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The Honorable MARSHA J. PECHMAN

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

CASSIE CORDELL TRUEBLOOD, next
friend of A.B., an incapacitated person, et al.,
Plaintiffs,

v.

THE WASHINGTON STATE
DEPARTMENT OF SOCIAL AND HEALTH
SERVICES, et al.,

Defendants.

NO. C14-1178 MJP

ORDER ADOPTING (IN PART)
THE PARTIES' MEDIATED
SETTLEMENT AGREEMENT

Having reviewed the Joint Motion to Adopt the Mediated Settlement Agreement, Dkt. # 389, and discussed the proposed agreement with all Parties at the status hearings held on March 21, 2017 and April 18, 2017, the Court partially adopts the Agreement of the parties, and ORDERS that the prior orders of the Court are MODIFIED in the following manner:

1. Outreach: The Parties will jointly generate outreach documents to inform state courts of their statutory obligations to provide orders for competency services within twenty-four hours, as well as to inform the state courts of a summary of the Trueblood litigation and injunction. The Parties will jointly request the opportunity to present to Washington State judicial education programs and other outreach that the Parties jointly deem necessary to ensure third Parties are aware of their obligation to timely provide orders for competency services.
2. Deadline for in-jail evaluations: DSHS shall complete in-jail competency evaluations within the shorter of either a) 14 days from receipt of order or

1 b) 21 days from signature of order. Both sets of data will continue to be
2 tracked in DSHS' monthly reports.

3 3. Deadline for in-patient evaluation and restoration services: DSHS shall
4 admit class members for either inpatient competency evaluation or
5 restoration within the shorter of either a) 7 days from receipt of order or b)
6 14 days from signature of order. Both sets of data will continue to be tracked
7 in DSHS' monthly reports.

8 4. Receipt of Order: When sent electronically, orders are deemed received as
9 of the time they are electronically transmitted to the Department.

10 5. Trigger Point for Notice to Plaintiffs' Counsel: If at any point in the future
11 the percentage of orders received within 3 days of signature drops below the
12 table 1 benchmarks for two consecutive months, the Parties shall meet and
13 confer within 30 days to determine if there are factors within Defendants'
14 control that are causing delays in order transmission that can be changed
15 and/or if there are factors beyond the Defendants' direct control that the
16 Parties can collaborate to influence in the direction of faster transmission of
17 orders.

18 **Table 1. Percentage trigger for orders received within 3 days of
19 signature**

| | |
|-------------------------------------|-----------|
| Jail-based evaluation orders | 93 |
| Inpatient competency orders | 85 |

20 6. Data Collection: Defendants will continue to track the data referenced in
21 paragraphs 2, 3, and 5, above, and currently reflected in Appendix A of DSHS'
22 Monthly Reports. Additionally, when DSHS issues its monthly reports, it will
23 simultaneously provide the data from Appendix A in Excel format to Plaintiffs.

24 The Court ORDERS that from this point forward, calculation of compliance with the Court's
25 Injunction, Dkt. #131, calculation of compliance with the Modified Injunction as to In-jail
26 Evaluations, Dkt. #303, calculation of contempt under the Order of Contempt, Dkt. #289, and
any other aspect of the Court's prior rulings that are not consistent with the Agreement text set
forth above, are MODIFIED to be in conformance with this Order.

1 DATED this 26th day of __April__, 2017.



Marsha J. Pechman
United States District Judge

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4 Presented By:

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