

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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LASHAWN A. by her next friend, Evelyn :
Moore, et al., :
Plaintiffs, :
: :
v. : 89-CV-1754 (TFH)
: :
ADRIAN M. FENTY, as Mayor of the :
District of Columbia, et al., :
Defendants. :
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STIPULATED ORDER

This cause coming to be heard on Plaintiffs’ Motion for Finding of Civil Contempt and on the stipulation of the Parties, due notice having been given, and the Court being fully advised in the premises,

IT IS ORDERED:

1. Plaintiffs’ Motion for Finding of Civil Contempt (the “Motion”) is temporarily adjourned and shall be held in abeyance by the Court subject to the terms set forth in Paragraphs 3 through 8 below. Plaintiffs reserve the right to seek a finding of civil contempt based on the matters asserted in the Motion and may seek judicial relief, including any and all available remedies flowing from the Motion, should Plaintiffs determine that acceptable progress is not being made in relation to the actions required in this Stipulated Order.
2. The Court will hold a status conference on this matter on October __, 2008 at _____.
3. By no later than October 15, 2008, Defendants shall execute a contract with Public Catalyst Group, a Program Support Consulting Team (the “Consultant”) that will provide the following:
 - (a) Upon execution of the contract, the Consultant will commence an assessment of the following to facilitate acceptable progress toward compliance with the Modified Final Order (“MFO”) and Amended Implementation Plan (“AIP”): (i) the existing CFSA management and organizational structure, (ii) the CPS management and organizational structure and staffing levels required to reduce/eliminate the backlog of investigations and to conduct high quality and timely investigations, and (iii) the actions needed to stabilize the workforce and recruit and hire social workers and supervisors to fill vacant positions;
 - (b) By no later than December 15, 2008, the Consultant, in consultation with the Monitor and the Parties, shall develop and issue recommendations setting forth strategies and

timetables for meeting the systemic needs identified in the assessment conducted under Paragraph 3(a);

- (c) During the effective period of the contractual engagement, the Consultant will provide consultation, assistance and support for the implementation of the Consultant's recommendations and shall regularly report to the Mayor of the District of Columbia and the City Administrator of the District of Columbia and apprise the Court Monitor on progress;
 - (d) The Interim Director of CFSA and the City Administrator (or designee) are the designated liaisons to work with the Consultant; and
 - (e) It is understood that the Consultant shall be contractually engaged by the District until at least January 15, 2009.
4. During the effective period of the Contract, in addition to the actions identified in Paragraph 3(a) through (c), the Consultant will assist the Mayor of the District of Columbia to recruit a permanent Director of CFSA and a qualified leadership and management team. It is understood that an acceptable permanent Director, once recruited, will be hired by the Mayor of the District of Columbia and will report to the Mayor of the District of Columbia. The Court Monitor and Plaintiffs will be included in the selection process for the permanent Director.
5. The Parties agree that the Consultant will report directly to the Mayor of the District of Columbia and the City Administrator during the effective period of the Contract.
6. The Parties further agree that Defendants shall implement the following reform strategies and meet the following identified benchmarks by the below dates. The Consultant shall provide guidance and consultation with respect to provisions (a) and (b) below:
- (a) The number of investigations open longer than 30 days (as of October 1) (hereinafter called the "backlog") will be reduced to 600 by November 15, 2008 and 100 by December 31, 2008. For all investigations open in December 2008 and continuing thereafter, there shall be no backlog, except for specific cases where there is documentation of good cause to exceed 30 days as verified by the Court Monitor.
 - (b) The vacancy rate for case carrying social workers will be reduced from 23 percent (September 2008) (58 vacancies in relation to currently budgeted Full Time Equivalents ("FTEs")) to as low as 15 percent (35 vacancies in relation to currently budgeted FTEs) by December 31, 2008.
 - (c) The CPS hotline staff will be trained and the new telephone system for the CPS hotline will be fully operational by no later than December 31, 2008. The Court Monitor will assess the functionality of the system.

- (d) The first two units of in-home staff will colocate with the Collaboratives as soon as September 30, 2008 but no later than October 15, 2008. The remaining eight units of in-home staff will colocate with the Collaboratives as soon as October 30, 2008 but no later than November 15, 2008.
- (e) Beginning November 15, 2008 and continuing thereafter CFSA and private agency staff shall conduct a family-involved meeting and secure the approval of the CFSA Director prior to recommending the goal of APPLA for any youth. The family-involved meeting shall assess all permanency options for the youth and seek commitment from the youth and the youth's family team on the permanency recommendation.
- (f) By December 31, 2008, a CFSA impact team will convene family-involved team meetings for 60 youth who have a goal of APPLA. These meetings will result in the review of legal permanency options (adoption, guardianship, and reunification), the identification of potential resources for permanent, legal relationships, and recommendations and action steps for at least 30 of the reviewed youth. By December 31, 2008, CFSA will develop a plan and schedule to complete reviews of all children with the APPLA goal for inclusion in the 2009 Strategy Plan.
- (g) By December 31, 2008 CFSA will add 90 placements,¹ in an appropriate mix to address placement needs.
- (h) By October 30, 2008, CFSA will identify 40 children with a goal of adoption (including children who have no identified permanency resource and children who are placed in a pre-adoptive home, but have not achieved legal permanency). By no later than November 15, 2008, CFSA will identify and hire an external contractor to lead impact teams to review the status of these 40 children and identify and address barriers to achieving permanency. By no later than December 15, 2008, the impact teams will be in place and will work in collaboration with CFSA staff to achieve identified goals. There will be monthly monitoring of the progress of the impact teams in achieving permanency for these children.
- (i) By November 15, 2008, CFSA will enter into a contract with a private agency with evidence of effectiveness in adoptions practice and acceptable to the monitor to provide adoption services for 25 children who have a permanency goal of adoption and no adoptive resource. The contract shall require that the provision of services begins by January 1, 2009.
- (j) On November 1, 2008, December 1, 2008, and January 1, 2009, the Court Monitor will issue reports on Defendants' efforts and compliance with the applicable terms of this Stipulated Order.

¹This includes the following 40 placements CFSA contracted for in August 2008: two foster home beds for medically fragile children, 20 therapeutic foster home beds and 18 traditional foster home beds.

7. It is understood that the Consultant will work with the Interim Director of CFSA and the City Administrator during the effective period of the contractual engagement. If at any time the Consultant determines that the engagement is not productive, the Consultant shall so notify Defendants and shall have the option to unilaterally terminate its contract.
8. By January 15, 2009, the Defendants, in consultation with the Plaintiffs, shall complete a proposed annual strategy plan for the 2009 calendar year acceptable to the Court Monitor that contains specific action steps and benchmarks to move Defendants toward compliance with all MFO and AIP final requirements.

_____/S/_____
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So Ordered.

October __, 2008

Thomas F. Hogan
United States District Judge