

In Re: Z [REDACTED] Joyce
Respondent

No. 2035-69

PETITION FOR CIVIL COURT COMMITMENT
UNDER SECTION 406 OF THE MENTAL HEALTH
AND MENTAL RETARDATION ACT OF 1966

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF COURT

AND NOW, to-wit, this 9th day of October, 1974, after hearing the Petition of Terrance McDaniels of Child Welfare Services of Allegheny County (hereinafter called "CWS") and Paul DeWalt of Allegheny County Mental Health/Mental Retardation (hereinafter called "MH/MR") for a Civil Court Commitment of Joyce Z [REDACTED] under Section 406 of the Mental Health and Mental Retardation Act of 1966, this Court makes the following Findings of Fact, Conclusions of Law and Order:

FACTS

1. Joyce Z [REDACTED] is a severely retarded child in need of placement outside her home.
2. Said child is presently in placement at Home for Crippled Children, Pittsburgh, Pennsylvania.
3. Said child has received the maximum benefits of the program of the Home for Crippled Children and cannot stay there indefinitely.
4. No private agency or private institution is known which will provide appropriate care for said child.
5. The only public institution which can take said child is Western State School and Hospital, Canonsburg, Pennsylvania.
6. Western State School and Hospital is so overcrowded and understaffed that it would be detrimental to said child to commit her there.

CONCLUSIONS OF LAW

1. Said child has an individual and a constitutional right to regenerative treatment.
2. To commit said child to Western State School and Hospital will deprive her of her individual and constitutional right to treatment.

ORDER

1. CWS and MH/MR will cooperate and use their best efforts to recruit foster parents to provide a suitable foster home for said child in Allegheny County, Pennsylvania.
2. The methods to be used for this recruitment may include but shall not be limited to advertising in local newspapers, contacting private and public welfare agencies for assistance and requesting assistance in this recruitment from the Pennsylvania Department of Public Welfare.
3. The per diem board rate to be paid to the foster parents so recruited shall be negotiated by MH/MR with said foster parents.
4. When agreement on a board rate is reached the Allegheny County Institution District, as its share, shall contribute the current per diem foster home board rate paid to other foster homes in Allegheny County; MH/MR shall pay the balance.
5. The appropriate representatives of CWS and MH/MR shall report to this court at 10 A. M. Wednesday, October 30, 1974 as to the progress they have made in obtaining a suitable foster home for said child.
6. Said child shall remain at Home for Crippled Children pending further order of court.

BY THE COURT

CERTIFIED FROM THE RECORD

Prothonotary

By

Colhill, J.

Judge