

**THE KENNY A
CONSENT DECREE**

June 11, 2009

INTRODUCTION

Since 2005...

- Welfare class action litigation/lawsuits in 35 states
- Lawsuits resulted in settlement agreements aka "**Consent Decrees**" in 33 states
- Once approved by the court, the **Consent Decree** acts as a contract binding the child welfare agency and the plaintiff attorneys to its terms
- It is fully enforceable by the court

BACKGROUND

-- June 2002 --

CHILDREN'S RIGHTS, INC (CRI) NY,
filed a multi-million dollar class-action
lawsuit against the

STATE of GEORGIA

BACKGROUND

Although filed against the **STATE of GEORGIA**,

KIMVA,
Plaintiff,

vs.

SCOTTY PERDUE, in his official capacity as Governor of the State of Georgia, et al.,
Defendant.

Civil Action No. 1:07 CV 1686-BMS

BACKGROUND

- **Fulton and DeKalb's** foster care system were named
- Largest of the **159** counties and most egregious

BACKGROUND

Lawsuit alleged...

- Violations of certain civil and statutory rights against foster children arising out of Georgia's foster care system

and

- DFCS was placing children at risk by operating an overburdened and poorly managed child welfare system

BACKGROUND

Among the systemic problems alleged in the complaint were

- Children were placed wherever there was a bed or a slot and not according to individual needs
- Social workers having extremely high caseloads that prevent them from monitoring the safety of children in foster care

BACKGROUND

- Children face further maltreatment while in state custody at a high rate
- Foster children spend unnecessarily long periods of time in state custody without opportunities to be safely returned home or to be adopted

and

BACKGROUND

- Foster children are denied adequate representation of legal counsel at all major stages of their child welfare experience because the caseloads of assigned lawyers are so large that adequate legal representation is impossible

BACKGROUND

After 3½ years of negotiations, on October 27, 2005 a settlement was reached under what is known as ...

The *Kenny A. Perdue* Consent Decree


BACKGROUND

The *Kenny A. Perdue* Consent Decree established **James T. Dimas** and **Sarah A. Morrison** as independent Accountability Agents with responsibility to produce public reports every six months

Judge Marvin H. Shoob, United States District Court for the Northern District of Georgia must review and approve reports prior to release


KENNY A PROJECT TEAM


- Carol Hall - Director
- Ted Castellanos - Project Manager
- Janice Lester - Administrative Assistant
- Jude Louissaint - Fulton QA
- Steve Reed - Fulton Data Specialist
- Paula Jarrett-Coleman - DeKalb QA
- Betsy Scott - DeKalb QA
- Carter Connerat - DeKalb Data Specialist



BACKGROUND

So, What is a
Consent Decree?







CONSENT DECREE

Consent Decrees are legal agreements between parties to a court case, that are used to avoid

- Expense
- Time
- Uncertainty





CONSENT DECREE

The *Kenny A.* Consent Decree requires the State Defendants, **DHR and DFCS**

- To provide certain services and interventions
- To achieve certain **Outcomes** on behalf of children in the plaintiff class case in **Fulton County DFCS and DeKalb County DFCS**

