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STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES
Human Services Building
444 Lafayette Road
St. Paul, Minnesota 55155-38

INFORMATIONAL BULLETIN NO. 89-78A

September 25, 1989

TO: Chairperson, County Board of Commissioners
Attention: Director

Chairperson, Human Service Board
Attention: Director

Chief Executive Officer, Regional Treatment Center
Attention: MR Program Director

SUBJECT: Notice of Dismissal of the Welsch Case

I. PURPOSE

The purpose of this bulletin is to inform county agencies and regional treatment centers that on August 25, 1989, U.S. Federal District Court Judge David Doty signed an Order dismissing the Welsch case.

II. BACKGROUND

In 1972 the Welsch case was commenced by six residents of Minnesota state hospitals against the Commissioner of Public Welfare and the administrators of six of the Minnesota state hospitals providing services for persons with mental retardation. The plaintiffs claimed that their rights under the due process clause of the 14th Amendment to the United States Constitution were abridged because they were not receiving a minimal level of habilitation and because they were committed to state institutions rather than being provided care and treatment in less restrictive community settings.

In September 1980, the United States District Court, District of Minnesota, Fourth Division, approved an order known as the Welsch Consent Decree in this case. That Decree stated that the Court would end jurisdiction over the case on July 1, 1987, if the defendants substantially complied with the Decree.

Rather than have another trial to determine substantial compliance with the 1980 Decree, the Commissioner of Human Services and the attorneys representing the plaintiffs in the case entered into a Negotiated Settlement which was approved by Judge Doty in an Order dated July 31, 1987. In addition, a Supplemental Order which clarified a number of details in the agreement was issued by Judge Doty on August 26, 1987.



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On Friday, August 25, 1989, the parties to the case submitted a signed stipulation stating that all conditions of the Negotiated Settlement had been met. The parties agreed that the court should dismiss the action and that all obligations of either plaintiffs or defendants under the terms of the Negotiated Settlement would terminate upon issuance of the Court's Order of Dismissal. Upon review of the stipulation, Judge Doty signed an order dismissing the case. (See attached Order.)

III. LEGAL REFERENCES

Welsch, et al. v. Noot, et al. No. 4-72 Civ. 451

Welsch v. Noot Consent Decree

Negotiated Settlement in Welsch v. Gardebring

Order to Dismiss Welsch v. Schultz

IV. ACTION REQUIRED

All Minnesota statutes, rules, and bulletins pertaining to services provided to former Welsch class members remain in full effect. As part of the Negotiated Settlement the Department issued bulletins on the following topics:

Changes in Appeal Process for Case Management Appeals for Persons with Mental Retardation or Related Conditions. Instructional Bulletin #87-78B.

Uniform Guidelines for Discharge Planning for Persons with Mental Retardation or Related Conditions Living in Regional Treatment Centers. Instructional Bulletin #87-78C.

Standard Forms for Discharge Planning and Post-Placement Evaluation for Persons with Mental Retardation Who Are Being Discharged from Regional Treatment Centers. Instructional Bulletin #87-78D.

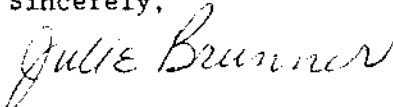
Community Needs Assessment for Persons with Special Needs Living in Regional Treatment Centers. Informational Bulletin #88-78A.

The procedures established in these bulletins and all other relevant bulletins remain in effect. The county agencies and regional treatment centers should continue to follow these procedures until further notice.

V. QUESTIONS

Questions regarding this bulletin should be addressed to Neil Doughty, Department of Human Services (612) 296-2113.

Sincerely,



JULIE BRUNNER
Assistant Commissioner