

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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CIVIL MINUTES - GENERAL

Case No. CV-02-5662-AHM(SHx)

DOCKETED ON CM Date: November 16, 2006
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BY [Signature] 012

November 16, 2006
nunc pro tunc as of
October 6, 2006

Title KATIE A., et al. v. DIANA BONTA, et al.

Present: The Honorable A. HOWARD MATZ, U.S. DISTRICT JUDGE

Stephen Montes

Not Reported

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

No Appearances

No Appearances

Proceedings: (IN CHAMBERS) AMENDED ORDER RE STATUS CONFERENCE

Consistent with the parties' Joint Stipulation filed November 13, 2006, the following is the Amended Order *nunc pro tunc*.

A status conference was held on September 6, 2006. Also present was Paul Vincent, Chair of the Katie A. Advisory Panel. The parties informed the Court that oral argument on the expedited appeal is to be heard on October 24, 2006 at 9:00 a.m.

The Court ORDERS that the Advisory Panel Letters dated July 28, 2006 and August 30, 2006 be filed. Accordingly, they are attached to this order, as Exhibits A and B, respectively.

The County agreed to provide interim tracking data on a monthly basis in the form of a log. The log will project target times for completion of certain goals and specify what (and when) interim steps have been achieved. The Court deferred any determination as to whether that data will or must satisfy the "interim benchmarks" of the Advisory Panel's second recommendation in its August 30, 2006 letter to the parties.

The Court made a number of findings regarding the "Contemplated Required Modifications to the County's Plan" in the Court's June 15, 2006 "Order Re Plaintiffs' Motion Re Advisory Panel Plan."¹ (Order Re Plaintiffs' Motion Re Advisory Panel Plan, ("Advisory Panel Order"), at 3-5). The Court ruled that the certified class includes the children described in Sections One through Three on page three of that order, namely: (1) children "who have not been removed from their homes," (2) "children who

¹ Docket No. 464.

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have been placed with Foster Family Agencies,” and (3) children “in congregate care” or “receiving D-rate foster care payments.” (Advisory Panel Order, 3:11-21). The Court also found that, as referenced in Section Eight, comparing percentages in Los Angeles to other jurisdictions is *not* a fundamental feature of measuring progress, but may be referenced as a relevant consideration. (Advisory Panel Order, 4:15-5:2).

The parties agreed to conduct periodic, regularly-scheduled “face-to-face” meetings at which will be present counsel, key public agency decision-makers or administrators, community stakeholders, and at least one member of the Advisory Panel.

The Advisory Panel may and shall file reports with the Court every six months, unless the Court requests more frequent reports.

The County will prepare and propose to the Panel and the parties a more concrete plan to monitor implementation of compliance with the injunction.

The Court deferred ruling on the appointment of a Special Master until after the Ninth Circuit rules. The qualities the Court seeks in candidates for appointment as Special Master include the following:

- 1) A Californian;
- 2) A willingness to demand and require representatives of both parties, including the State, to meet on a periodic basis, at intervals to be determined;
- 3) A commitment to devote a minimum period of time per month and a minimum duration;
- 4) A background in social welfare or academia is unnecessary;
- 5) An executive background is advisable. The Special Master must be accustomed to making decisions;
- 6) Political experience is acceptable, but not required;
- 7) An ability to do more than simply listen and evaluate;
- 8) A desire for the appointment;
- 9) A clear indication of cost per hour, on a minimum monthly basis; and
- 10) The Special Master may also need to serve as successor to Dr. Ivor Groves as the Special Master in *Emily Q. v. Diana Bonta*, CV-98-4181-AHM(AJW).

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The State Defendants in this action and the Plaintiffs shall notify the Court by October 23, 2006, in the form of a joint report, of their proposed candidates for the position of Special Master. The Court hopes the parties will agree on a candidate, but in any event requires at least three names.

The County and the Plaintiffs shall submit Proposed Findings of Fact to the Court by October 23, 2006. The Findings should consist of three parts: 1) Areas of agreement, 2) Plaintiffs' views on the areas of disagreement, and 3) The County's views on the areas of disagreement. The parties should attach a glossary defining a complete list of terms, agencies at all levels of government, and applicable statutes and rules that have any bearing on the final order. The document shall recite the right of all parties to reevaluate the findings in response to the Ninth Circuit ruling.

Counsel for the State Defendants are hereby ORDERED to notify counsel for the Defendants in *Emily Q. v. Bonta, et al.*, No. CV 98-4181 AHM (AJWx) of every scheduled hearing in this case. Counsel in the *Emily Q.* case have been ordered to attend every such hearing.

IT IS SO ORDERED.

Initials of Preparer

