

FILED
Court Administrator

JUN 17 2011

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

By  Deputy

SECOND JUDICIAL DISTRICT

CASE TYPE: CIVIL

In re Temporary Funding of Core
Functions of the Executive Branch
of the State of Minnesota

Court File No: 62-CV-11-5203

**MOTION OF MINNESOTA
ASSOCIATION OF
TREATMENT PROGRAMS FOR
LEAVE TO PARTICIPATE AS
AMICUS CURIAE WITH
SUPPORTING MEMORANDUM**

INTRODUCTION

The Minnesota Association of Treatment Programs (“MATP”), an unincorporated association of chemical dependency treatment providers, requests leave to participate as *amicus curiae* in connection with the Petition filed by the Attorney General of the State of Minnesota on June 13, 2011. MATP seeks to participate not only to express its support for the Attorney General’s Petition, but also to ensure that the vulnerable Minnesota citizens under the care of MATP’s member agencies (the “Providers”) are not stripped of their rights under the Minnesota constitution. A list of the Providers is attached hereto as Exhibit “A.”

The Providers are funded, in substantial part, by the Consolidated Chemical Dependency Treatment Fund (CCDTF), which is comprised of a combination of Federal, State and County dollars. The Minnesota Constitution and the Supremacy Clause of the United States Constitution require this Court to take action to ensure the CCDTF dollars continue to be administered and disbursed by the State after June 30, 2011.

I. MATP Has a Significant Interest in the Present Case.

The Providers partner with the Department of Corrections (“DOC”) and the Department of Human Services (“DHS”) to provide supervision and treatment services to persons suffering from chemical dependency, both within and outside of the criminal justice system. The Providers supply these vulnerable citizens with essential and lifesaving services to prevent significant harm to themselves and other citizens. Recipients of Providers’ services include participants in Minnesota’s drug courts, who receive treatment from Providers in lieu of incarceration, in addition to persons ordered by civil and criminal courts to undergo chemical dependency treatment services.

Under a shutdown scenario, offenders would not be able to receive court-ordered conditions of release, resulting in the potential that offenders would either be required to return to incarceration, or be left unsupervised. Any interruption in the funding for drug detoxification programs and methadone provision would make treatment for acute addiction and withdrawal unavailable, resulting in a health crisis for those affected. It is not difficult to imagine that those patients who would not have access to methadone from one of the Providers may resort to illegal means to avert the pain of withdrawal, or go into an emergency room as a costly, unnecessary alternative.

II. The Court Would be Aided by Participation of MATP as *Amicus Curiae*.

As discussed in the attached *amicus curiae* brief, Minnesota has a legislatively-established public policy of protecting vulnerable adults. *E.g.*, Minn. Stat. § 626.557 (commonly referred to as the “Vulnerable Adults Act”). The Providers are vendors of the State and county governments, performing functions essential to the protection of vulnerable adults and the community. From this experience, the Providers have special expertise and specific knowledge

about the issues presented in this case. Specifically, the attached brief addresses the potentially disastrous effects of failing to continue administration and disbursement of CCDTF funds.

III. Participation by MATP as *Amicus Curiae* Would Not Prejudice Petitioner or Any Interested Person or Delay Disposition of this Case.

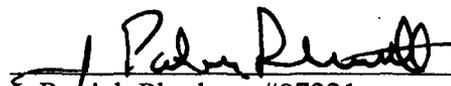
The issues discussed in the attached *amicus curiae* brief are not prejudicial to the Petitioner or any interested persons; nor will their consideration delay the Court's disposition of this case. This request and the attached brief are being filed six days before the scheduled hearing of the matter and are intended to assist the Court in reaching the proper decision.

For the reasons stated above and in the accompanying *amicus curiae* brief, MATP respectfully requests leave to participate as *amicus curiae* and to file the accompanying brief and participate in oral argument during the hearing set for June 23, 2011.

Respectfully Submitted,

Dated:

June 17, 2011



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The undersigned hereby acknowledges that sanctions may be imposed pursuant to Minn. Stat. § 549.211.



J. Patrick Plunkett

Exhibit A

Chemical Dependency Treatment Providers

RS Eden

1931 W Broadway Ave.

Mpls., MN, 55411

Fee for service outpatient and residential C.D. treatment. Also receives grants from the state.

Project Turnabout

660 18th St. P.O. Box 116

Granite Falls, MN. 56241

Fee for service outpatient and residential C.D. treatment.

Haven Chemical Health Systems

2042 Wooddale Dr. #220

Woodbury, MN. 55125

Fee for services outpatient and residential C.D. treatment.

Park Avenue Center

2525 Park Ave.

Mpls., MN. 55404

Fee for service outpatient C.D. treatment

Wayside House Inc.

3705 Park Center Drive

St. Louis Park, MN. 55416

Fee for service women's C.D. outpatient and residential treatment, housing, and support services.

The Gables

604 5th St. S.W.

Rochester MN. 55902

Fee for service women's Residential C.D. treatment.

Meridian Behavioral Health

550 Main St. #230

New Brighton, MN. 55112

Fee for service outpatient and residential C.D. treatment.

River Ridge Treatment Programs

14750 Lac Lavon Dr.

Burnsville, MN. 55306

Fee for service outpatient and residential treatment.

Pride Institute
14400 Martin Dr.
Eden Prairie, MN. 55344
Fee for service GLBT outpatient and residential treatment.

Recovery Resource Center
1900 Chicago Ave. S.
Mpls., MN. 55404
Fee for service outpatient C.D. treatment.

We Care Counseling Center
6027 N. Georgia Blvd.
Oakdale, MN.
Fee for service outpatient C.D. treatment.

Common Ground
1027 7th St. N. W. #207
Rochester, MN. 55901
Fee for service outpatient C.D. treatment

Turning Point
1500 Golden Valley Rd.
Mpls., MN. 55411
Fee for service outpatient and residential C. D. treatment for African Americans.

Fountain Centers
408 Fountain St.
Albert Lea, MN. 56007
Fee for service outpatient and residential C. D. treatment

Create Inc.
1911 Pleasant Ave. S.
Mpls., MN. 55403
Fee for service outpatient C.D. services.

ShareHouse
4227 9th Ave S.W.
Fargo, N.D. 58110
Fee for service outpatient and residential C.D. services with multiple Minnesota sites.

St. Cloud Hospital-Recovery Plus
1406 6th Ave. N.
St. Cloud, MN. 56303
Fee for service outpatient and residential C. D. services

Rum River Hills C.D.
101 18th Ave. N.
Princeton, MN 55371
Fee for service outpatient C.D. treatment.

Nuway House
2518 First Ave. S.
Mpls., MN. 55404
Fee for service outpatient and residential C. D. services

Washington County HSI
275 Orleans
Stillwater, MN. 55082
Fee for service outpatient C. D. services

Adolescent Treatment Center of Winnebago
620 First Ave. S. W.
Winnebago, MN. 56098
Fee for service Adolescent C. D. residential treatment

Juel Fairbanks Chemical Dependency Services
806 North Albert Street
St. Paul, Minnesota 55104

Pathway House
PO Box 6610
Rochester, MN 55903