IN THE UNITED STATES DISTRICT COURT

	isolation, multiple placements, and severed connections, making even more challenging the task	
	of helping these children overcome their difficulties. The failure to provide children with	
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<u> </u>	necessary services and results in needless institutionalization, in violation of federal law.	
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U.S. Supreme Court's 1999 holding in Olmstead v. L.C., ex rel. Zimring, 527 U.S. 581 (1999) will require the State to move toward providing more community-based services in the near future. Id. at 33. with behavioral and emotional disorders cycle through hospitals, emergency rooms, acute care facilities and residential treatment centers without obtaining any long-term relief.

	441.55. Despite widespread agreement among mental health experts that children with	
	significant emotional or behavioral problems need intensive home- and community-based	
	Significant chrotional of bondviolar problems need intensive name and community susce	
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- 7. L.P. is a seventeen year old girl who has experienced a number of psychiatric hospitalizations. L.P. is from the Jackson metropolitan area and is currently committed to the Specialized Treatment Facility in Gulfport, MS. She brings this action through her next friend, Mary Troupe.
- 8. L.M. is a sixteen year old boy who has experienced six psychiatric hospitalizations and one long-term placement in a psychiatric treatment facility. L.M. resides in the Mississippi

Delta. He brings this action through his mother and next friend, Trasie Howard.

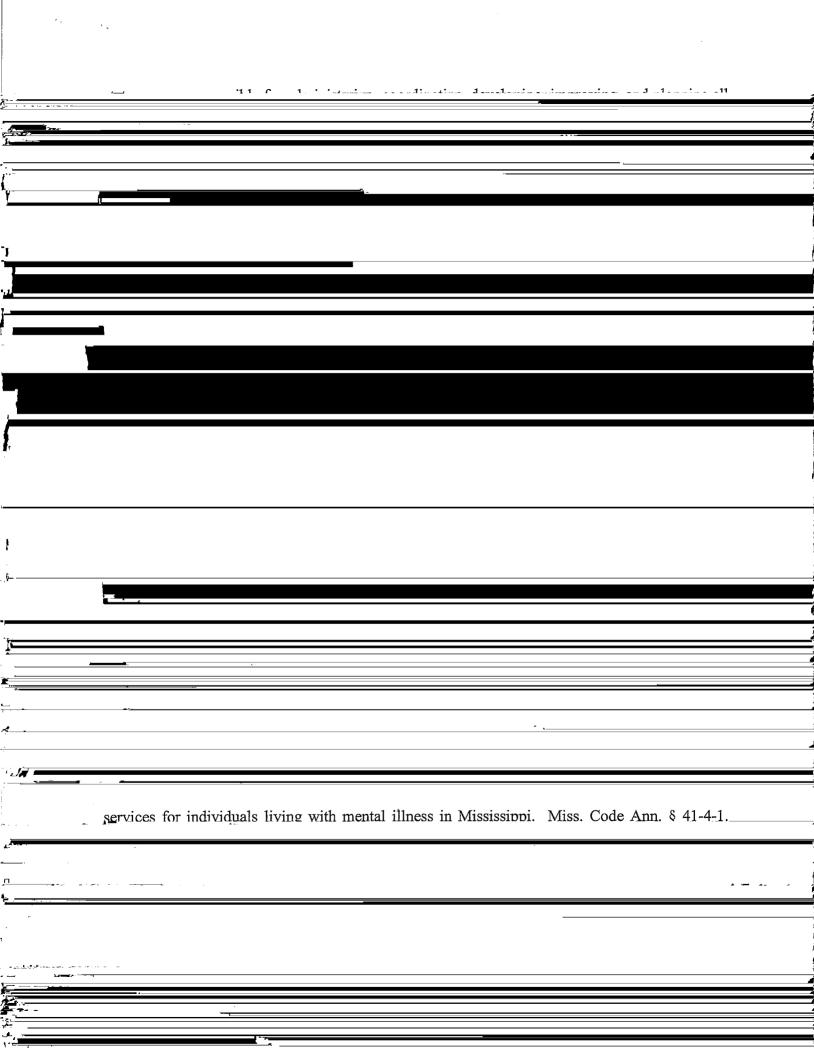
- 9. L.S. is a thirteen year old boy who has been placed in long-term psychiatric residential treatment facilities on three separate occasions. He is from Southwest Mississippi and currently resides at the CARES Center in Jackson, Mississippi. He brings this action through his legal guardian and next friend, Sheila Davis.
- 10. All Plaintiffs need but are currently being denied intensive home- and community-based mental health services. All are currently institutionalized or at imminent risk of being

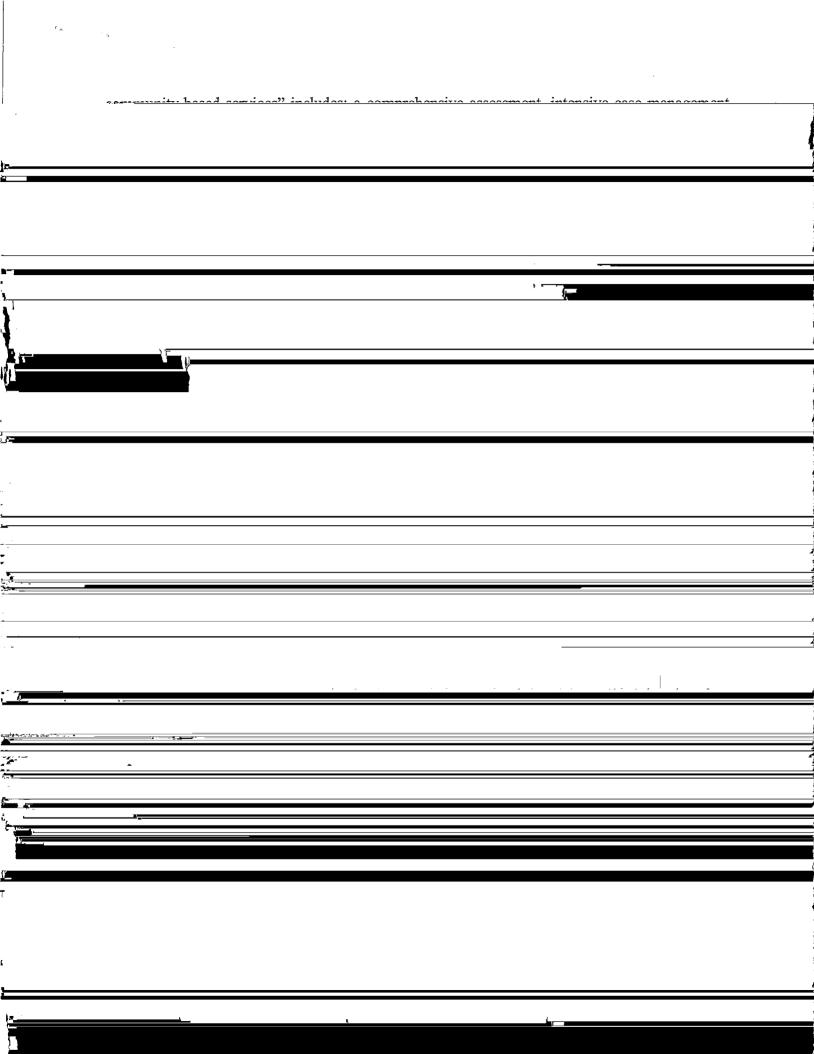
institutionalized as a result of being denied the intensive home- and community-based mental health services they need.

Defendants

11. Defendant Haley Barbour is the Governor of Mississippi, a public entity covered by Title II of the ADA, 42 U.S.C. § 12131(1) and a participant in the federal Medicaid program. Defendant Barbour, as supreme executive officer of the state, is responsible for ensuring that all Mississippi agencies comply with applicable federal law. Miss. Code Ann. § 7-1-5 (a)(c).

State Board of Mental Health, Miss. Code Ann. § 41-4-3(1); appoints the Executive Director of the Division of Medicaid, which is a division of the Governor's Office, Miss. Code Ann. § 43-

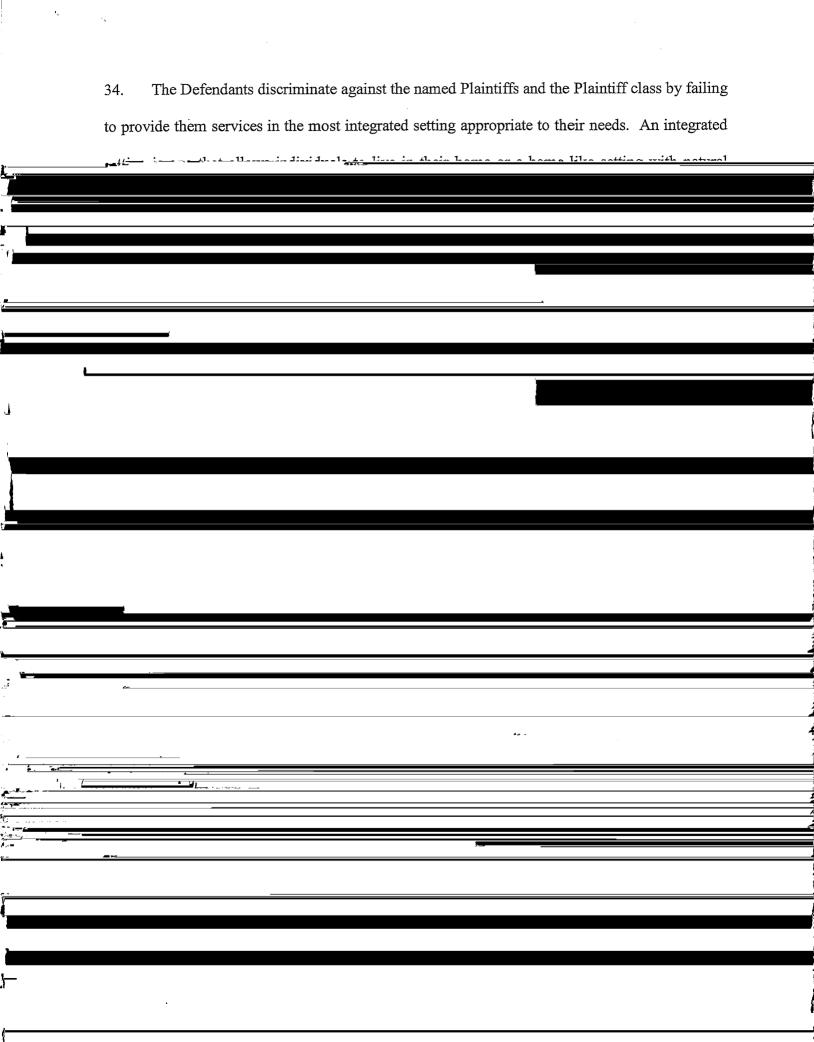


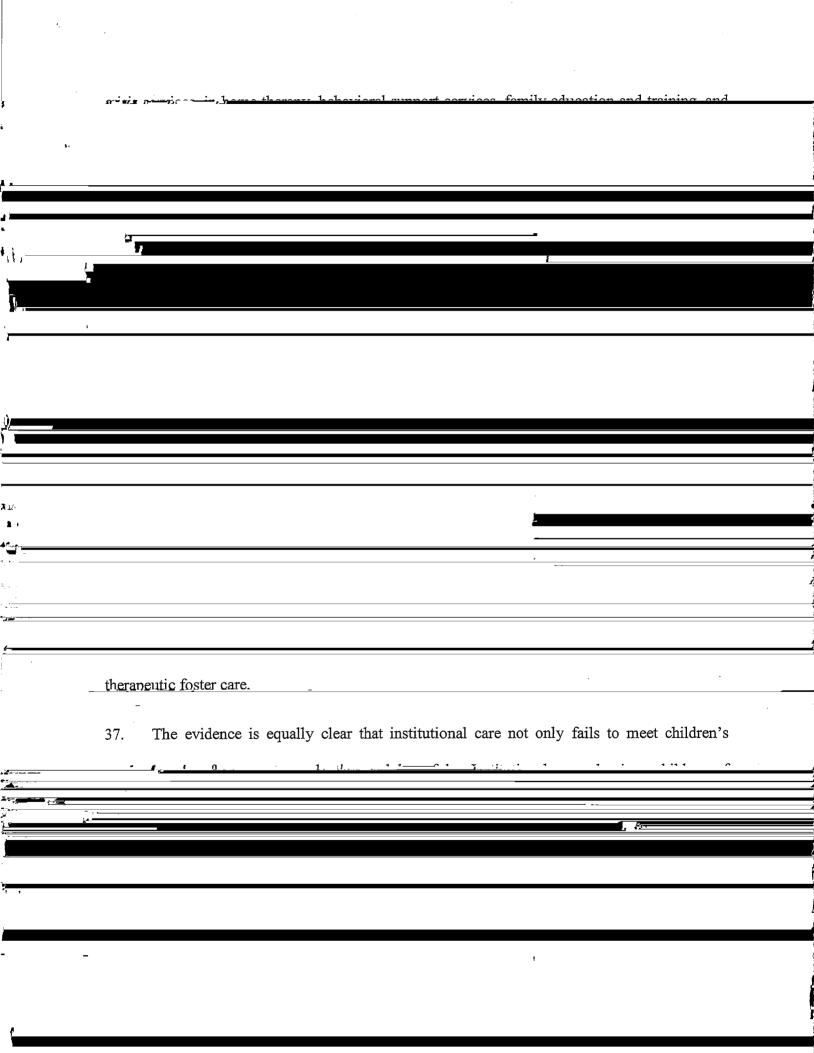


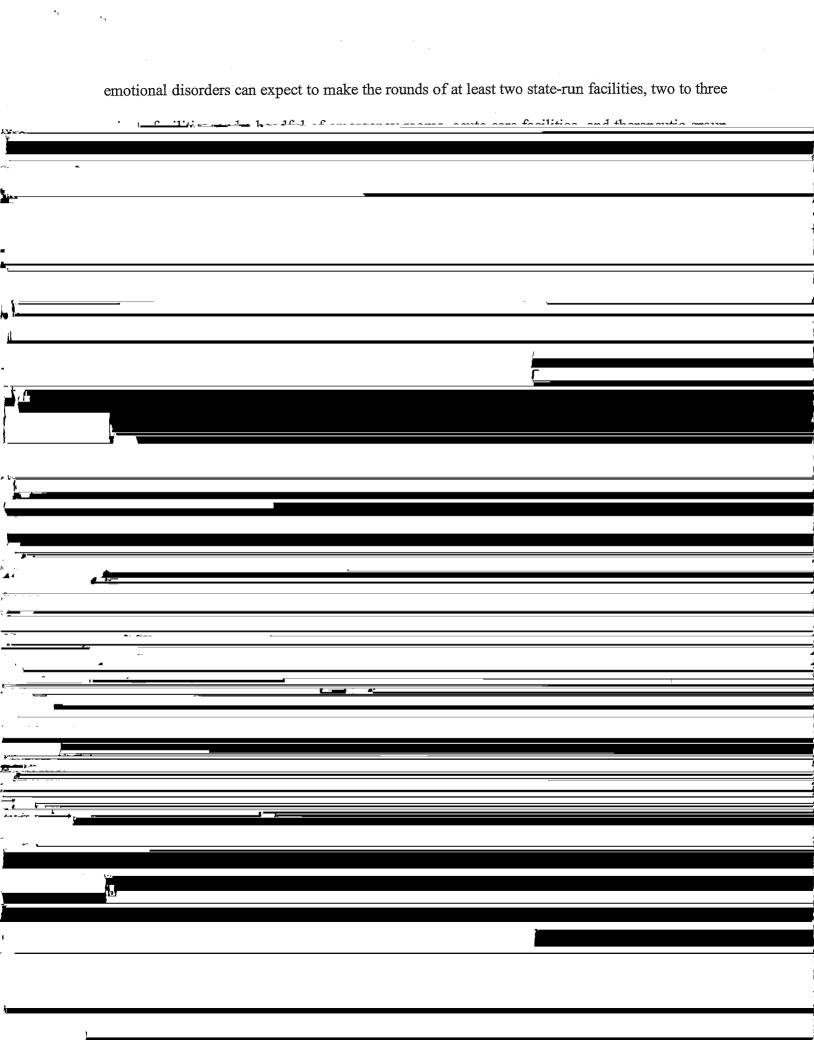
adolescents in federal court. Counsel have the legal knowledge and the resources to fairly and	
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	and mental health conditions and illness. 42 U.S.C. § 1396d(r)(1). States must also provide	
	needed diagnostic and treatment services to correct or ameliorate health or mental health	
	parditions 17 [IEC & 12260402(A2)(C): 12 II C & 1206d(x)(5) Mondad complete must be	
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not provide therapeutic foster care services. Currently, 180 youth are enrolled in the program. During the last fiscal year, fewer than 200 children received services through MYPAC. In the last fiscal year: 557 children were committed to a state hospital, 888 were placed in a psychiatric residential treatment facility, 476 were placed in a therapeutic group home, and hundreds more cycled through emergency rooms and other acute care facilities for crisis care and treatment.



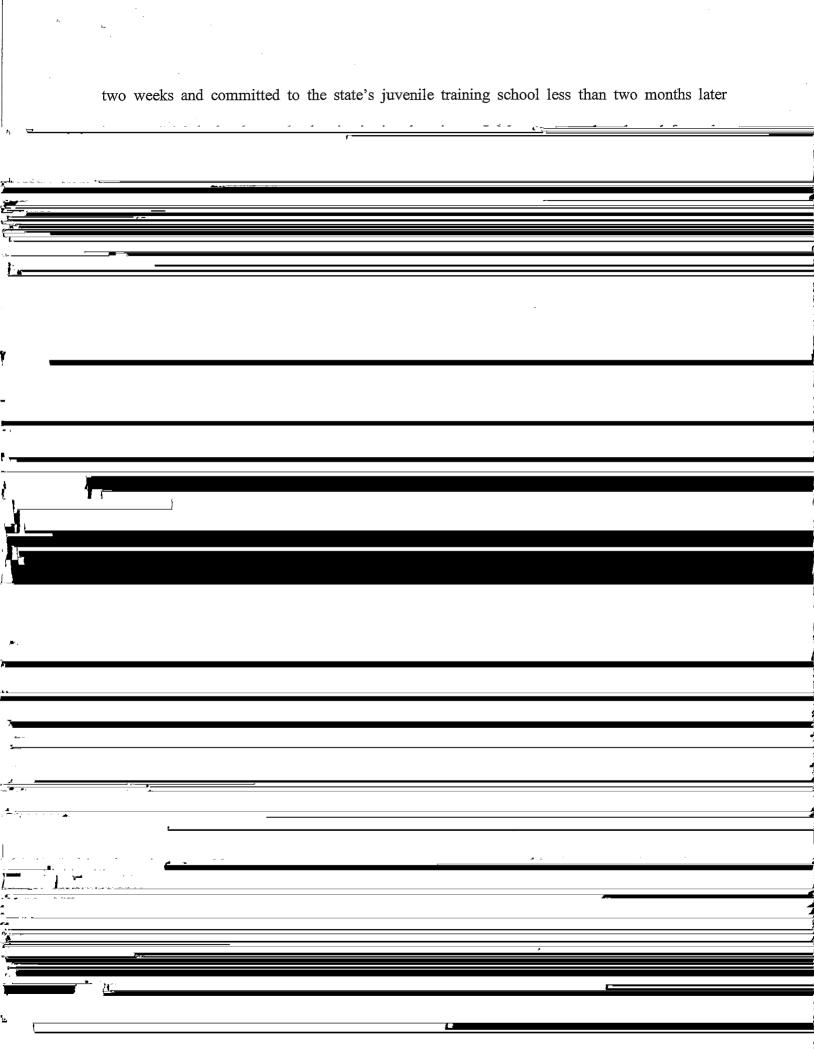




	44. DHS attempted to reunify J.B. with his	s mother in 2009; however, he was removed and	
	nlaced in a group home after he contacted the i	police to break up a fight between his mother and	
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	49. Plaintiff L.P. is a seventeen year old girl from the Jackson metropolitan area, and was	
	placed in DHS custody in August 2009 when it was discovered that she had been sexually	
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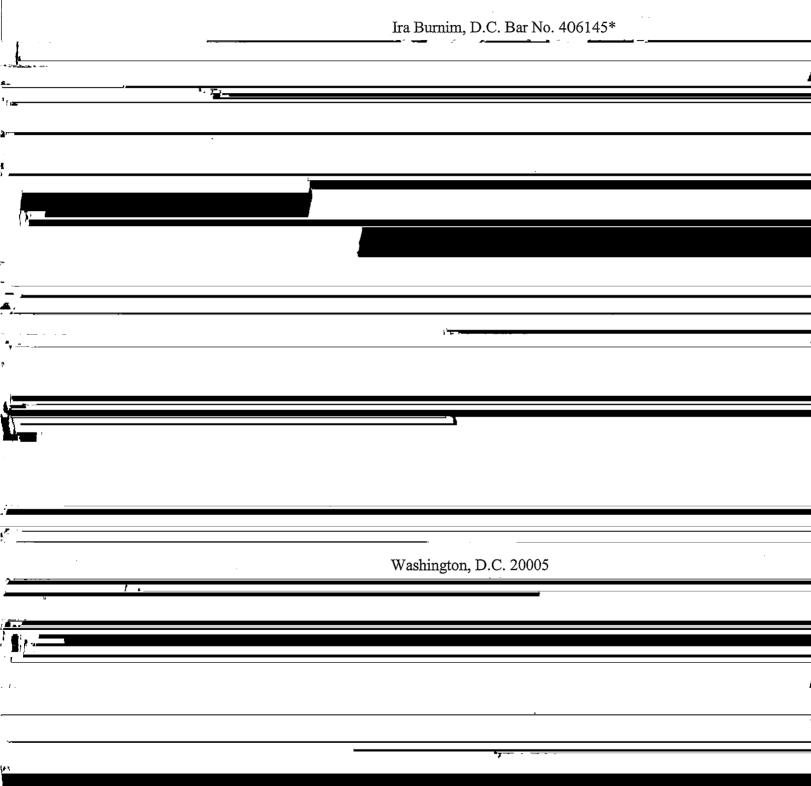
Plaintiff L.M. is a sixteen year old boy with bipolar disorder and a history of sexual 54. trauma. L.M. has been hospitalized four times and placed in long-term residential treatment. He is currently living with his mother in the Delta, and is not receiving intensive mental health services. 55. L.M. experienced a succession of traumatic events before his thirteenth birthday. L.M. home and school. When L.M. was ten, his father died unexpectedly; and the next year L.M.



	64. In violation of the EPSDT provisions of the Medicaid Act, Defendants, v	while acting
	under the color of law, have failed to provide Plaintiffs with medically necessar	w intensive
	under the color of law, have failed to provide Flaminis with medically necessar	y intensive
	home- and community-hased mental health services when such services are medicall	v necessarv
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	and embrace the reforms sought by Plaintiffs in this case. The relief sought would further the
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This <u>//</u> day of March, 2010.

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