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United States District Court,
D. New Hampshire

ERIC L., etc., et al.
v.
Harry BIRD, etc., et al.

CIV. No. 91-376-M. | Dec. 16, 1993.

Attorneys and Law Firms

Ronald K. Lospennato, Disabilities Rights Center, Inc.,
Bruce E. Friedman, Civ. Practice Clinic, Concord, NH,
for Eric L.

Bruce E. Friedman, Civ. Practice Clinic, Concord, NH,
for Kim C., Jeff D.

Ann F. Larney, Daniel J. Mullen, Atty. General's Office,
Concord, NH, for Com'r NH Dept. of Health and Human
Services, Director, NH Div. of Children and Youth
Services.

Erica U. Bodwell, Durmer Law Offices, LawServe
Network, Manchester, NH, for amicus parties.

Ronald K. Lospennato, Disabilities Rights Center, Inc.,
Bruce E. Friedman, Civ. Practice Clinic, Concord, NH,
for James K., Julie W., Bruno J. Lucinda Hopkins,
Jennifer B.

Opinion

ORDER

KELLEHER, District Judge.

*1 Currently before the Court is Plaintiffs' motion for class certification. Having reviewed the supporting and opposing papers, as well as the paper submitted by amicus, and having held oral argument, the Court finds that the requirements of Rule 23(a) and 23(b)(2) are satisfied and, therefore, that this action should proceed as a class action.

The Court hereby certifies this as a class action with the classes and sub-classes of Plaintiffs defined as follows:

1. All children in New Hampshire about whom the New Hampshire Division of Children Youth Services (DCYS) has received a complaint of abuse or neglect as defined in New Hampshire R.S.A. § 169-C.

2. All children in New Hampshire who are the subject of a petition brought pursuant to New Hampshire R.S.A. § 169-C or who are entitled to services from DCYS as a result of court proceedings under that chapter or under § 170-G(4)(II).

3. All children with disabilities in New Hampshire who have rights under New Hampshire R.S.A. § 169-C or concerning whom there are court proceedings brought pursuant to New Hampshire R.S.A. § 169-C and

(1) who are placed, or at imminent risk of being placed, by DCYS in twenty-four hour residential educational or mental health facilities, or

(2)(a) who have been placed in foster care or some other child care arrangement outside of their home and (b) whose families are in need of family counseling/support services, or

(3) who have been labeled as "unadoptable."

SO ORDERED.