.)

3. The Court Monitor's duties shall remain stayed pending DHS's submission of the above reports. Once the reports are submitted, the Court will determine the extent to which any follow-up monitoring or DHS verification is needed. The Court reserves the right to direct the Court Monitor to investigate or verify other issues that may arise.

Date: January 17, 2017

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge