

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

KENNY A., by his next friend Linda Winn, et al.,	:	
	:	
Plaintiffs	:	CIVIL ACTION
	:	
vs.	:	1:02-cv-1686-MHS
	:	
SONNY PERDUE, et al.,	:	
	:	
Defendants	:	
	:	

JOINT MOTION FOR ENTRY OF JOINT STIPULATION AND ORDER TO MODIFY THE CONSENT DECREE REGARDING REIMBURSEMENT RATES FOR PLACEMENTS

On October 28, 2005, this Court approved and entered a Consent Decree between Plaintiffs and State Defendants,¹ to resolve Plaintiffs’ claims against the State concerning, among other things, the care, treatment, placements, services,

¹ The “State Defendants” include Sonny Perdue, in his official capacity as Governor of Georgia; the Georgia Department of Human Resources (“DHR”); B. J. Walker, in her official capacity as Commissioner of the Georgia DHR; the Fulton County Department of Family and Children Services (“DFCS”); Dannette Smith, in her official capacity as Director of the Fulton County DFCS; the DeKalb County DFCS; and Walker Solomon, in his official capacity as Director of the DeKalb County DFCS. The term “State Defendants” does not include Defendants Fulton County and DeKalb County, the claims against which were separately resolved in two county-specific settlements concerning Plaintiffs’ “right-to-counsel” claims. (See Consent Decree (Oct. 28, 2005) (Dkt. No. 488); [Fulton County] Consent Decree (Feb. 13, 2006) (Dkt. No. 519); Consent Decree Between Plaintiffs and DeKalb County, Georgia (Mar. 23, 2006) (Dkt. No. 525-4).)

and protection provided to the Plaintiff Class of foster children in state custody in Fulton and DeKalb Counties (the “Consent Decree”). (Dkt. No. 488.) Section 5(B) of the Consent Decree requires, among other things, the establishment of a Reimbursement Rate Task Force (“RRTF”) to create a rate structure for all placements other than base-level foster homes based on the reasonable costs of achieving measurable outcomes for all children in foster care.

After much reasoned consideration and discussion, and to address delays in getting the RRTF work underway, the parties have agreed to reconstitute the RRTF with new, agreed-upon members, to clarify the scope of the RRTF’s work to include the review of recent Medicaid reimbursement changes in Georgia, and to revise the date for the completion of the RRTF’s work and the date for the implementation of its findings and recommendations.

The parties agree that the purposes of the Consent Decree generally, and the purposes of the provisions in the Consent Decree pertaining to the RRTF specifically, will be furthered by these modifications.

The parties therefore request that the Court enter the Joint Stipulation and Order to Modify the Fulton County Consent Decree Regarding Reimbursement Rates for Placements, filed with this Motion.

Respectfully submitted, this 29th day of June, 2009.

s/ Jeffrey O. Bramlett

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CERTIFICATION PURSUANT TO LOCAL RULE 7.1D

I hereby certify that the foregoing brief has been prepared in 14-point Times New Roman, one of the typeface and point-size selections approved by the Court in Local Rule 5.1C.

/s/ Jeffrey O. Bramlett

Jeffrey O. Bramlett

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing **Joint Motion For Entry Of Stipulation And Order To Modify The Consent Decree Regarding Reimbursement Rates for Placements** with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

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This 29th day of June, 2009.

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