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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

LAW PROJECT FOR PSYCHIATRIC)
RIGHTS, an Alaskan non-profit corporation,)

Plaintiff,)

vs.)

STATE OF ALASKA, SARAH PALIN,)
Governor of the State of Alaska,)

ALASKA DEPARTMENT OF HEALTH AND)
SOCIAL SERVICES, WILLIAM HOGAN,)

Commissioner, Department of Health and)
Social Services, TAMMY SANDOVAL,)

Director of the Office of Children's)
Services, STEVE McCOMB, Director of the)

Division of Juvenile Justice, MELISSA)
WITZLER STONE, Director of the Division of)

Behavioral Health, RON ADLER,)
Director/CEO of the Alaska Psychiatric)

Institute, WILLIAM STREUER, Deputy)
Commissioner and Director of the Division of)

Health Care Services,)
Defendants)

Case No. 3AN-08-10115 CI

**ANSWER TO AMENDED COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

Defendants, the State of Alaska; Sarah Palin, Governor of the State of
Alaska; the Department of Health and Social Services; William Hogan, in his official
capacity as Commissioner of the Department; Tammy Sandoval, in her official capacity
as Director of the Office of Children's Services; Steve McComb, in his official
capacity as Director of the Division of Juvenile Justice; Melissa Stone, in her official

ATTORNEY GENERAL, STATE OF ALASKA
DIMOND COURTHOUSE
P.O. BOX 110300, JUNEAU, ALASKA 99811
PHONE: 465-3600

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3 capacity as Director of the Division of Behavioral Health; Ron Adler, in his official
4 capacity as Director of Alaska Psychiatric Institute; and William Streur, in his official
5 capacity as Deputy Commissioner of the Department of Health and Social Services
6 (hereinafter collectively "the state"), answer the plaintiff's Complaint for Declaratory
7 and Injunctive Relief in the above-captioned matter as follows:

8 INTRODUCTION

9 1. The state is without sufficient information to admit or deny the substance
10 of this paragraph; therefore, it is denied. To the extent the paragraph alleges a legal
11 conclusion, no response it required.

12 JURISDICTION AND VENUE

- 13 2. Admit.
14 3. Admit.

15 PARTIES

16 4. The state is without sufficient information to admit or deny the substance
17 of this paragraph.

18 5. Admit that Alaska is one of the states in the United States of America.
19 Admit that the State of Alaska pays for medically necessary medication, including
20 psychotropic medication. Admit that under AS 47.10 and AS 47.12, the state has the
21 authority, through a court order, to assume custody of children in need of aid. The
22 remainder of the paragraph is denied.

23 6. Admit that Sarah Palin is the governor of Alaska. Admit that the State of
24 Alaska, under the Palin Administration, pays for medically necessary medication,
25 including psychotropic medication. Admit that under AS 47.10, the state, under the
26 Palin Administration, has the authority, through a court order, to assume custody of
children in need of aid. The remainder of the paragraph is denied.

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3 7. Admit that the Department of Health and Social Services is the state
4 agency that assumes state custody over children. Admit that the Department of Health
5 and Social Services is the state Medicaid agency and is the department responsible for
6 paying for medically necessary medication, including psychotropic medication. Admit
7 that the Department of Health and Social Services is the department that oversees the
8 Office of Children's Services to assume custody through a court order of children need
9 of aid. The remainder of the paragraph is denied.

10 8. Admit that William Hogan is the Commissioner of the Department of
11 Health and Social Services. Admit that the Department of Health and Social Services
12 is the state Medicaid agency and is the department responsible for paying for medically
13 necessary medication, including psychotropic medication. Admit that the Department
14 of Health and Social Services is the department that oversees the Office of Children's
15 Services to assume custody through a court order of children need of aid. The
16 remainder of the paragraph is denied.

17 9. Admit that Tammy Sandoval is the director of the Office of Children's
18 Services. Admit that the Department of Health and Social Services is the state
19 Medicaid agency and is the department responsible for paying for medically necessary
20 medication, including psychotropic medication. Admit that the Department of Health
21 and Social Services is the department that oversees the Office of Children's Services to
22 assume custody through a court order of children need of aid. The remainder of the
23 paragraph is denied.

24 10. Admit that Steve McComb is the Director of the Division of Juvenile
25 Justice. Admit that the Department of Health and Social Services is the state Medicaid
26 agency and is the department responsible for paying for medically necessary
medication, including psychotropic medication. Admit that the Department of Health
and Social Services is the department that oversees the Office of Children's Services to

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3 assume custody through a court order of children need of aid. The remainder of the
4 paragraph is denied.

5 11. Admit that Melissa Witzler Stone is the Director of the Division of
6 Behavioral Health. Admit that the Department of Health and Social Services is the
7 state Medicaid agency and is the department responsible for paying for medically
8 necessary medication, including psychotropic medication. Admit that the Department
9 of Health and Social Services is the department that oversees the Office of Children's
10 Services to assume custody through a court order of children need of aid. The
11 remainder of the paragraph is denied.

12 12. Admit that Ron Adler is the Director/CEO of Alaska Psychiatric Institute.
13 Admit that the Department of Health and Social Services is the state Medicaid agency
14 and is the department responsible for paying for medically necessary medication,
15 including psychotropic medication. Admit that the Department of Health and Social
16 Services is the department that oversees the Office of Children's Services to assume
17 custody through a court order of children need of aid. The remainder of the paragraph
18 is denied.

19 13. Admit that William Streur is a Deputy Commissioner of the Department
20 of Health and Social Services and the Deputy Director of the Division of Health Care
21 Services. Admit that the Department of Health and Social Services is the state
22 Medicaid agency and is the department responsible for paying for medically necessary
23 medication, including psychotropic medication. Admit that the Department of Health
24 and Social Services is the department that oversees the Office of Children's Services to
25 assume custody through a court order of children need of aid. The remainder of the
26 paragraph is denied.

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3 **CHILDREN AND YOUTH'S CONSTITUTIONAL RIGHT NOT TO BE**
4 **ADMINISTERED PSYCHOTROPIC DRUGS UNLESS IT IS IN THEIR BEST**
5 **INTERESTS AND THERE ARE NO LESS INTRUSIVE ALTERNATIVES**

6 14. This paragraph is a statement of law to which no response is required. To
7 the extent a response is required, the paragraph is denied.

8 15. This paragraph is a statement of law to which no response is required.

9 16. This paragraph is a statement of law to which no response is required.

10 17. This paragraph is a statement of law to which no response is required.

11 18. This paragraph is a statement of law to which no response is required.

12 **CHILDREN AND YOUTH'S STATUTORY RIGHTS WHEN IN STATE**
13 **CUSTODY**

14 19. This paragraph is a statement of law to which no response is required.

15 20. This paragraph is a statement of law to which no response is required.

16 21. This paragraph is a statement of law to which no response is required.

17 **MEDICAID PAYMENT FOR OUTPATIENT PRESCRIPTIONS IS NOT**
18 **ALLOWED UNLESS APPROVED FOR THE INDICATION BY THE FDA OR**
19 **INCLUDED IN CERTAIN MEDICAL COMPENDIA.**

20 22. This paragraph is a statement of law to which no response is required.

21 **THE LAW PROJECT FOR PSYCHIATRIC RIGHTS' RAISING THE ALARM**
22 **TO AND DEMANDING CORRECTIVE ACTION BY GOVERNMENT**
23 **OFFICIALS HAS BEEN IGNORED**

24 23. This paragraph is a statement to which no response is required.

25 24. The state is without sufficient information to admit or deny the substance
26 of this paragraph. To the extent a response is required, the paragraph is denied.

27 25. This paragraph is a statement to which no response is required. The
legislative history speaks for itself.

28 26. This paragraph is a statement to which no response is required.

29 27. This paragraph is a statement to which no response is required.

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28. This paragraph is a statement to which no response is required.

29. This paragraph is a statement to which no response is required.

30. This paragraph is a statement to which no response is required.

31. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

32. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

33. Admit that the Attorney General's Office is a participant in the Attorneys General Consumer and Prescriber Grant Program.

34. Admit that Mr. Gottstein e-mailed a number of state officials on June 11, 2008; the remainder of the paragraph is a statement to which no response is required.

35. Admit.

THE "CRITICAL THINKRx" CURRICULUM

36. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

THE FDA DRUG APPROVAL PROCESS

37. This paragraph is a statement of law to which no response is required; to the extent a response is required, the paragraph is denied.

38. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

39. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

40. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

41. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

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42. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

43. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

44. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

45. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

46. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

47. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

48. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

49. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

50. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

51. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

52. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

53. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

54. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

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3 55. The state is without sufficient information to admit or deny the substance
4 of this paragraph; therefore, it is denied.

5 56. The state is without sufficient information to admit or deny the substance
6 of this paragraph; therefore, it is denied.

7 57. The state is without sufficient information to admit or deny the substance
8 of this paragraph; therefore, it is denied.

9 58. The state is without sufficient information to admit or deny the substance
10 of this paragraph; therefore, it is denied.

11 59. The state is without sufficient information to admit or deny the substance
12 of this paragraph; therefore, it is denied.

13 60. The state is without sufficient information to admit or deny the substance
14 of this paragraph; therefore, it is denied.

15 61. The state is without sufficient information to admit or deny the substance
16 of this paragraph; therefore, it is denied.

17 62. The state is without sufficient information to admit or deny the substance
18 of this paragraph; therefore, it is denied.

19 63. The state is without sufficient information to admit or deny the substance
20 of this paragraph; therefore, it is denied.

21 64. The state is without sufficient information to admit or deny the substance
22 of this paragraph; therefore, it is denied.

23 65. The state is without sufficient information to admit or deny the substance
24 of this paragraph; therefore, it is denied.

25 66. The state is without sufficient information to admit or deny the substance
26 of this paragraph; therefore, it is denied.

27 67. The state is without sufficient information to admit or deny the substance
28 of this paragraph; therefore, it is denied.

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68. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

69. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

70. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

UNDUE DRUG COMPANY INFLUENCE OVER PRESCRIBING PRACTICES

71. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

72. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

73. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

74. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

75. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

PEDIATRIC PSYCHOTROPIC PRESCRIBING

76. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

77. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

78. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

79. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

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3 80. The state is without sufficient information to admit or deny the substance
4 of this paragraph; therefore, it is denied.

5 81. The state is without sufficient information to admit or deny the substance
6 of this paragraph; therefore, it is denied.

7 82. The state is without sufficient information to admit or deny the substance
8 of this paragraph; therefore, it is denied.

9 83. The state is without sufficient information to admit or deny the substance
10 of this paragraph; therefore, it is denied.

11 84. The state is without sufficient information to admit or deny the substance
12 of this paragraph; therefore, it is denied.

13 85. The state is without sufficient information to admit or deny the substance
14 of this paragraph; therefore, it is denied.

15 86. The state is without sufficient information to admit or deny the substance
16 of this paragraph; therefore, it is denied.

17 87. The state is without sufficient information to admit or deny the substance
18 of this paragraph; therefore, it is denied.

19 88. The state is without sufficient information to admit or deny the substance
20 of this paragraph; therefore, it is denied.

21 89. The state is without sufficient information to admit or deny the substance
22 of this paragraph; therefore, it is denied.

23 90. The state is without sufficient information to admit or deny the substance
24 of this paragraph; therefore, it is denied.

25 91. The state is without sufficient information to admit or deny the substance
26 of this paragraph; therefore, it is denied.

27 92. The state is without sufficient information to admit or deny the substance
28 of this paragraph; therefore, it is denied.

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93. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

94. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

95. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

96. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

97. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

98. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

99. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

100. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

101. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

102. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

103. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

104. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

105. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

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3 106. The state is without sufficient information to admit or deny the substance
4 of this paragraph; therefore, it is denied.

5 107. The state is without sufficient information to admit or deny the substance
6 of this paragraph; therefore, it is denied.

7 108. The state is without sufficient information to admit or deny the substance
8 of this paragraph; therefore, it is denied.

9 109. The state is without sufficient information to admit or deny the substance
10 of this paragraph; therefore, it is denied.

11 110. The state is without sufficient information to admit or deny the substance
12 of this paragraph; therefore, it is denied.

12 NEUROLEPTICS

13 111. The paragraph is a statement of law to which no response is required.

14 112. The paragraph is a statement of law to which no response is required.

15 113. The state is without sufficient information to admit or deny the substance
16 of this paragraph; therefore, it is denied.

17 114. The state is without sufficient information to admit or deny the substance
18 of this paragraph; therefore, it is denied.

19 115. The state is without sufficient information to admit or deny the substance
20 of this paragraph; therefore, it is denied.

21 116. The state is without sufficient information to admit or deny the substance
22 of this paragraph; therefore, it is denied.

23 117. The state is without sufficient information to admit or deny the substance
24 of this paragraph; therefore, it is denied.

25 118. The state is without sufficient information to admit or deny the substance
26 of this paragraph; therefore, it is denied.

119. The state is without sufficient information to admit or deny the substance
of this paragraph; therefore, it is denied.

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3 120. The state is without sufficient information to admit or deny the substance
4 of this paragraph; therefore, it is denied.

5 121. The state is without sufficient information to admit or deny the substance
6 of this paragraph; therefore, it is denied.

7 122. The state is without sufficient information to admit or deny the substance
8 of this paragraph; therefore, it is denied.

9 123. The state is without sufficient information to admit or deny the substance
10 of this paragraph; therefore, it is denied.

11 124. The state is without sufficient information to admit or deny the substance
12 of this paragraph; therefore, it is denied.

13 125. The state is without sufficient information to admit or deny the substance
14 of this paragraph; therefore, it is denied.

15 126. The state is without sufficient information to admit or deny the substance
16 of this paragraph; therefore, it is denied.

17 127. The state is without sufficient information to admit or deny the substance
18 of this paragraph; therefore, it is denied.

19 128. The state is without sufficient information to admit or deny the substance
20 of this paragraph; therefore, it is denied.

21 129. This paragraph is a statement of law to which no response is required.

22 130. The state is without sufficient information to admit or deny the substance
23 of this paragraph; therefore, it is denied.

24 131. The state is without sufficient information to admit or deny the substance
25 of this paragraph; therefore, it is denied.

26 132. The state is without sufficient information to admit or deny the substance
of this paragraph; therefore, it is denied.

133. The state is without sufficient information to admit or deny the substance
of this paragraph; therefore, it is denied.

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3 134. The state is without sufficient information to admit or deny the substance
4 of this paragraph; therefore, it is denied.

5 135. The state is without sufficient information to admit or deny the substance
6 of this paragraph; therefore, it is denied.

7 136. This paragraph is a statement of law to which no response is required.

8 137. The state is without sufficient information to admit or deny the substance
9 of this paragraph; therefore, it is denied.

10 138. The state is without sufficient information to admit or deny the substance
11 of this paragraph; therefore, it is denied.

12 **ANTIDEPRESSANTS**

13 139. This paragraph is a statement of law to which no response is required.

14 140. The state is without sufficient information to admit or deny the substance
15 of this paragraph; therefore, it is denied.

16 141. The state is without sufficient information to admit or deny the substance
17 of this paragraph; therefore, it is denied.

18 142. The state is without sufficient information to admit or deny the substance
19 of this paragraph; therefore, it is denied.

20 143. The state is without sufficient information to admit or deny the substance
21 of this paragraph; therefore, it is denied.

22 144. The state is without sufficient information to admit or deny the substance
23 of this paragraph; therefore, it is denied.

24 145. The state is without sufficient information to admit or deny the substance
25 of this paragraph; therefore, it is denied.

26 146. The state is without sufficient information to admit or deny the substance
of this paragraph; therefore, it is denied.

147. The state is without sufficient information to admit or deny the substance
of this paragraph; therefore, it is denied.

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148. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

149. This paragraph is a statement of law to which no response is required.

150. This paragraph is a statement of law to which no response is required.

151. This paragraph is a statement of law to which no response is required.

152. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

STIMULANTS

153. This paragraph is a statement of law to which no response is required.

154. The state is without sufficient information to admit or deny the substance of this paragraph; t therefore, it is denied.

155. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

156. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

157. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

158. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

159. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

160. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

161. This is a statement of law to which no response is required.

162. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

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163. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

164. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

165. This paragraph is a statement to which no response is required. The reports and studies referenced in the paragraph speak for themselves.

ANTICONVULSANTS PROMOTED AS “MOOD STABILIZERS”

166. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

167. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

168. This paragraph is a statement of law to which no response is required.

169. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

170. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

171. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

172. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

173. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

174. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

175. The state is without sufficient information to admit or deny the substance of this paragraph; therefore, it is denied.

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3 176. The state is without sufficient information to admit or deny the substance
4 of this paragraph; therefore, it is denied.

5 177. The state is without sufficient information to admit or deny the substance
6 of this paragraph; therefore, it is denied.

7 **EVIDENCE BASED, LESS INTRUSIVE ALTERNATIVES: PSYCHOSOCIAL**
8 **INTERVENTIONS**

9 178. The state is without sufficient information to admit or deny the substance
10 of this paragraph; therefore, it is denied.

11 179. The state is without sufficient information to admit or deny the substance
12 of this paragraph; therefore, it is denied.

13 180. The state is without sufficient information to admit or deny the substance
14 of this paragraph; therefore, it is denied.

15 181. The state is without sufficient information to admit or deny the substance
16 of this paragraph; therefore, it is denied.

17 182. Admit that some children may experience loss and trauma because of
18 disrupted attachments to biological parents. The remainder of the paragraph is denied.

19 183. Admit that some children may experience emotional disruption. The
20 remainder of the paragraph is denied.

21 184. Admit that some children may benefit from secure attachments to
22 competent adults. The state is without sufficient information to admit or deny the
23 remainder of the paragraph; therefore, it is denied.

24 185. Admit that trauma, abuse, and neglect may disrupt some children's ability
25 to form secure attachments. The state is without sufficient information to admit or
26 deny the remainder of the paragraph; therefore, it is denied.

186. The state is without sufficient information to admit or deny the substance
of this paragraph; therefore, it is denied.

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3 187. Admit that the statements contained in this paragraph may be true for
4 some children. The remainder of the paragraph is denied.

5 188. Admit that the statements contained in this paragraph may be true for
6 some children. The remainder of the paragraph is denied.

7 189. Admit that the elements described in this paragraph may play a role in
8 positive outcomes for some children in foster care. The state is without sufficient
9 information to admit or deny the remainder of the paragraph; therefore, it is denied.

10 190. The state is without sufficient information to admit or deny the substance
11 of this paragraph; therefore, it is denied.

12 191. The state is without sufficient information to admit or deny the substance
13 of this paragraph; therefore, it is denied.

14 192. The state is without sufficient information to admit or deny the substance
15 of this paragraph; therefore, it is denied.

16 193. The state is without sufficient information to admit or deny the substance
17 of this paragraph; therefore, it is denied.

18 194. The state is without sufficient information to admit or deny the substance
19 of this paragraph; therefore, it is denied.

20 195. The state is without sufficient information to admit or deny the substance
21 of this paragraph; therefore, it is denied.

22 196. The state is without sufficient information to admit or deny the substance
23 of this paragraph; therefore, it is denied.

24 197. The state is without sufficient information to admit or deny the substance
25 of this paragraph; therefore, it is denied.

26 198. The state is without sufficient information to admit or deny the substance
of this paragraph; therefore, it is denied.

199. The state is without sufficient information to admit or deny the substance
of this paragraph; therefore, it is denied.

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3 200. Admit that maltreatment may be linked to aggressive behavior in
4 children. The state is without sufficient information to admit or deny the remainder of
5 the paragraph; therefore, it is denied.

6 201. The state is without sufficient information to admit or deny the substance
7 of this paragraph; therefore, it is denied.

8 202. The state is without sufficient information to admit or deny the substance
9 of this paragraph; therefore, it is denied.

10 203. The state is without sufficient information to admit or deny the substance
11 of this paragraph; therefore, it is denied.

12 204. The state is without sufficient information to admit or deny the substance
13 of this paragraph; therefore, it is denied.

14 205. The state is without sufficient information to admit or deny the substance
15 of this paragraph; therefore, it is denied.

16 206. The state is without sufficient information to admit or deny the substance
17 of this paragraph; therefore, it is denied.

18 207. The state is without sufficient information to admit or deny the substance
19 of this paragraph; therefore, it is denied.

20 208. The state is without sufficient information to admit or deny the substance
21 of this paragraph; therefore, it is denied.

22 209. The state is without sufficient information to admit or deny the substance
23 of this paragraph; therefore, it is denied.

24 210. The state is without sufficient information to admit or deny the substance
25 of this paragraph; therefore, it is denied.

26 211. The state is without sufficient information to admit or deny the substance
of this paragraph; therefore, it is denied.

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3 **“CRITICAL THINK Rx” SPECIFICATIONS**

4 212. The state is without sufficient information to admit or deny the substance
5 of this paragraph; therefore, it is denied.

6 213. The state is without sufficient information to admit or deny the substance
7 of this paragraph; therefore, it is denied.

8 214. The state is without sufficient information to admit or deny the substance
9 of this paragraph; therefore, it is denied.

10 215. The state is without sufficient information to admit or deny the substance
11 of this paragraph; therefore, it is denied.

12 216. The state is without sufficient information to admit or deny the substance
13 of this paragraph; therefore, it is denied.

14 217. The state is without sufficient information to admit or deny the substance
15 of this paragraph; therefore, it is denied.

16 **DEFENDANTS’ AUTHORIZING AND PAYING FOR THE**
17 **ADMINISTRATION OF PSYCHOTROPIC DRUGS TO CHILDREN AND**
18 **YOUT IS ILL-INFORMED AND EXTREMELY HARMFUL**

19 218. Denied.

20 219. This paragraph contains a statement of law to which no response is
21 required. The remainder of the paragraph is denied.

22 220. The state is without sufficient information to admit or deny the substance
23 of this paragraph; therefore, it is denied.

24 221. Denied.

25 222. Denied.

26 223. Denied.

224. Denied.

225. Denied.

226. Denied.

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3 227. The state is without sufficient information to admit or deny the substance
4 of those paragraphs in the complaint referenced in this paragraph. Accordingly, this
5 paragraph is denied.

6 228. The state is without sufficient information to admit or deny the substance
7 of those paragraphs in the complaint referenced in this paragraph. Accordingly, this
8 paragraph is denied.

9 229. Admit the dates and figure described in this paragraph. The remainder of
10 the paragraph is denied.

11 230. Admit the dates and figure described in this paragraph. The remainder of
12 the paragraph is denied.

13 231. Admit the dates and figure described in this paragraph. The remainder of
14 the paragraph is denied.

15 232. Admit the dates and figure described in this paragraph. The remainder of
16 the paragraph is denied.

17 233. Admit the dates and figure described in this paragraph. The remainder of
18 the paragraph is denied.

19 234. Admit the dates and figure described in this paragraph. The remainder of
20 the paragraph is denied.

21 235. Admit the dates and figure described in this paragraph. The remainder of
22 the paragraph is denied.

AFFIRMATIVE DEFENSES

23 1. Plaintiff is prohibited from bringing this lawsuit by the XI Amendment of
24 the United States Constitution.

25 2. Plaintiff has failed to state a cause of action upon which relief can be
26 granted.

3. Plaintiff's complaint is barred by the doctrine of laches.

4. Plaintiff's complaint is barred by the doctrine of unclean hands.

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5. Plaintiff's complaint is *res judicata*.
6. The state is entitled to official immunity.
7. The state is entitled to discretionary function immunity.
8. The state is entitled to qualified immunity.
9. Plaintiff's complaint is barred under the separation of powers doctrine.
10. Plaintiff lacks standing to bring this action.
11. The state reserves the right to assert additional defenses, which may be revealed through discovery.
12. All other applicable defenses in law and in equity.

WHEREFORE, the state requests the court order that:

1. The Plaintiff's Amended Complaint for Declaratory and Injunctive Relief be dismissed in its entirety with prejudice;
2. The state be awarded reasonable attorneys fees and costs; and
3. For such other relief as the court deems appropriate.

Dated this 13th day of October, 2008, at Juneau, Alaska.

TALIS J. COLBERG
ATTORNEY GENERAL

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