

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

KENNY A., by his next friend Linda
Winn, et al.,

Plaintiffs,

vs.

NATHAN DEAL, et al.,

Defendants

CIVIL ACTION
1:02-cv-1686-MHS

**JOINT STIPULATION AND ORDER TO MODIFY THE CONSENT
DECREE REGARDING ACCOUNTABILITY AND MONITORING**

WHEREAS, on October 28, 2005, the Court approved and entered a Consent Decree between Plaintiffs and Defendants to resolve Plaintiffs' claims against the State concerning, among other things, the care, treatment, placements, services, and protection provided to the Plaintiff Class of foster children in state custody in Fulton and DeKalb Counties (the "Consent Decree"). (Dkt. No. 488).

WHEREAS, the Court has approved the parties' previous modifications to the Consent Decree. (Dkt. Nos. 607, 608, 612, 687).

WHEREAS, Section 16 of the Consent Decree specifies that there shall be two independent Accountability Agents.

WHEREAS, Jim Dimas and Karen Baynes-Dunning were appointed as the two independent Accountability Agents.

WHEREAS, Mr. Dimas resigned on May 18, 2015.

WHEREAS, the parties have agreed to move forward with one independent Accountability Agent who will be supported by a technical assistance team.

WHEREAS, after much reasoned consideration and discussion, the parties agree, and request Court approval, to modify the Consent Decree as follows: Section 16 of the Consent Decree shall be replaced and superseded in its entirety by the following:

- A. The Court shall appoint Karen Baynes-Dunning as the Court's independent Accountability Agent. In the event that Ms. Baynes-Dunning is unable to fulfill her duties under this agreement, the parties will select a replacement with the advice of the Accountability Agent. The parties agree that technical assistance will be provided to the Accountability Agent by the Monitoring and Technical Assistance Team ("MTAT") comprised of Steve Baynes, Elizabeth Black (Center for the Support of Families), and Jennifer Haight (Chapin Hall Center for Children at the University of Chicago). The Accountability Agent, with the assistance of the MTAT, shall conduct the factual investigation and verification of data and state documentation necessary to compile and to issue public record reports on State Defendants' performance relative to the terms of the Consent Decree, as modified, directly to the Court and to the parties. These reports shall be issued, at a minimum, for each six month reporting period, approximately 90 days after the close of the each reporting period.

- B. In addition to their monitoring duties outlined herein, the parties intend and agree that the Accountability Agent and the MTAT will also advise and provide technical assistance to the State Defendants toward the goal of capacity building to meet and sustain the State Defendants' obligations under the Consent Decree.
- C. DHS, through its employees or agents, will collect data with regard to each element of performance under the Consent Decree, and make it available on a timely basis to the Accountability Agent and the MTAT. DHS shall cooperate with the Accountability Agent and the MTAT in providing access to personnel, documents and other information necessary to perform their duties, as determined by the Accountability Agent and the MTAT, including without limitation interviews with agency staff, contract agency personnel, and interviews with DHS clients. The Accountability Agent with the assistance of the MTAT shall conduct case record and other reviews as she deems necessary, including recommending or requiring DHS to conduct regular case reviews according to a systematic process.
- D. DHS shall provide the Accountability Agent and the MTAT with the necessary resources to perform their duties, including payment of their approved fees and expenses in accordance with state regulations. The Accountability Agent will prepare an initial budget proposal for submission to the parties and the Court within 30 days of entry of the Order modifying Section 16 of the Consent Decree. This budget will be updated and revised annually.
- E. All actions required for Plaintiff class members shall be documented within the individual case file of each member of the class on a timely and accurate basis. DFCS shall ensure that all required information concerning all foster parents, whether supervised by DFCS or by private providers, is timely and accurately entered into a foster parent file for each foster parent. DFCS shall ensure that a copy of all required information concerning contract agency providers is timely and accurately entered into a file for each contract agency provider and housed centrally at DFCS.

The parties agree to, and request the Court's approval and entry of, this Joint Stipulation and Order to Modify the Consent Decree Regarding Accountability and Monitoring. Except as modified herein, all other provisions of the Consent Decree entered by this Court on October 28, 2005, and as subsequently modified, or further Orders of this Court, shall remain in full force and effect.

SO STIPULATED BY THE PARTIES, October 26, 2015, by:

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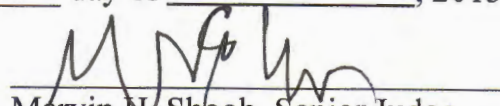
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IT IS SO ORDERED, this 2nd day of November, 2015.


Marvin H. Shoob, Senior Judge
United States District Court
Northern District of Georgia