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18 UNITED STATES DISTRICT COURT
19 CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

20 Jenny Lisette Flores, *et al.*,
21
22 Plaintiffs,
23
24 v.
25 Jefferson B. Sessions, Attorney
26 General, *et al.*,
27
28 Defendants.

Case No. CV 85-4544-DMG(AGR_x)
[PROPOSED] ORDER ENFORCING
SETTLEMENT
Before Hon. Dolly M. Gee
Hearing: June 29, 2018
Time: 9:30 a.m.
Room: 1st St. Courthouse
Courtroom 8C

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1 Plaintiffs’ motion for a class-wide order requiring Defendant Office of
2 Refugee Resettlement of the U.S. Department of Health and Human Services
3 (“ORR”) to comply with the settlement approved by this Court on January 28, 1997
4 (“Settlement”) came on regularly for hearing on June 29, 2018.

5 The Court, having read and considered the parties’ respective memoranda of
6 law in support of and in opposition to Plaintiffs’ motion, and having heard oral
7 argument from counsel, now GRANTS Plaintiffs’ motion.

8 IT IS HEREBY ORDERED as follows:

9 1. ORR shall provide class members whom it wishes to transfer from a
10 licensed, non-secure facility to a staff-secure, secure, or residential treatment center
11 (“RTC”) facility with written and oral notice in a language they understand of the
12 reasons for such transfer and disclose to the class member the evidence ORR
13 contends justifies transfer. Except in cases presenting an imminent threat of danger
14 to the child or the safety of others, such notice and disclosure shall be provided at
15 least 10 days in advance of the date ORR proposes to effect the class member’s
16 physical transfer. Unless the affected class member knowingly, intelligently, and
17 voluntarily waives a hearing in writing, ORR shall present its evidence for denying
18 such class member a licensed placement to an immigration judge for determination
19 of whether unlicensed placement is consistent with ¶ 21 of the Settlement. Except
20 in cases presenting an imminent threat of danger to the child or the safety of others,
21 a hearing shall be provided prior to physical transfer, and in all other cases within
22 seven days following transfer. Unless the immigration judge’s decision is stayed,
23 ORR shall not deny a class member a licensed placement or continue him or her in
24 staff-secure, secure, or RTC facility contrary to an immigration judge’s finding that
25 the class member is not within the categories of youth subject to unlicensed
26 placement pursuant to ¶ 21.

27 2. ORR shall not administer class members psychotropic drugs except in
28 compliance with the child welfare laws of the state in which the class member is

1 being housed. Except in cases presenting an imminent threat of danger to the child
2 or the safety of others, ORR shall not administer psychotropic medications to class
3 members without a parent's voluntary informed consent to administering their child
4 a specific medication. If a parent is unavailable to provide consent, ORR may seek
5 such voluntary, informed consent from other family members in the following order
6 of priority: a legal guardian; an adult relative (brother, sister, aunt, uncle, or
7 grandparent); or an adult individual or entity designated by the parent or legal
8 guardian as capable and willing to care for the minor's well-being pursuant to
9 ¶ 14D of the Settlement. In cases of an imminent threat of danger to the child or the
10 safety of others, ORR shall notify parents or other family members, as noted above,
11 within 72 hours after the administration of emergency psychotropic medications. If
12 ORR is unable to obtain a parent or family member's voluntary informed consent
13 for a particular child, it shall seek an order from a state court of competent
14 jurisdiction authorizing it to administer specific psychotropic medications to that
15 particular child without a parent's consent.

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1 3. Except where continued detention is required either to secure a minor’s
2 timely appearance before ICE or the immigration court, or to ensure the minor’s
3 safety or that of others, ORR shall, within 30 days of receiving a complete family
4 reunification packet from an individual or entity listed in ¶ 14 of the Settlement,
5 release the class member to the proposed custodian or else refer the custodian’s
6 likelihood to harm or neglect the minor for determination by state juvenile
7 authorities. The family reunification packet shall be considered complete when
8 ORR receives the completed and signed “Authorization for Release of
9 Information,” the completed and signed “Family Reunification Application” form,
10 and the supporting documents listed on ORR’s “Family Reunification Checklist for
11 Sponsors,” or else a statement from the potential sponsor explaining that one or
12 more supporting documents cannot be provided and why.

13
14 Dated: _____, 2018.

15
16 _____
United States District Judge

16 Presented by:

17 /s/
18 _____
Carlos Holguín
19 One of the attorneys for Plaintiffs