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MAR 18 1999

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF HAWAII

at 11 o'clock and 0 min. M
WALTER A. Y. H. CHINN, CLERK

UNITED STATES OF AMERICA,)	Civ. No. 91-00137 DAE
)	
Plaintiff,)	
)	ORDER ESTABLISHING COMPLIANCE
v.)	COMMITTEE, REPORTING SCHEDULE,
)	AND SETTING STATUS CONFERENCE
STATE OF HAWAII, et al.,)	
)	
Defendants.)	

ORDER

Based upon the record in this matter, including, inter alia, the forty-six monthly Status Reports filed by Plaintiff, the United States of America, subsequent to this Court's January, 1995 finding of contempt against the Defendants, the State of Hawaii, et al., the findings of the Compliance Officer, the reports of the Independent Experts, and consultant reports from both parties, as well as the representations made by United States' counsel at the February 1, 1999 Status Conference held before this Court, the Court finds that the State has failed to comply with the Court Orders entered in this case. Further, these failings are of a long-standing nature and negatively impact upon the requirements of the Court Orders in this case. The Orders concern conditions of patient care and treatment at the Hawaii State Hospital, conditions at the Children and Adolescent Residential Services ("CARS") programs, and requirements that the State improve its community-based services

for patients discharged from the Hawaii State Hospital.

Therefore, in order to direct the State toward compliance with the Court Orders, it is hereby ORDERED that:

1) By February 26, 1999 the parties shall appoint a five-member Compliance Committee. The purpose of the Committee will be to identify and seek and implement solutions to each and every single outstanding issue of material significance to the operation of the facilities in compliance with federal law pertaining to the Hawaii State Hospital, Adult Mental Health Division, the Child and Adolescent Mental Health Division and CARS programs. The State of Hawaii shall appoint three Committee members and the United States shall appoint two Committee members.

2) By March 15, 1999 the parties shall report to the Court the identity of the Committee members.

3) By June 1, 1999 the Compliance Committee shall have identified all outstanding problems and material issues of non-compliance with the Court Orders.

4) By June 15, 1999 the State shall have in place programs designed to rectify each and every one of the material issues identified necessary to bring the facilities and services into compliance with the requirements of the Court Orders by December 20, 1999.

5) On June 15, 1999 the United States and the State of Hawaii shall file a Status Report with the Court detailing the status of the State's compliance with the Court Orders.

6) At 9:00 a.m. on December 20, 1999 this Court shall conduct a Status Conference at which time the Court will hear from the parties regarding the status of the State's compliance with the Court Orders entered in this case. As stated by this Court at the February 1, 1999 Status Conference, if the State has failed to take corrective action in accordance with the plans implemented or recommended by the Compliance Committee, the Court will appoint a Special Master who will take over the Hawaii State Hospital and the mental health system of the State of Hawaii and operate those services in accordance with appropriate federal law.

Dated: Honolulu, Hawaii,

MAR 13 1999

DAVID A. EZRA

DAVID A. EZRA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

United States v. State of Hawaii, et al., Civ. No. 91-00137 DAE
Order Establishing Compliance Committee, Reporting Schedule, and
Setting Status Conference.