

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

-----X		
JUAN F., <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL NO. H89-859 (CFD)
)	
)	
M. JODI RELL, <i>et al.</i> ,)	
)	
)	
Defendants.)	
-----X		

**PLAINTIFFS’ MOTION FOR A TEMPORARY RESTRAINING
ORDER AND PRELIMINARY AND PERMANENT INJUNCTION TO
ENJOIN DEFENDANTS FROM SUSPENDING
NEW INTAKES TO THE VOLUNTARY SERVICES PROGRAM**

Plaintiffs respectfully move this Court, pursuant to the Revised Exit Plan entered July 12, 2006, the Revised Monitoring Order entered October 12, 2005, and Federal Rule of Civil Procedure 65, for a temporary restraining order, a preliminary injunction, and a permanent injunction enjoining Defendants from suspending new intakes to the Voluntary Services Program (“VSP”) as set forth below.

This Motion is supported by an accompanying Memorandum of Law in Support of Plaintiffs’ Motion for a Temporary Restraining Order and Preliminary and Permanent Injunction to Enjoin Defendants from Suspending New Intakes to the Voluntary Services Program (with exhibits).

As explained more fully in Plaintiffs’ accompanying memorandum of law, an injunction is necessary to prevent irreparable harm to “at risk” children in the *Juan F.* class who require community-based or temporary out-of-home placement and whose treatment needs cannot be met through services currently available to their parent or guardian and who might otherwise be

committed to DCF custody. The requirements for injunctive relief are amply met by the evidence and arguments submitted with this motion.

Plaintiffs respectfully request that the Court enter a temporary restraining order, pursuant to the terms of the Revised Exit Plan entered July 12, 2006, the Revised Monitoring Order entered October 12, 2005, and pursuant to Fed. R. Civ. P. 65, enjoining Defendants from suspending new intakes to the VSP until such time as: a) the parties can negotiate an alternative program to ensure that “at risk” class members will receive the benefits of the Consent Decree which was previously entered in this case; and/or b) the Court can conduct a hearing for a preliminary injunction and issue an order declaring unlawful, and permanently enjoining, the suspension of new intakes to the VSP, together with such other and further relief as may be necessary or appropriate.

Dated: December 8, 2009

Respectfully Submitted,

ATTORNEYS FOR PLAINTIFFS:

 /s/ Marcia Robinson Lowry
MARCIA ROBINSON LOWRY
Federal Bar No. ct04688
IRA LUSTBADER
Federal Bar No. ct23551
GENA E. WILTSEK
Pro Hac Vice No. phv02243
CHILDREN’S RIGHTS, INC.
330 Seventh Avenue, 4th Fl.
New York, NY 10001
Telephone: (212) 683-2210
Facsimile: (212) 683-4015
Email: mlowry@childrensrights.org

/s/ Steven M. Frederick

STEVEN M. FREDERICK

Federal Bar No. ct08743

WOFSEY, ROSEN, KWESKIN & KURIANSKY,
LLP

600 Summer Street

Stamford, CT 06901-1490

Telephone: (203) 327-2300

Facsimile: (203) 967-9273

Email: sfrederick@wrkk.com

FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that, on December 8, 2009, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF system for filing and transmittal of Notice of Electronic Filing to the following ECF registrant:

ANN RUBIN
Carmody & Torrance, LLP
50 Leavenworth Street
Waterbury, CT 06721
arubin@carmodylaw.com

DATED: December 8, 2009

/s/ Steven M. Frederick