

Dear Child Advocates, this update contains:

- Announcement of Proposed Settlement in Kenny A v. Perdue case

Attorneys for plaintiff children and state defendants have announced a proposed settlement agreement in the Kenny A. v. Perdue class action suit. The 47-page settlement agreement details comprehensive reforms that Georgia will make to the child welfare systems in Fulton and DeKalb Counties. The settlement includes thirty-one specific outcome targets that the state must meet and maintain before court jurisdiction will be terminated.

The proposed settlement was filed with the Honorable Marvin H. Shoob, U.S. District Court for the Northern District of Georgia, Atlanta Division on July 5, 2005 when attorneys asked the Court to preliminarily approve the settlement agreement, approve the notice that will go to the class members, and set a date for a fairness hearing. If the Court agrees to these requests, all class members and a list of other persons will receive notice of the proposed settlement. Between the preliminary approval and the fairness hearing (which will be held in two to three months) the Court will accept comments and objections from class members and possibly others. The Court will hold the fairness hearing to determine whether the proposed settlement is fair, reasonable and adequate, in compliance with the Federal Rules of Civil Procedure. If the Court finds that it is, the final Consent Decree can be approved.

Plaintiff children in the suit claim that the child welfare systems in Fulton and DeKalb Counties are overburdened, mismanaged, violate state and federal laws which govern the care and protection of abused children, and violate the children's constitutional rights to substantive and procedural due process. The settlement decree is not an admission to the truth or validity of any of the claims in the suit, but is proposed to avoid the expense, risks, delays, and uncertainties of a trial and any appeals.

The proposed settlement does not address Plaintiff children's claims against Fulton and DeKalb Counties for violating the children's statutory and constitutional rights by failing to provide effective assistance of counsel. These claims will be resolved by a separate settlement agreement or through a trial in federal court.

The plaintiff class is all children who have been, are, or will be alleged or adjudicated deprived who are or will be in the custody of any of the State Defendants; and have or will have an open case in Fulton County DFCS or DeKalb County DFCS. State defendants are Governor Sonny Perdue, DHR Commissioner B.J. Walker, and Steve Love, Acting DFCS Director.

The proposed settlement includes a variety of systemic management and infrastructure reforms, including:

- a July 1, 2005 increase in family foster care per diems to \$13.78 for a child age 0-6, \$15.50 for a child age 7-12, \$17.75 for a child age 13 and older;

- the full implementation of a single statewide automated child welfare information system with a vendor to be selected by December 31, 2005;
- caseloads reduced to twelve children per CPS case manager and fifteen cases per placement case manager; and
- at least two visits per month between case workers and children in foster care.

Georgia's compliance with the outcome measures in the agreement will be regularly measured and reported on by two independent Accountability Agents agreed upon by the parties: James T. Dimas, Senior Associate with Casey Strategic Consulting, an initiative of the Annie E. Casey Foundation; and Sarah Morrison, Senior Associate with the Center for the Study of Social Policy. Data support will be provided by the Chapin Hall Center for Children at the University of Chicago and Georgia State University.

A full copy of the proposed consent agreement and press releases issued by both parties can be viewed at www.childwelfare.net.