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Juvenile Justice

- **Emily J. v Weicker Complaint** (conditions of confinement, medical & mental health care)

Federal Civil Rights Complaint

UNITED STATES DISTRICT COURT DISTRICT OF CONNECTICUT

EMILY J., a minor, by and through her next friend, MARY J., WILLIAM R., a minor, by and through his next friend, SANDRA R., MATT A., a minor, by and through his next friend, ROSEMARY A., RAMON C., a minor, by and through his next friend, MARIA C., MICHAEL T., a minor, by and through his next friend, DENISE T., MARK B., a minor, by and through his next friend, ANNA B., PAUL M., a minor, by and through his next friend, BARBARA M., RICARDO M., a minor, by and through his next friend, NEL K.

Plaintiffs v. NO. 3:93 CV 1944 (AVC)

LOWELL P. WEICKER, JR., in his official capacity as Governor, State of Connecticut, AARON MENT, JR., in his official capacity as Chief Court Administrator of Superior Court, State of Connecticut, ANTHONY J. SALIUS, in his official capacity as Director, Family Division, Superior Court, State of Connecticut, PETER DOBSON, in his official capacity as Supervisor, Bridgeport Juvenile Detention Center DONALD KONEFAL, in his official capacity as Supervisor, New Haven Juvenile Detention Center, MARK GUASTA, in his official capacity as Supervisor, Hartford Juvenile Detention Center, ROSE ALMA SENATORE, in her official capacity as Commissioner, Department of Children and Families, State of Connecticut,

VINCENT FERRANDINO, in his official capacity as Commissioner Department of Education, State of Connecticut T. JOSIHA HAIG, in his official capacity as Superintendent of Schools, City of Hartford JAMES A. CONNELLY, in his official capacity as Superintendent of Schools, City of Bridgeport REGINALD MAYO, in his official capacity as Superintendent of Schools, City of New Haven

Defendants

OCTOBER 25, 1993 AMENDED CLASS ACTION COMPLAINT

INTRODUCTION

Plaintiffs bring this lawsuit to challenge the conditions of confinement in the Juvenile Detention Centers operated by the defendant officials of the State of Connecticut and the state's treatment of those children confined in those facilities. Specifically, plaintiffs claim that the overcrowded conditions at the Bridgeport, Hartford, and New Haven Juvenile Detention Centers (JDC), the lack of adequate medical and mental health care, classification system, staffing, recreational, visitation, and educational opportunities, the lack of alternative placements and the lack of appropriate planning for these children violate their rights under the First, Sixth, and Fourteenth Amendments to the United States Constitution, 42 U.S.C. §1983, 20 U.S.C. §1401 et seq., §504 of the Rehabilitation Act, 29 U.S.C. §794, and 42 U.S.C. §620 et seq. and §671 et seq.

I. JURISDICTION

1. This action is authorized by 42 U.S.C. §1983, 20 U.S.C. §1401 et seq., 42 U.S.C. §620 et seq. and §671 et seq., and §504 of the Rehabilitation Act, 29 U.S.C. §794, 42 U.S.C. §5633, and jurisdiction over this action is conferred by 28 U.S.C. §§1331 and 1343(3) and (4).

2. A declaratory judgment is authorized pursuant to 28 U.S.C. §§2201 and 2202 and Rule 57 of the Federal Rules of Civil Procedure. Injunctive relief is authorized by Rule 65 of the Federal Rules of Civil Procedure. An award of costs and attorneys' fees is authorized by 42 U.S.C. §1988.

II. PARTIES

Plaintiffs

3. Plaintiff Emily J. is, and at all times pertinent herein has been a citizen of the United States and a resident of Bridgeport, Connecticut. She is a thirteen year old girl who has been accused of committing a delinquent act, and who has been committed to the care and custody of defendants at the Bridgeport Juvenile Detention Center. She brings this lawsuit through her sister and next friend, Mary J.

4. Plaintiff William R. is, and at all times pertinent herein has been a citizen of the United States and a resident of Hartford, Connecticut. He is a thirteen year old boy who has been accused of committing a delinquent act, and who has been committed to the care and custody of defendants at the Hartford Juvenile Detention Center. He brings this lawsuit through his mother and next friend, Sandra R.

5. Plaintiff Matt A. is, and at all times pertinent herein has been a citizen of the United States and a resident of Bridgeport, Connecticut. He is an eleven year old boy who has been accused of committing a delinquent act, and who has been committed to the care and custody of defendants at the Bridgeport Juvenile Detention Center. He brings this lawsuit through his mother and next friend, Rosemary A.

6. Plaintiff Ramon C. is, and at all times pertinent herein has been a citizen of the United States and a resident of Hartford, Connecticut. He is a fourteen year old boy who has been accused of committing a delinquent act, and who has been committed to the care and custody of defendants at the Hartford Juvenile Detention Center. He brings this lawsuit through his mother and next friend, Maria C.

7. Plaintiff Michael T. is, and at all times pertinent herein has been a citizen of the United States and a resident of New Haven, Connecticut. He is a sixteen year old boy who has been accused of committing a delinquent act, and who has been committed to the care and custody of defendants at the New Haven Juvenile Detention Center. He brings this lawsuit through his aunt and next friend, Denise T.

8. Plaintiff Mark B. is, and at all times pertinent herein has been a citizen of the United States and a resident of New Haven, Connecticut. He is a fifteen year old boy who has been accused of committing a delinquent act, and who has been committed to the care and custody of defendants at the New Haven Juvenile Detention Center. He brings this lawsuit through his mother and next friend, Anna B.

9. Plaintiff Paul M. is, and at all times pertinent herein has been a citizen of the United States and a resident of North Haven, Connecticut. He is a fifteen year old boy who has been accused of committing a delinquent act, and who has been committed to the care and custody of defendants at the New Haven Juvenile Detention Center. He brings this lawsuit through his mother and next friend, Barbara M.

10. Plaintiff Ricardo M. is, and at all times pertinent herein has been a citizen of the United States and a resident of Stratford, Connecticut. He is a fifteen year old boy who has been adjudicated of committing a delinquent act, and who has been committed to the care and custody of defendants at the Bridgeport Juvenile Detention Center. He brings this lawsuit through his mother and next friend, Nel K. Defendants

11. Defendant Lowell P. Weicker, Jr., is and at all times pertinent herein has been Governor of the State of Connecticut. Defendant Weicker is empowered to take any action concerning the protection of the citizens of the State and is required to prepare a budget for the State. He is also authorized pursuant to C.G.S. §4-28(a) to apply for federal funds or designate any commissioner, officer or agency of the State to apply for, accept, and expend federal funds allocated or payable to the

State, to establish and administer or supervise the administration of any state-wide plan which might be required as a condition for receipt of federal funds, and to take all such other actions as are necessary to fulfill the federal requirements. He is sued in his official capacity.

12. Defendant Aaron Ment, Judge is, and at all times pertinent herein has been Chief Court Administrator, Superior Court for the State of Connecticut. Pursuant to C.G.S. §46b-123, he is responsible for appointing such detention personnel as is necessary for the treatment and handling of juvenile matters. He is sued in his official administrative capacity as Chief Court Administrator, and not in any judicial capacity.

13. Defendant Anthony J. Salius is, and at all times pertinent herein has been, Director of the Family Division, Superior Court for the State of Connecticut. Pursuant to C.G.S. §46b-123, he is responsible for the overall supervision and direction of all juvenile detention centers in which plaintiffs are confined, for the promulgation and implementation of all policies and procedures of the Juvenile Detention Centers and for protecting the safety and welfare of all juveniles committed to his care and custody. He is sued in his official capacity.

14. Defendant Peter Dobson is, and at all times pertinent herein has been, Supervisor of Bridgeport Juvenile Detention Center. Pursuant to C.G.S. §46b-123, he is responsible for the safety of the children residing in that facility. He is sued in his official capacity.

15. Defendant David Konefal is, and at all times pertinent herein has been, Supervisor of New Haven Juvenile Detention Center. Pursuant to C.G.S. §46b-123, he is responsible for the safety of the children residing in that facility. He is sued in his official capacity.

16. Defendant Mark Guasta is, and at all times pertinent herein has been, Supervisor of the Hartford Juvenile Detention Center. Pursuant to C.G.S. §46b-123, he is responsible for the safety of the children residing in that facility. He is sued in his official capacity.

17. Defendant Rose Alma Senatore is and at all time pertinent herein has been Commissioner of the Department of Children and Families (DCF). Pursuant to C.G.S. §17a-6, she is responsible for the overall operation, direction and supervision of DCF, for preparing and administering DCF's budget, for adopting and enforcing regulations and rules for the Department's operation, and for the administration of all state and federal funds received by DCF for its programs and activities. Defendant Senatore, as administrator of the state's services program pursuant to 42 U.S.C. §620 et seq. and §671 et seq., has the additional responsibility to provide for the coordination of services for children which will best promote their welfare.

18. Defendant Vincent Ferrandino is and at all times pertinent herein has been Commissioner of the Department of Education. Pursuant to C.G.S. §10-3a, he is responsible for the overall operation, direction and supervision of the Department, and for the administration of all state and federal funds received by Department of Education for its programs and activities. He is sued in his official capacity.

19. Defendant T. Josiha Haig is and at all times pertinent herein has been Superintendent of Schools for the City of Hartford. In that capacity, he has general supervisory responsibility over the Hartford public schools and is responsible for the provision of educational services to school age children, including special education services to children confined at the HJDC. He is sued in his official capacity.

20. Defendant James A. Connelly is and at all times pertinent herein has been Superintendent of Schools for the City of Bridgeport. In that capacity, he has general supervisory responsibility over the Bridgeport public schools and is responsible for the provision of educational services to school age children, including special education services to children confined at the BJDC. He is sued in his official capacity.

21. Defendant Reginald Mayo is and at all times pertinent herein has been

Superintendent of Schools for the City of New Haven. In that capacity, he has general supervisory responsibility over the New Haven public schools and is responsible for the provision of educational services to school age children, including special education services to children confined at the NHJDC. He is sued in his official capacity.

III. CLASS ACTION ALLEGATIONS

22. The named plaintiffs bring this action as a class action pursuant to Rule 23 (b) (1) and (2) of the Federal Rules of Civil Procedure.

23. Plaintiffs file this complaint on behalf of themselves and all others similarly situated and seek injunctive and declaratory relief from the unconstitutional and unlawful actions and inactions of defendants, as herein set forth.

24. The named plaintiffs are children who are detained in one of the three juvenile detention centers and have suffered the deprivations of rights claimed herein.

25. The class plaintiffs seek to represent is composed of all children who are, or will be, in the care, custody, or supervision of defendants as a result of being accused of a delinquent act or adjudicated as a delinquent.

26. Joinder of all members is impracticable as the class includes more than sixty children at any one time, and over 3,000 children during the course of a year, and class membership fluctuates continuously.

27. There are many questions of law and fact common to the members of the plaintiff class including: a. whether defendants' failure to provide adequate living conditions, recreational opportunities, staffing, rehabilitative treatment, classification, evaluation and alternative placements, violates plaintiffs' rights to personal safety and non-punitive conditions of confinement and their right to treatment in the least restrictive setting and under the least restrictive conditions as guaranteed by the Fourteenth Amendment to the United States Constitution and 42 U.S.C. §5633; b. whether defendants have failed to adopt and implement policies and protocols to provide adequate medical and mental health care to plaintiffs and those they seek to represent, in violation of their rights under the Fourteenth Amendment to the United States Constitution; c. whether defendants' failure to provide students, including handicapped and disabled students with a free and appropriate public education deprive plaintiffs of their rights guaranteed by Individuals with Disabilities Education Act, 20 U.S.C. §1401 et seq. (P.L. 94-142) and its implementing regulations at 34 C.F.R. §§300 et seq., by 504 of the Rehabilitation Act, 29 U.S.C. §794, and the equal protection clause of the Fourteenth Amendment; d. whether defendants' interference with plaintiffs' access to their families and attorneys violates plaintiffs' rights as guaranteed by the First, Sixth, and Fourteenth Amendments to the United States Constitution; and e. whether defendants' failure to develop appropriate plans and coordinate services for plaintiffs violates plaintiffs' rights as guaranteed by Titles IV-B and IV-E of the Adoption Assistance and Child Welfare Act, 42 U.S.C. §620 et seq. and §671 et seq.

28. The claims of the representative parties are typical of those of the class in that the constitutional and statutory deprivations alleged by the named plaintiffs and caused by defendants are materially the same as those suffered by all other class members.

29. The representative parties will fairly and adequately protect the interests of the class. The named plaintiffs have no interests antagonistic to those of the class. Further, plaintiffs are represented by attorneys experienced in children's rights and federal constitutional litigation.

30. The prosecution of separate actions by individual members of the class would create a risk of inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for defendants.

31. Defendants have consistently acted and refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive and declaratory

relief with respect to the class as a whole.

IV. STATEMENT OF FACTS DESCRIPTION OF PLAINTIFFS EMILY J.

32. Plaintiff Emily J. is a thirteen year child who has been incarcerated at the Bridgeport Juvenile Detention Center on delinquent charges since August 31, 1993.

33. Emily is from a dysfunctional family. Prior to her arrest, she had been living with her sister. Her mother is homeless and itinerant and her father's whereabouts are unknown.

34. Prior to her incarceration, Emily had been truant from school for a period of two years. She has been found to be a "handicapped" child under special education laws and was placed in an ungraded special class but was "dropped due to lack of attendance" by the Bridgeport Board of Education.

35. In March of 1993, Emily was placed in the custody of DCF as a result of a voluntary agreement by her mother. She was placed in a shelter in May but did not remain there. Although Emily has a DCF worker, the worker has not been to see her in detention.

36. The probation officer filed an "uncared for" petition on Emily on September 3, 1993 alleging that her mother is unable to provide a home for her.

37. After being remanded to the Detention Center, Emily was incarcerated in a cell with two other girls. The ventilation in the cell made breathing difficult.

38. Since her incarceration, Emily has not been outside at all or breathed any fresh air.

39. Much of her time has been spent locked alone in her room for disciplinary reasons. She was locked for three days in a row, having been given consecutive periods of "room confinement." Defendants provide no toilet facilities in the cells to which plaintiffs are confined. While locked in her room, defendants' staff failed to release her to go to the bathroom. After urinating on the floor, she was given additional "room confinement."

40. When locked in her room, she has not been allowed out to eat or receive educational services.

41. Many of the staff have been verbally abusive towards her.

42. When in general population, Emily sits either in a crowded dayroom which triples as the recreation area and educational area, or is confined to a small area on the "girl's" side of the building. Other than playing cards, there are virtually no other recreational opportunities for her and the other girls in the facility.

43. Since she has been incarcerated, Emily has received very few phone calls and visits.

44. Although prescribed medication by the physician at the facility, on at least one occasion, staff forgot to give her the medication.

45. The clothing Emily has been given to wear has been inappropriate. She has been given a sweatshirt to wear in hot weather.

46. On several occasions, Emily has had difficulty contacting her attorneys. The detention staff has declined to respond to her repeated requests to speak to her attorney whose office is in the adjacent building.

47. Emily has not received any counseling or other mental health interventions. She has gone to bed crying at night.

WILLIAM R.

48. Plaintiff William R. is a thirteen year old child who has been detained at the Hartford Juvenile Detention Center since August 16, 1993.

49. William is a child who has been identified as having many needs. He has witnessed a lot of family violence. At the age of eight, he was placed at the ABC program at Mt. Sinai Hospital.

50. In February, 1993, William was voluntarily placed with DCF by his mother. He was placed unsuccessfully in several shelters in May and June. He has not seen his DCF worker since June. Although DCF intended to close his case after he was held in detention, they were finally persuaded otherwise by William's attorney.

51. William has been identified as needing a highly structured twenty- four hour treatment milieu. He has low IQ, and reading impairment, lacks a supportive primary family, and has lacked a sufficient treatment program up to this point. He has been incarcerated for over forty days awaiting residential placement.

52. While incarcerated, William has been locked with another child in a room designed for one child.

53. William has been subjected to excessive and inappropriate discipline by staff. He has been given forty-eight hours of "room confinement" which has been spread out over a four day period of time. He has not been allowed to have any reading or writing materials in his room. When confined, he has not been released for any recreation or physical exercise.

54. Due to the stress and tension of the overcrowding, William has witnessed and been involved in fights among the children.

55. Other than playing basketball, and foosball, he has engaged in few recreational opportunities. William has not been outside since being incarcerated except for a one and a half hour furlough for a funeral and a preplacement visit.

56. William is a special education student. He reads at a third grade level. Although his individual education plan has been requested from the Hartford school system, it has not been forthcoming. Because of the crowding and lack of sufficient educational staff, he is only in class less than two hours per day in a space inappropriate to meet his needs. He has received no support services such as individual counseling.

MATT A.

57. Plaintiff Matt A. is eleven years old and has been locked up at the Bridgeport Juvenile Detention Center since August 31, 1993.

58. Matt is of very small build for his age, being 55" tall and weighing only sixty-eight pounds.

59. He has been held with two other boys in a cell built for one because of the overcrowding.

60. He has not been allowed to go outside since being incarcerated, nor has he breathed any fresh air in over three weeks.

61. Because of the overcrowding in the facility, much of Matt's time is idle. Other than play basketball and go to school for less than two hours a day in the crowded room, there is little else to occupy his time.

62. He has received excessive "room confinement," being locked in his room for hours at a time. On one occasion, he received six hours of solitary confinement for allegedly talking back to a staff member.

63. The Bridgeport Board of Education has concluded that due to "poor self-esteem and minimal interpersonal relation skills" he is handicapped under federal and state law, in need of special education services, and designated him socially/emotionally

maladjusted. He has not received any of the support services to which he is entitled.

64. Matt's grandmother has raised Matt since he was a baby. Despite this fact, when his grandmother has attempted to come to visit him or call him, or he has tried to reach her, staff has not allowed the contact.

RAMON C.

65. Plaintiff Ramon C. is a fourteen year old child who has been incarcerated at the Hartford Juvenile Detention Center since September 11, 1993.

66. Ramon cannot read or write. He was recently given a promotion by exception to the ninth grade in the Hartford Public School system having been in the special education program at Quirk Middle School. He has serious deficits in language functioning.

67. A recent psychological evaluation of Ramon recommended exploration of a diagnosis of mental retardation.

68. Ramon is not receiving any support services to which he is entitled in the educational program at the detention center. Although his individual educational program requires 1 1/2 hours of speech and language therapy and 1/2 hour of counseling by a social worker weekly, he is not receiving such services. He is being taught in a very small room where two special education teachers attempt to deliver educational services to a group of students at the same time. Because he is so cognitively limited, he needs a one to one learning environment and individual counseling.

69. Because of the overcrowding, Ramon has slept on the floor in a room with one other child.

70. He has had difficulty in contacting his mother. When he has called and the line is busy, he is not allowed to make another phone call.

71. He has not been outside since being incarcerated.

72. Ramon has witnessed staff hurting children by bending their arms and legs until they cry, slamming them on the floor, and dragging them across the rug.

73. Upon information and belief, he has not been seen by any doctor since being incarcerated.

MICHAEL T.

74. Plaintiff Michael T. is a sixteen year old child who has been incarcerated at the New Haven Juvenile Detention Center since December 29, 1992.

75. He has many psychological problems, including post-traumatic stress disorder. He was referred to the Henry D. Altobello Children and Youth Center for psychiatric evaluation but after receiving such evaluation, was sent back to detention. Although the evaluation indicated he was in need of regular individual counseling, he has not received such counseling.

76. Michael has been evaluated as needing treatment in a residential facility. Because of the lack of facilities, he has been waiting for a placement for over nine months.

77. Michael has been diagnosed as having a systolic heart murmur and an umbilical hernia. Although he is in need of an operation, he has not yet received it.

78. His educational program has not been more than two hours a day. Because on many occasions it consisted of watching nature films, he has not been attending school.

79. He has frequently been given excessive lock time for talking back to staff and hitting a ball onto the roof. On one occasion, he was locked for twenty-four hours.

80. Michael is sleeping on the floor because of the overcrowding, locked in a room with another child.

MARK B.

81. Plaintiff Mark B. is a fifteen year old child who has been incarcerated at the New Haven Juvenile Detention Center since August 26, 1993.

82. Over one year ago, Mark was in a motorcycle accident and as a result of his injuries, he suffered neurological damage. He now exhibits serious cognitive limitations and has an IQ of 50. He suffers from symptoms of attention deficit hyperactive disorder, or "ADHD."

83. He continually has flashbacks regarding the accident which awakens him at night.

84. Since being incarcerated, he has received no intensive psychotherapy, although he is in need of and desires to see a psychiatrist.

85. Previous to his incarceration, he was taking dilantin for seizures and other medication. He has not been placed on any medication since his incarceration.

86. Because of his limited functioning, incarceration in the detention facility is causing him extreme emotional distress and he has experienced a lot of shaking.

87. He has been identified as a learning disabled/socially and emotionally maladjusted student, but is not receiving the special education and support services to which he is entitled.

88. A residential treatment facility was recommended by the court clinic and he has been awaiting placement.

PAUL M.

89. Plaintiff Paul M. is a fifteen year old child who has been incarcerated in the New Haven Juvenile Detention Center since September 17, 1993. He is being held at the facility on a violation of probation for violating curfew on a minor misdemeanor charge.

90. Paul has been diagnosed as having dysthymia, ADHD, and alcohol abuse.

91. He has been hospitalized at Elmcrest for his chemical dependency on alcohol. He also has had a history of cutting his wrists. Prior to his incarceration, he had dropped out of school.

92. Because of the overcrowding, he has slept on the floor in a cell with another child.

93. He was not examined by any medical personnel until three days after admittance to the detention facility.

94. Paul attends school only two hours a day.

95. He has been subject to verbal abuse by the staff. On one occasion, he was given "room confinement" for asking a question to a staff member.

96. Paul has received no group or individual counseling for his alcohol problem since being incarcerated.

97. Paul's mother is unwilling to take Paul home and an alternative placement has been recommended but not yet found for him.

RICARDO M.

98. Ricardo M. is a fifteen year old child who has been held at the Bridgeport Detention Center since July 23, 1993.

99. Because of the overcrowding, Ricardo has slept on the floor of a cell within the facility. He recently was housed in a room with one other child isolated from the rest of the children behind steel doors. This room is not physically located either near the girls' wing or the boys' wing, nor is it within visual distance of any staff. It is referred to by the children as the "dungeon."

100. During periods of overcrowding, he has witnessed the escalation of fights among the children and the tension among staff.

101. During the four months he has been incarcerated, he has been outside the facility for outdoor recreation only once.

102. The space constraints at the facility have restricted any opportunities for meaningful indoor recreation. On occasions, staff have refused to put up the pingpong table, limiting access to such opportunities to an even greater extent.

103. He has received excessive amounts of "room confinement" for periods of up to ten hours a day, which has been imposed on top of the standard amount of time all children are confined to their rooms on any given day. He has been so confined for consecutive days at a time. During periods of room confinement, he has not been allowed out of his room to eat. His visits with his family have been cut short because of his status on "room confinement."

104. Ricardo had attended a special educational program for learning- disabled children and those who have social and emotional problems. Although he has been identified as requiring an intensive special education remediation program with a considerable amount of individualized assistance, the educational program at the detention center which he has been provided has been insufficient to meet his needs.

105. On August 25, 1993 his pretrial charges were negotiated, at which time it was agreed that he would go to a residential placement. On September 17, 1993, he entered a plea and was adjudicated delinquent. He has been awaiting a placement since that time.

GENERAL DESCRIPTION OF CONDITIONS

106. In 1992, a total of 9,924 children were referred to the Superior Court, Juvenile Matters, either accused of committing a delinquent act or because they behaved in a way defined under the statute as part of a "family with service needs." ("FWSN")

107. Some children are admitted to detention for serious juvenile offenses, while many are admitted as FWSN on a violation of court order or for minor offenses such as breach of peace. Some are committed to the Department of Children and Families (DCF) under the responsibility of defendant Senatore at the time they enter the detention facilities.

108. There are three juvenile detention centers, located in Hartford, Bridgeport, and New Haven, which house children accused of committing a delinquent act who have been remanded by Superior Court, Juvenile Matters, during the pendency of their cases. The centers also house children who have been adjudicated delinquent and who are awaiting placement. Approximately 3,016 children were admitted to juvenile detention centers during 1992.

109. These three detention centers are administered by the Judicial Department under the auspices of defendant Aaron Ment, Chief Court Administrator and defendant Anthony Salius, Director of the Family Division, Superior Court.

110. The majority of these children are from economically disadvantaged backgrounds. Approximately 45% are African American, and 30% are Latino. Almost 80% are from Bridgeport, New Haven, and Hartford. Some of the children

are as young as eight years old.

111. These children have had limited socialization from an early age and suffer from the damaging effects of poverty, substance abuse, and violence in their families and neighborhoods. 112. Children stay for varying lengths of time ranging from twenty-four hours to over a year.

A. LIVING CONDITIONS

113. Pursuant to C.G.S. §46b-133(g) the Judicial Department has established bed capacity at each detention facility as follows: Bridgeport 16 New Haven 24 Hartford 24

114. Intake, average length of stay, and average daily population have increased in recent years at all three facilities. Since 1988, the number of cases entering the juvenile justice system has increased by 23% during a period of time when the staff and related resources in that division have been reduced because of budget constraints.

115. The current statewide capacity of the three Juvenile Detention Centers is sixty-four. During the last six months, the average daily population has been 114. With 3,115 children admitted during 1992-93, the daily population averaged 128% of capacity. On some occasions, the centers have exceeded 130 juveniles.

116. Although the Bridgeport Juvenile Detention Center ("BJDC") has a rated capacity of sixteen, (ten boys and six girls), the population for the past year has risen well beyond that number. The ADP in January, 1992 was nineteen while the ADP in January, 1993 was 28.3. In August, 1993, the ADP rose to 30.6. On some occasions, during the last six months, the population has risen to over 40.

117. The New Haven Juvenile Detention Center ("NHJDC") has also experienced severe overcrowding. Although the capacity is twenty-four, on many days it accommodates over forty children. On at least one occasion, the population has reached as high as sixty-five.

118. The Hartford Juvenile Detention Center ("HJDC") has a capacity of twenty-four. In June and July of 1993, the ADP was forty-three. The facility has held as many as fifty-five children.

119. Defendants have crammed plaintiff children into small cells, often doubling and tripling up in space clearly designed for only one child. As a result, in some cells, two children sleep on a thin gym mat on the floor next to one child in a bunk. At other times, four or five children are housed in rooms designed for two persons.

120. Defendants' actions, inactions, policies and practices which result in overcrowding place enormous pressure on both staff and facilities. It has caused stress on staff, created a heightened sense of fear among the children, and increased the risk of children harming each other.

121. Defendants fail to maintain an adequate classification system. Boys are placed inappropriately on the girls' wing at all three facilities because of space limitations. This practice has severely compromised the privacy of the girls. In addition, children as young as eight to ten are housed with older teens. Children who are identified as FWSN and incarcerated on a violation of court order or breach of peace are commingled with children accused of serious juvenile offenses.

122. On some occasions when the HJDC is overcrowded, children from Hartford are transferred to the New Haven and Bridgeport detention centers.

123. Children from outside the major cities are also housed in the Bridgeport, Hartford, and New Haven detention centers. Because of the infrequent scheduling of juvenile court sessions in outlying towns, these children wait in detention to be presented in a court where their families can attend the court hearings.

124. Defendants' overcrowding has impeded the safety of the children and caused

the children to become frustrated more quickly, causing increased tension and more fights. As recently as April, 1993, state police had to be called to control the youths in the BJDC. On another occasion in August, 1993, at BJDC, a child allegedly became the victim of a sexual assault while tripped in a cell designed for one child. In May, 1993, a sexual assault allegedly occurred on a mentally disabled child housed at HJDC in a cell designed for one child.

125. Staff has responded to overcrowding by confining children to their rooms more frequently and for longer periods of time.

126. Defendants have failed to provide adequate shower and toilet facilities to meet the needs of all the children in the overcrowded facilities. Showers are severely limited in time. In BJDC and HJDC, staff fails to regularly let children out of their cells to use the bathrooms. On some occasions, children have been forced to urinate in their towels, or on the floor.

127. At BJDC, there is no emergency release to open the rooms. In the event of a fire, all of the room doors have to be unlocked individually using keys.

128. The room doors at BJDC and HJDC open inward, creating an additional barrier to rapid evacuation during a fire -- especially when children are being held three or more to a room.

129. Upon information and belief, there have been no fire inspections of any of the detention facilities for the past two years.

130. In BJDC, one room functions as a day-room, eating area, educational space, visiting area, and recreational space, leaving inadequate room for any of these activities.

131. In all the facilities, defendants fail to maintain adequate ventilation, causing it to be too hot in summer and too cold in winter.

132. At several of the facilities, defendants do not provide children with enough food. Although defendants have a menu, it is often not followed. Food has been withheld as punishment. Staff has taken food home.

133. Defendants do not provide children with adequate clean underwear in a timely fashion because of the overcrowding.

134. The recreational opportunities as described in Section D, infra are severely restricted. Because of the overcrowding, there is insufficient room to engage in active or passive exercise.

135. Although defendants are directed, pursuant to C.G.S. §46b-133(g), to admit children to detention only under certain criteria when the detention center equals or exceeds maximum capacity, they have not exercised such authority, instead leaving the facilities overcrowded.

136. Defendants have also failed to implement other remedies to reduce overcrowding, including but not limited to expediting and expanding intensive supervision and implementing an intake system to reduce the number of DCF children, FWSN children, and other children who are incarcerated on non-dangerous or minor offenses.

B. MENTAL HEALTH

137. An increasing number of children entrusted to defendants' custody are seriously emotionally disturbed. Some show evidence of fetal-alcohol syndrome. Others have spent years in the custody of DCF, sometimes moving from one placement to another. There has been a significant increase in the number who seem very depressed or who have suicidal thoughts.

138. Defendants have failed to establish an adequate system for children to receive appropriate assessments including a psychological screening at admission from trained staff. Defendants have no adequate provisions for children to be seen by a

psychologist or psychiatrist shortly after admission if their current offense, behavior subsequent to admission, or records indicate potential or previous psychiatric problems.

139. Defendants have failed to establish a reliable system to provide detention staff with evaluations and case management support regarding apparently disturbed, depressed, suicidal and agitated children.

140. As a result of defendants' failures described above and plaintiffs' myriad mental health problems, staff have a difficult time managing such children.

141. Defendants do not provide adequate continuity of care for children with ongoing mental health problems. Defendants rarely make contact made with previous health care providers. No discharge summaries are written and forwarded to the child's new placement.

142. Defendants have no adequate suicide prevention plan nor has there been any formal or appropriate training for staff in mental health problems or suicide prevention.

143. In some instances, children who could benefit from psychotropic medication either are unable to receive it because there are no psychiatrists to administer it, or do receive it from staff with inadequate training and supervision.

144. Although defendants have identified the need to address areas of anger and stress management, AIDS prevention, self-esteem, conflict resolution, health care, basic life skills, and peer/family relationships, inadequate steps have been taken to implement counseling in any of these areas.

145. Although many children are from alcoholic backgrounds, defendants have discontinued both Al-anon and AA at the centers.

146. Defendants have failed to institute a culturally and linguistically appropriate system to deliver mental health care to many Latino children who are incarcerated.

C. MEDICAL SERVICES

147. The children who enter the juvenile detention centers are medically at high risk. Because of their poverty backgrounds, many have not seen a physician since early childhood and lack a regular source of coordinated health care prior to incarceration. Some enter as pregnant teenagers who are at high risk of delivering a low birth weight baby. Others enter with HIV and other contagious diseases such as venereal disease. Still others suffer from alcohol and other drug abuse.

148. Defendants provide only approximately 65% of the juveniles with any kind of medical screening during the first three days of their stay. This screening is extremely cursory and does not include such information as medical history, immunizations, alcohol or drug use, whether the child needs medication for on-going conditions such as epilepsy, screening for pregnancy, tuberculosis, sickle cell anemia and other genetic diseases, and venereal disease. In many cases it is administered by staff who have not been specifically trained by medical personnel.

149. Defendants' failure to properly screen to detect contagious diseases and identify conditions that require immediate treatment places children at medical risk.

150. Intake and other staff have no adequate training in detecting or treating communicable diseases, operate without written guidelines on disease detection, and are not supervised by medically trained personnel. Children are admitted to general population with significant communicable diseases such as hepatitis, chicken pox, measles, and staph infections, as well as conditions such as ring worm, lice, and scabies.

151. Although HIV infection was the second leading cause of death among fifteen to twenty-four year olds in the United States, and was the second leading cause of death among men and women ages twenty-five to forty-four in Connecticut, defendants fail to provide children adequate AIDS education and counseling, and

appropriate medical care for HIV infection.

152. Some children receive no routine medical examination, dental exam, educational evaluation, family and social summary, or psychological evaluation prior to discharge.

153. Defendants have contracted with physicians to deliver medical services to each JDC for only two ninety minute visits weekly. In NHJDC, a physician is allowed to spend an additional 3 hours per week. This amount of coverage does not allow for adequate screening, daily sick call, on-going services for continuing medical needs, or more specialized diagnostic procedures including blood work.

154. There are no medics on staff at any of the detention facilities.

155. Girls have no access on a routine basis to appropriate reproductive health care. Girls who are pregnant receive inadequate prenatal care, diet, and counseling or none at all.

156. There is also inadequate space to isolate children with communicable diseases in a medical unit.

157. The defendants have failed to put in place any organized quality assurance program to monitor, analyze, and improve medical and mental health services.

158. Although defendants Salius and Ment asked for additional funds to upgrade medical services, defendant Weicker failed to include such request in the Judicial Department biennial budget he submitted to the legislature for fiscal years 1993-1995.

D. RECREATION

159. Although adolescents need regular exercise for proper growth, and as an outlet for tensions and frustrations that develop in a confined setting, defendants never permit the children to go outside at HJDC and rarely at BJDC. None of the windows open, so the children are never exposed to fresh, outside air.

160. At NHJDC, children are allowed outside dependent on the weather, desires and availability of adequate staff. On occasions, there has been inadequate staff to allow the children to go outside.

161. At all facilities, the indoor recreation areas are insufficient to adequately meet the children's need for physical activity.

162. For the girls at the facilities, there is virtually no organized recreation, since the boys monopolize the basketball court.

163. Passive recreation consists of watching TV and playing cards or board games. As a result of defendants' failure to organize any meaningful and substantial programming, children spend much of the time during their days idle. This is particularly true from Friday to Monday.

164. Children on discipline status are denied indoor and outdoor recreation.

E. STAFFING NEEDS

165. The JDC staffing consists of Supervisors, Assistant Supervisors, Shift Supervisors, Juvenile Detention Officers, Food Service Coordinators, and Clerical workers. Defendants have created a serious shortage of staff, resulting in substantial numbers of hours in overtime. For example, in 1992-93 there were 8,832 hours in Bridgeport, 30,896 hours in New Haven, and 29,136 hours in Hartford for a total of 68,864 hours which needed to be filled by overtime and per diems.

166. The large number of hours provided by per diems causes such problems as having less qualified and experienced staff and inappropriate training. This staffing

pattern compromises the safety and welfare of the children.

167. Defendants provide no resources for either timely or specialized training for new employees or sufficient refresher training. This lack of staff training has made potentially dangerous situations worsen as well as caused stress to be inadequately handled by staff.

168. Defendants Salius and Ment previously had established a three-week staff training course for new employees but have discontinued such training.

169. Although staff deals with a population that exhibits a high incidence of psychopathology, learning disabilities, attention deficit disorder, and other handicapping conditions, defendants provide inadequate staff training in these areas. As a result, the special needs of these children are not met, and they are sometimes severely mistreated.

170. Defendants' failure to employ adequately trained staff results in lack of attention to plaintiffs' problems during confinement, lack of appropriate assessment of plaintiffs' physical and emotional needs, and lack of remedial programs. Such failure also subjects plaintiffs to serious harm from both personnel and other detainees.

171. Because of inadequate staff qualifications and training, children are often subjected to extreme and inappropriate verbal abuse by staff members.

172. Although many children are admitted to detention on very minor allegations because the police have not or could not contact parents or relatives, the detention centers have no organized system or staff to contact parents and families, especially those without telephones. Children are held waiting, sometimes for days, until probation staff or DCF staff contact families or find alternative placements.

173. Despite the fact that defendants have identified a number of measures to correct the staffing and training problems, defendants have failed to implement these recommendations.

174. Although many of the children are Latino and speak Spanish as their primary language, on certain shifts there is insufficient staff who speak Spanish. On occasion, children have been ordered to stop speaking Spanish. Without Spanish-speaking staff, the ability to gather vital medical and other information from Spanish-speaking parents has been limited.

F. EDUCATION

175. The current educational program fails to adequately assess children upon entrance to determine the extent of their special education needs, if any, and to place them in appropriate educational programs equivalent to children outside the facility.

176. The educational services delivered to special education students are insufficient. There are often no planning and placement team ("PPT") meetings, or individual education plans ("IEP") as required by state and federal law.

177. When IEPs are developed, they are often not followed. For those children diagnosed as "socially and emotionally maladjusted," defendants have failed to provide the necessary support services, including speech and hearing therapy, and counseling services.

178. Defendants have failed to institute a system for coordination with the student's school of origin both while the child is in detention and after the child leaves.

179. At all three facilities, children receive inadequate educational instruction time, usually no more than two hours per day.

180. At all three facilities, there is insufficient space to accommodate any meaningful educational program.

181. *Contrary to the mandates of 20 U.S.C. §1415(b)(1)(B), and regulations promulgated thereunder, specifically 34 C.F.R. 300.514, defendants have failed to recruit, train or assign "surrogate parents" to DCF-committed children confined at the detention centers who are eligible for and/or in need of special education services.*

182. *From 1986 to the present, the State Department of Education and the New Haven, Bridgeport, and Hartford public school systems have been informed about and are aware of the problems relating to the delivery of educational services at the detention facilities.*

183. *Defendant Vincent Ferrandino, as the Commissioner of the Department of Education, and defendants Haig, Mayo and Connelly as Superintendents of Schools for Hartford, New Haven, and Bridgeport respectively, have failed to take appropriate action to correct the deficiencies in the delivery of educational services.*

184. *The Connecticut Department of Education receives federal funds to provide educational services for all qualified children within the State of Connecticut.*

G. VISITATION AND PHONE CALLS.

185. *Visitation and telephone policies are extremely limited at all three facilities. Visits are restricted to parents, guardians, lawyers, clergy, social workers, and probation officers. Children in the centers are not allowed to visit with their siblings, friends, or any adult relatives other than their parents, without special permission. Special permission cannot be obtained for visits from siblings or friends under the age of sixteen.*

186. *Visiting hours are very limited. At Hartford, there is only one hour of visiting on weekdays and two hours on weekend days. At Bridgeport, there are only two hours of visiting on week days and four hours on other days, but visits are limited for any given child to ten to twenty minutes. At New Haven, there are four hours available for visitation, but visits are limited to one hour for any given child.*

187. *There is insufficient space for confidential communications between the children and their attorneys.*

188. *Defendants allow plaintiffs and their class only one outgoing telephone call each day. At New Haven, this call is restricted to five minutes, even if it is a call to a lawyer. At Hartford, the call may only be placed between 2:30 and 4:00 p.m. or 8:00 and 9:00 p.m. Children are not allowed to call their friends or relatives other than their parents. If the line is busy when a child makes a call, some detention staff do not let the child call again until the next day.*

H. DISCIPLINE

189. *Despite the fact that state law, C.G.S. §46b-133(d), prohibits solitary confinement, defendants have placed children in solitary confinement in their rooms as routinely-imposed punishment for misbehavior. Some children have been given four days of room confinement. At some of the facilities, the children are not released for meals, recreation, education, or exercise. Because some staff are slow to determine whether children in room confinement are in need of sanitary facilities, on some occasions, children have urinated in their rooms. On occasion, children have been left in urine soaked clothing for long periods of time.*

190. *Often there are no attempts made to try less restrictive alternatives.*

191. *There are no procedures in place to ensure that discipline is fairly and consistently applied. Children are locked in their rooms at the discretion of individual staff members with no review by other staff or supervisors and with no opportunity or mechanism for children to defend their actions. As a result, discipline is inconsistent, arbitrary, and often excessive.*

192. *Some children have been locked for excessive periods of time for calling out the name of a staff member, talking to a child in another cell, or asking questions.*

193. On many occasions, all of the children are "locked down" (i.e., confined to their rooms) because of the behavior of a single child.

194. Children are inappropriately physically restrained by staff. Staff have hit children, and used "pain compliance" techniques on them without appropriate mental health interventions or appropriate training.

195. Because staff is not trained in regard to the handicapping conditions of children, many children who have learning and other disabilities, such as attention deficit disorder or auditory problems, are inappropriately punished with excessive amounts of room confinement.

I. LACK OF COORDINATION AMONG STATE AGENCIES AND FAILURE TO DEVELOP ALTERNATIVE AND LESS RESTRICTIVE PLACEMENTS

196. DCF is responsible for developing a state plan and ensuring inter-agency coordination and cooperation to provide appropriate services for all children who are entitled to services and benefits under 42 U.S.C. §620 et seq. and §671 et seq.

197. The State of Connecticut receives substantial federal funding under 42 U.S.C. §620 et seq. and §671 et seq. Nevertheless, defendant Senatore has failed to adequately provide coordination of services for those children brought before the Superior Court and entitled to such services under the federal statute which will best promote their welfare. As a result, many children are either placed in juvenile detention centers or remain in those facilities for longer than appropriate because alternative programs have not been provided for them, either as an alternative to detention altogether or as a placement following adjudication by the Superior Court.

198. Federal law provides federal reimbursement for the placement of those members of the plaintiff class who meet federal financial eligibility and who are placed in authorized agencies as defined in 42 U.S.C. §672(c), but provides no federal reimbursement for children placed in the juvenile detention centers. Most of the children in the plaintiff class are eligible for the benefits provided by 42 U.S.C. §620 et seq. and §671 et seq.

199. Plaintiff class members are entitled to the benefits of these statutes but because defendants have failed to develop a coordinated plan of services for these children, as required by federal law, these children are being denied such benefits.

200. Many children are locked up on minor charges such as breach of peace because families cannot be located or do not want to take them home. As a result, they become abandoned. Defendants fail, however, to file "uncared for" petitions, contact or notify DCF or arrange for children placed in alternative facilities.

201. When DCF is notified, tension between the two state agencies as to which has responsibility for the child often results.

202. DCF social workers rarely visit DCF children being kept in juvenile detention.

203. The centers are often used to warehouse children DCF cannot place or to hold children until DCF workers eventually explore placement.

204. Although many children go from detention centers, upon sentencing, to DCF facilities and DCF-licensed facilities, there is a serious lack of coordination between the detention centers and such facilities. Children often miss appointments with state authorities due to this lack of coordination and the state's failure to provide transportation.

205. Frequently, the Juvenile Court must order DCF workers to remove children in order to get action. Many times, attorneys, subsequently appointed to represent detained children, must file neglected or uncared for petitions with DCF in order to obtain action for their clients.

206. Defendants have failed to develop and implement a sufficient number of less secure, community-based alternative placements for plaintiffs and members of their class who are inappropriately confined at the detention centers.

207. On many occasions, the few shelters and mental health residential facilities which will take children in the juvenile justice system do not have adequate space to accommodate those appropriate for their services, despite the availability of federal funds for many of these facilities.

208. In addition, DCF facilities such as Riverview, Altobello and the State Receiving Home are not equipped to help these children on any long-term basis.

209. The failure to develop appropriate alternatives causes, in part, a disproportionate representation of minority youth confined in secure facilities. While the arrested juvenile population is approximately 10% African American and 6% Latino, the detention population is approximately 50% African American and 30% Latino. Minority children are at least four times more likely to be detained than white children.

210. According to 1988-89 statistics from the Juvenile Department, while 40% African American and 20% Latino children were committed for DCF placement, 76% of the Long Lane population was minority, while only 40% of the more specialized and less restrictive placements were filled by minority children.

211. While the Judicial Department, under defendant Ment's supervision, has developed a successful Alternative Incarceration Program (AIP) servicing 3,500 adult criminal offenders, placing 80% in alternative sentencing arrangements, the defendants have failed to establish a similar system for juveniles.

212. Although defendant Ment acknowledged the need for an alternative sanctions program for juveniles, defendant Weicker failed to include such requests in the biennial budget submitted to the legislature and no such program has been implemented.

213. The State of Connecticut receives federal funding pursuant to the Juvenile Justice and Delinquency Prevention Act. Defendants fail to fulfill the requirements of the Act by failing to file annual updates to the plan and annual evaluations of their programs, by failing to administer their programs equitably on the basis of gender, race, and mentally, emotionally, or physically handicapping conditions, and by failing to provide adequate assistance designed to strengthen the families of delinquent youth.

J. INACTION BY DEFENDANTS

214. Defendants have had long standing knowledge of the problems described above.

215. Innumerable studies and task force reports by and for the defendants include: "Report on the Juvenile Justice System in Connecticut," (October, 1983); "Delinquency in Connecticut, the Changing Juvenile Court," (May, 1984); "Tracking Juvenile Offenders into the Adult Criminal Justice System," (1985); "Juvenile Justice in Connecticut," (January, 1989); "Three Model Youth Programs: A Federally Sponsored State Initiative," (July, 1992); "Alternative Sanctions in the Superior Court/Juvenile Matters," (March, 1993).

216. These studies and reports as well as others have acknowledged the multi-faceted nature of the problems and have recommended various steps which defendants must take to ensure that children under their care receive the protection, care, and treatment to which they are lawfully entitled. Defendants have failed to implement the recommendations.

217. The knowing actions and inactions of the defendants as herein set forth, are causing the plaintiff children to suffer and continue to suffer irreparable injury for which they have no adequate remedy at law.

V. FIRST CLAIM FOR RELIEF

218. Paragraphs one through two hundred and seventeen are incorporated herein by reference the same as though pleaded in full.

219. Defendants' failure to provide adequate living conditions, recreational opportunities, staffing, rehabilitative treatment, classification, evaluation and placement violates plaintiffs' rights and the rights of class members to personal safety and non-punitive conditions of confinement and their right to treatment in the least restrictive setting and under the least restrictive conditions as guaranteed by the Fourteenth Amendment to the United States Constitution.

VI. SECOND CLAIM FOR RELIEF

220. Paragraphs one through two hundred and nineteen are incorporated herein by reference the same as though pleaded in full.

221. Defendants have knowingly failed to adopt and implement policies and protocols to provide adequate medical and mental health care to plaintiffs and those they seek to represent, in violation of their rights under the Fourteenth Amendment to the United States Constitution.

VII. THIRD CLAIM FOR RELIEF

222. Paragraphs one through two hundred and twenty-one are incorporated herein by reference the same as though pleaded in full.

223. Defendants' failure to provide handicapped and disabled students with a free and appropriate public education deprives plaintiffs and members of their class of their rights guaranteed by Individuals with Disabilities Education Act, 20 U.S.C. §1401 et seq. (P.L. 94-142) and its implementing regulations at 34 C.F.R. §§300 et seq. and by §504 of the Rehabilitation Act, 29 U.S.C. §794.

224. Defendants' refusal and failure to provide, or ensure the provision of free and appropriate public educational services, including special education services to children detained in the juvenile detention facilities, while providing such services to other children residing in the community, violates the rights of plaintiffs and members of their class under the Equal Protection Clause of the Fourteenth Amendment.

VIII. FOURTH CLAIM FOR RELIEF

225. Paragraphs one through two hundred and twenty-four are incorporated herein by reference the same as though pleaded in full.

226. Defendants' interference with plaintiffs' access to their families and attorneys violates plaintiffs' rights as guaranteed by the First, Sixth, and Fourteenth Amendments to the United States Constitution.

IX. FIFTH CLAIM FOR RELIEF

227. Paragraphs one through two hundred twenty-six are incorporated herein by reference the same as though pleaded in full.

228. Defendants have failed to protect plaintiffs from harm while in state custody in violation of the Fourteenth Amendment to the United States Constitution.

X. SIXTH CLAIM FOR RELIEF

229. Paragraphs one through two hundred twenty-eight are incorporated herein by reference the same as though pleaded in full.

230. Defendants' failure to develop annual updates to its plan as required under the Juvenile Justice and Delinquency Prevention Act, to treat plaintiffs and those they seek to represent equitably on the basis of gender, race, and mentally, emotionally or physically handicapping conditions, and to provide adequate assistance designed to strengthen the families of delinquent youth, as required by the Act, violates the Juvenile Justice and Delinquency Prevention Act, 42 U.S.C. §5633.

XI. SEVENTH CLAIM FOR RELIEF

231. Paragraphs one through two hundred thirty are incorporated herein by reference the same as though pleaded in full.

232. Defendants' failure to develop and implement an adequate plan for the provision of appropriate services for those children entitled to benefits under 42 U.S.C. §620 et seq. and 671 et seq. and who are inappropriately incarcerated in juvenile detention centers because of the lack of alternative plans and placements, violates these children's rights under 42 U.S.C. §620 et seq. and 671 et seq.

XII. PRAYER FOR RELIEF

Wherefore, the plaintiffs respectfully request that this Court:

1. Assume jurisdiction over this action;
2. Certify this case as a class action;
3. Issue a preliminary and permanent injunction, enjoining the defendants, their agents, and successors in office from confining children under conditions which deprive them of: a. adequate and safe living conditions; b. adequate and timely medical and mental health care; c. appropriate staffing; d. appropriate educational opportunities; e. adequate recreation; f. sufficient visitation and phone calls; g. appropriate classification and disciplinary procedures; h. system of alternative and less restrictive placements;
4. Enter a declaratory judgment declaring that the conditions of confinement of plaintiffs and members of their class are violative of their rights as guaranteed by the First, Sixth, and Fourteenth Amendments to the United States Constitution, 42 U.S.C. §1983, 20 U.S.C. §§1401 et seq., 42 U.S.C. §620 et seq. and §671 et seq., 504 of the Rehabilitation Act, 29 U.S.C. §794; 42 U.S.C. §5633; and 42 U.S.C. §620 et seq., and 671 et seq.
5. Award costs and attorneys' fees;
6. Grant such further and other relief as this court deems just and proper.

Respectfully Submitted, BY: Martha Stone #ct00080 JoNel Newman #ct02179
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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been mailed, postage prepaid to Stephen O'Neill, Steven Strom, John R. Whelan, Sharon M. Hartley, Assistant Attorney Generals, MacKenzie Hall, 110 Sherman Street, Hartford, CT 06105; Jeffrey J. Mirman, Levy and Dronev, 74 Batterson Park Road, Farmington, CT 06034; Corporation Counsel's Office, 550 Main Street, Hartford, CT 06103; and Corporation Counsel's Office, 200 Orange Street, New Haven, CT 06510 this day of October, 1993. Martha Stone