

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TERRI LEE HALDERMAN, et al., :  
Plaintiffs :  
v. : CIVIL ACTION NO. 74-1345  
PENNURST STATE SCHOOL AND :  
HOSPITAL, et al., :  
Defendants :  
UNITED STATES OF AMERICA, :  
Plaintiff-Intervenor :  
PENNSYLVANIA ASSOCIATION FOR :  
RETARDED CITIZENS, et al., :  
Plaintiffs-Intervenors :

ORDER

AND NOW, this day of May, 1980, it is hereby  
ordered as follows:

1. The Commonwealth and county defendants shall provide community living arrangements and other community services according to the following priorities:
  - (a) current residents of Pennhurst;
  - (b) persons who resided at Pennhurst on or after May 30, 1974, who currently reside in other public or private institutions;

(c) all persons who were on the waiting list  
for admission to Pennhurst on or after  
March 17, 1978;

(d) mentally retarded persons residing in  
Bucks, Chester, Delaware, Montgomery  
and Philadelphia Counties who require  
services in the community in order to  
avoid placement at Pennhurst.

2. "Community Living Arrangement," for purposes  
of this order means (a) a variety of structured and supervised  
residences in a setting of no more than eight clients in the  
general community; and (b) a program based upon an individualized  
habilitation plan to meet the client's individual needs.

3. Defendants are ordered to provide community  
living arrangements in accordance with the following schedule.  
The defendants are also ordered to provide additional day  
programming in accordance with the following schedule for  
persons residing in the community who in the absence of those  
programs would go unserved and increase the likelihood of needing  
alternative residential placement.

PROPOSED PENNHURST PLACEMENT PROJECTIONS

PENNHURST		SOUTHEAST REGION				
APPROXIMATE PENNHURST POPULATION AS OF 6/30/80	<u>SOUTHEAST RESIDENTIAL</u>	<u>OUT-OF-REGION RESIDENTIAL</u>	<u>COMMUNITY RESIDENTIAL</u>	<u>DAY PROGRAM</u>	<u>TOTAL RESIDENTIAL PLACEMENTS</u>	<u>ADDITIONAL DAY PROGRAM PLACEMENTS</u>
	650	300				
YEAR 1 80-81	150	0	100		250	
YEAR 2 81-82	150	0	100		250	
YEAR 3 82-83	100	50	100	25	250	25
YEAR 4 83-84	75	75	100	25	250	25
YEAR 5 84-85	75	75	100	25	250	25
YEAR 6 85-86	50	50	150	25	250	25
[YEAR 7 [86-87]]	---	---	---	---	---	---
TOTAL	600 (40%)	250 (16%)	650 (44%)	100	1500 (100%)	100

<sup>1</sup>Placements include clients from Woodhaven and Embreeville.

4. An equitable portion of the places in new community residences, as show in the preceding chart, established for class members residing at Pennhurst Center, shall be reserved for persons currently not residing at Pennhurst. Non-Pennhurst residents to be placed shall, to the extent possible, have characteristics and program needs similar to Pennhurst residents being placed. The defendants shall have the discretion and authority to vary from the priorities in paragraph 1 if necessary to meet the needs of unserved people.

5. Within 30 days from the date of this order, the Commonwealth and County defendants shall submit to the Court, the Office of Special Master and the plaintiffs a comprehensive Community Placement Plan for the implementation and monitoring of community services. The Plan shall include a detailed two-year implementation cycle specifying numbers of clients projected for placement and the numbers, types, size and location of planned community services to meet the needs of the clients projected for placement. The Community Placement Plan shall be suitable for immediate implementation upon approval of the Court.

6. The Community Placement Plan shall include the following:

A. Comprehensive review of the current service system in the Southeast Region.

This review shall incorporate the existing legal, regulatory and fiscal basis under which the community service system operates and the role, function, responsibilities and interface of the responsible agencies for the development of a community service system, specifically, OMR Central and Regional Offices, County MH/MR Offices, Office of the Special Master, Governor's Office and the State Legislature. This is to include a description of the number, size type and location of existing MR services.

B. A description of the organizational and management structure needed to develop, maintain and monitor the required network of community service programs.

The Plan shall include the proposed changes in the roles, responsibilities and functions of the County MH/MR Offices, OMR Regional Office, OMR Central Office, Pennhurst Implementation Team, Pennhurst State Center staff, Office of the Special Master, and the service providers. This is to examine the impact of each office's

operations on the placement effort and the required administrative initiatives and/or resources necessary to accomplish desired changes to expedite the delivery of services.

C. Specifications for resource development of a community service program.

This section of the report shall describe the actions and resources required to successfully implement a community placement effort.

This shall include the identification and assessment of the residential, programmatic and support service needs of all affected clients and the types of programs necessary to meet clients' assessed needs. This shall review the residential and day program service models to be utilized, and prescribe the required support service systems needed to address clients' needs, including but not limited to medical, dental and behavioral support services.

The Plan shall examine the role, function and responsibilities of case managers, the costs associated with the provision of a comprehensive community service system and the needed technical assistance, training and support for community residential providers and staff.

D. Provisions for the planning and monitoring of community service system.

The Plan shall specify the necessary actions to assure the continued identification and assessment of all affected clients, the role of the County and State offices in planning for individual client needs, including but not limited to out-of-region clients and out-of-county placement requests.

The Plan shall include a description of the client tracking and monitoring plan of client movement and the development of community services.

E. A description of the implementation cycle for the development of community services.

The Plan shall provide the placement projections spanning six years as specified in paragraph 3 above and a two-year implementation cycle specifying number of clients to be served, specific service needs and service models to be developed. The Plan shall provide an estimate of the volume and types of case management, technical assistance, crisis intervention, respite care, emergency and non-emergency medical and dental care, and other support services including but not limited to behavior shaping

and day programs which will be needed to maintain clients in the community. Additionally, this plan shall prescribe procedures for budgeting and allocations.

The Plan shall provide a detailed schedule for implementation of the following activities:

- (a) allocations
- (b) client identification
- (c) client assessments
- (d) requests for proposals
- (e) I.H.P. development
- (f) site development
- (g) staff training
- (h) client movement projections
- (i) monitoring
- (j) auditing
  - community services
  - operational procedures

F. Provision for assuring quality control and on-going monitoring of the community service system.

The Plan shall include the description of and schedules for a community placement and operational audit. The Plan shall describe other mechanisms to assure I.H.P. prescribed services. The Plan shall describe existing

and proposed program evaluations  
and fiscal accountability measures  
required by regulation and policy.

The Plan shall describe due process  
procedures.

7. Within 20 days of receipt of the Plan, the Special Master and the parties shall file with the Court any comments, proposed amendments or modifications of the Plan. After an opportunity for a hearing, the Court shall approve, disapprove or modify the Plan.

8. The Commonwealth and County defendants shall revise and update the implementation cycle, specified in paragraph 5 above, every two years, and submit an annual report on the status of the implementation to the Court, the Special Master and the plaintiffs.

9. The Commonwealth defendants and other interested parties will submit within 30 days a memorandum of law to specify the individuals with status as members of the plaintiff class.

10. The Court shall retain jurisdiction until June 30, 1987 or until one year after the placements specified in the placement schedule in ¶3 above have been made.

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RAYMOND J. BRODERICK, J.