

**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, Anthony R. Noss, and Michael N. Leonard Assistant
Attorneys General, Minnesota Attorney General's Office, counsel for State Defendants.

The Court is in receipt of the *Olmstead* Plan March 2020 Revision (Doc. No. [824].) The Court requests a brief explanation for each goal summarizing how the goal may be impacted by the COVID-19 pandemic and whether further revision is necessary. In addition, the Court requests that each of the following questions be addressed:

1. To what extent are school districts providing special education services?
 - a. If school districts are not providing special education services, what is being done to remedy this issue?
2. To what extent are group homes properly staffed?
 - a. If group homes are not properly staffed, what is being done to ensure proper staffing?
3. Are group home staff receiving extra pay?
 - a. If not, to what extent may extra pay be provided?
4. To what extent are the staff at group homes using personal protective equipment?
 - a. If staff are not using personal protective equipment, what is the plan to ensure that they will in the future?
5. If a resident leaves a group home, is the resident discharged or allowed to return?
6. In light of day programs being closed, have day program staff been redeployed to group homes?
 - a. If not, is there a plan to do so in the future?

7. What is being done to remedy job losses for people with disabilities?
8. To what extent are the parents of adults with disabilities allowed access to visit them if they are hospitalized?
 - a. If access is currently prohibited, is there a plan to remedy this issue in the future?
9. What is being done to ensure that people with disabilities have access to computers or cellphones so that they may remain connected to the community virtually?
10. How is information being provided to individuals with low or no reading skills?

A response shall be submitted by May 15, 2020. The Court recognizes the gravity of this situation and understands the difficulty of quickly responding to unforeseen circumstances. Notwithstanding, it is imperative that people with disabilities are not overlooked and that a plan is in place to ensure their well-being during this pandemic.

ORDER

1. Defendants shall submit an addendum to the *Olmstead* Plan March 2020 Revision (Doc. No. [824]) by May 15, 2020 that includes the following:
 - a. A brief explanation for each goal summarizing how the goal may be impacted by the COVID-19 pandemic and whether further revision is necessary; and
 - b. A response to each of the Court's questions posed above.

Dated: April 6, 2020

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