

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

**E.C., J.L., J.C., T.G., B.G., and A.G., each)
a Minor by Next Friend, Jill Katz;)
W.S., M.S., and D.S., each a minor by Next)
Friend, Robert Strange;)
M.P., a minor by Next Friend, Michael)
Patterson;)
A.C., a minor by Next Friend, Lana Capps;)
J.A., a minor by Next Friend, John Antonich;)
T.J. and A.J., each a minor by Next Friend,)
Lavada Johnson; and)
N.S., a minor by Next Friend, Tammy Smith,)**

Case No. 05-0726-CV-C-SOW
Senior District Court Judge Scott O. Wright

Plaintiffs,

vs.

**K. Gary Sherman, in his official capacity as)
Director of the Missouri Department of)
Social Services,)**

Defendant.

**AMENDED ORDER AND FINAL JUDGMENT GRANTING PERMANENT
INJUNCTIVE RELIEF**

This cause coming to be heard on Plaintiffs' Complaint and Defendant's Answer thereto, the Court having conducted a trial on the merits on April 27, 2006, all parties having been present through and represented by counsel, the Court having considered and weighed the evidence introduced into the trial record, and having made certain factual and legal determinations reflected in the Court's separate findings of fact and conclusions of law, the Court also having read the proposed findings of fact, conclusions of law and legal memoranda

submitted by the parties and having heard oral argument by counsel, IT IS HEREBY

PROVIDED:

THE COURT FINDS:

1. Plaintiffs have prevailed on the merits of the statutory and constitutional causes averred in Counts I, II and III of their complaint. 2005 Missouri Senate Bill 539's proposed amendments to Missouri Revised Statutes Section 453.073.3(4) and Section 453.073.4 violate federal law.
2. Plaintiffs have demonstrated that they will suffer irreparable harm absent the entry of permanent injunctive relief,
3. The irreparable harm to be suffered by Plaintiffs absent injunctive relief substantially outweighs any threat of harm to Defendants flowing from this permanent injunction order, and
4. The public interest is and will be served by the entry of permanent injunctive relief.

THE COURT FURTHER ORDERS:

1. The preliminary injunction order previously entered by this Court in this cause is vacated and replaced by this order.
2. Defendant, K. Gary Sherman, in his official capacity as the Director of the Missouri Department of Social Services, along with DSS's officers, agents, employees and attorneys, are permanently enjoined from implementing the provisions of Missouri Senate Bill 539, that amend Missouri Revised Statutes § 453.073, as well as any rules or regulations promulgated in furtherance of the challenged provisions of Missouri Senate Bill 539. No act may be taken to put into operation or otherwise give any effect to the intent of the provisions of Missouri Senate Bill 539 that amend Missouri Revised Statutes § 453.073.

3. Plaintiffs are entitled to recover their expenses of litigation, including reasonable attorneys fees and nontaxable costs, pursuant to 42 U.S.C. § 1988 and Fed. R. Civ. P. 23(h).
4. The Court today issues amended findings of fact and conclusions of law consistent with this order.

/s/Scott O. Wright
Scott O. Wright
Senior United States District Judge

Date: 8/4/06