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11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE DISTRICT OF ARIZONA
14

15 NATHALIA GRISWOLD, et al.,)
16)
17 Plaintiffs,)
18)
19 vs.)
20)
21 JIM RILEY, et al.,)
22)
23 Defendants.)
24)

No. CIV 77-144 PHX CAM
SETTLEMENT

25 This Settlement is entered into this 2 day of
26 April, 1979, by and among the following named
27 plaintiffs, individually and as representatives of all of the
28 members of the plaintiff class in the above-entitled action; Paul
29 Skogan, by his guardian, the Public Fiduciary of Pinal County;
30 Richard Beasley, by his guardian, the Public Fiduciary of Pinal
31 County; Kenneth McKinney, by his guardian, the Public Fiduciary
32 of Pinal County; Charles Ashenfelter, by his guardian, the Public
Fiduciary of Pinal County; Roger Mark, by his next friend, Nancy
Stanley; and Nathalia Griswold, by her mother and guardian, Doris
Griswold; and all of the defendants.

33 The plaintiffs, having determined that the interests of
34 the plaintiff class can be best served by entering into a settle-
35 ment for improved care, training and education of each member in
36 the plaintiff class, and the defendants, desiring to avoid

1 protracted and expensive litigation, enter into the following
2 agreements:

3 1. This litigation shall be settled pursuant to the
4 provisions of this Settlement and Rule 23(e) of the Federal Rules
5 of Civil Procedure. This Settlement shall be incorporated into
6 a Judgment to be entered in this cause by the United States
7 District Court for the District of Arizona.

8 2. The class of plaintiffs are those persons who re-
9 sided at the Training Program at Coolidge on or after February 28,
10 1977, up through the date the judgment is signed, regardless of
11 where they might now, or in the future reside.

12 3. The parties agree that Arizona Revised Statutes,
13 Title 36, Chapter 5.1, Articles 1 and 2, establish for each
14 member of the class those rights enumerated therein.

15 4. The parties agree that §504 of the Rehabilitation
16 Act of 1973 establishes for each member of the class that the
17 member shall not, solely by reason of handicap, be excluded from
18 the participation in, be denied the benefits of, or be subjected
19 to discrimination under any program or activity receiving Federal
20 financial assistance.

21 5. The parties recognize that the specific terms of
22 the addenda to the Settlement agreement described in paragraph 6
23 below set forth their present best estimates of what is necessary
24 to meet the needs of the members of the plaintiff class, and that
25 it may be necessary, in the best interests of the members of the
26 plaintiff class and due to changing or unforeseen circumstances,
27 for the defendants to take action not consistent with the terms
28 of the addenda provided that the Review Panel mentioned in para-
29 graph 6 below is notified.

30 6. The parties agree that compliance with the pro-
31 visions in the addenda to this Settlement agreement will further
32 the protection of the above rights of each member of the plaintiff

1 class. The provisions in the addenda specifically cover minimum
2 standards in the following areas:

- 3 Addendum A: Capacity to request release.
4 Addendum B: Restricted choice of living arrangements.
5 Addendum C: Physical structure.
6 Addendum D: Least restrictive environment.
7 Addendum E: Physical and chemical restraints.
8 Addendum F: Habilitation programs.
9 Addendum G: Insufficient staff.
10 Addendum H: Named plaintiffs.
11 Addendum I: Human Rights Committee.
12 Addendum J: Arizona Association for Retarded Citizens

13 monitoring.

14 Addendum K: Investigating neglect and abuse.

15 Addendum L: Residents transferred or committed to
16 Arizona State Hospital.

17 Addendum M: Review panel for lawsuit.

18 7. The defendants agree to take all reasonable actions,
19 within their lawful authority, to implement the provisions of
20 this Settlement agreement.

21 8. This Settlement is executed by each of the attorneys
22 for the parties hereto, who, by executing this Settlement, repre-
23 sents that he has been duly authorized to do so.

24
25 4/2/79 Robert Beckett
26 ROBERT BECKETT
27 Attorney for Plaintiffs

28 ROBERT K. CORBIN
29 Attorney General
30 Attorney for Defendants

31 By: Steven J. Twist
32 STEVEN J. TWIST
Acting Attorney General