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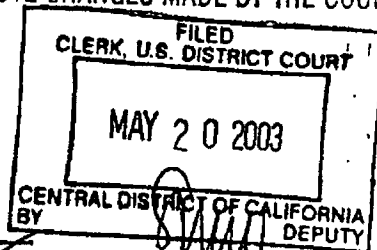
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NOTE CHANGES MADE BY THE COURT.



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28 UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA/WESTERN DIVISION

15 **KATIE A.**, et al.,

16 Plaintiffs,

17 v.

18 **DIANA BONTÁ**, et al.,

19 Defendants.

Case No.: CV-02-05662 AHM (SHx) ✓

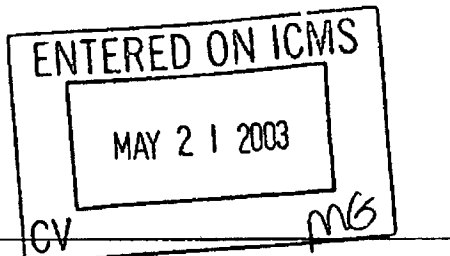
UNLIMITED JURISDICTION

[CLASS ACTION]

20 **[PROPOSED] ORDER FOR**
21 **APPROVAL OF CLASS**
22 **SETTLEMENT, PROVISIONAL**
23 **CERTIFICATION OF SETTLEMENT**
24 **CLASS, APPROVAL OF FORM AND**
25 **MANNER OF NOTICE TO CLASS,**
26 **AND SCHEDULING OF FAIRNESS**
27 **HEARING**

Honorable A. Howard Matz

28 Date: None Set
Time: None Set
Dept.: 14
Trial Date: None Set



First Amended Complaint Filed:
December 20, 2002

1 The Court, having read and considered the proposed Settlement of the claims in
2 this lawsuit between plaintiffs and defendants Los Angeles County, Los Angeles County
3 Department of Children and Family Services, and David Sanders, Director of the Los
4 Angeles County Department of Children and Family Services and successor-in-interest
5 to Anita Bock ("County Defendants"), the Stipulated Order, and the Joint Application
6 between plaintiffs and County Defendants for an Order Setting Fairness Hearing on the
7 Settlement of the Claims in this Lawsuit between These Parties and Directing Notice to
8 the Affected Subclass,

9 **IT IS HEREBY ORDERED:**

10 1. The Court gives its preliminary approval to the proposed Settlement of this
11 lawsuit between plaintiffs and County Defendants and the related Stipulated Order. A
12 fairness hearing shall be held on July 16, 2003, in Courtroom No. 14
13 of this Court, at 3:00 p.m., to hear the objections of class members, if any are made, to
14 the approval of the Settlement and entry of the Stipulated Order.

15 2. For the sole purpose of giving notice of the proposed Settlement and the
16 Stipulated Order, this case shall be conditionally certified as to all claims in the First
17 Amended Complaint against the County Defendants on behalf of a subclass of children
18 and young adults who: (a) are in the custody of Los Angeles County Department of
19 Children and Family Services ("DCFS") or have been referred to or are subject to
20 referral to DCFS; (b) have a behavioral, emotional, or psychiatric impairment; and (c)
21 need individualized mental health services, including but not limited to professionally
22 acceptable assessments, behavioral support and case management services, family
23 support, crisis support, therapeutic foster care, and other medically necessary services in
24 the home or in a home-like setting, to treat or ameliorate their disabilities or
25 impairments. If the proposed settlement is not finally approved, then this lawsuit will
26 proceed as if there had been no settlement or conditional certification of a class.

27 3. At the expense of the County Defendants, the following steps shall be taken
28 to give notice to members of this conditional settlement subclass that the Settlement will

1 be approved and the Stipulated Order will be entered unless these class members object
2 to the Settlement and Stipulated Order and the Court accepts their objections.

3 At least thirty (30) days prior to the fairness hearing on the proposed Settlement
4 and Stipulated Order, the County Defendants:

5 A. Shall enclose a printed notice substantially in the form set forth in Exhibit
6 "A" in a mailing to all persons in the categories listed below for whom the County has
7 addresses in its SNAP database. The SNAP database is the County's collection of
8 names and addresses for all cases in which the County Department of Children and
9 Family Services ("DCFS") is currently offering services. This includes cases that are
10 currently open in juvenile dependency court and those in which families are receiving
11 services from DCFS informally. The categories of persons in the SNAP database who
12 will be sent the notices include:

13 (1) children, aged 10 and over;

14 (2) caretakers, including foster parents and relative caretakers, who are
15 currently taking care of dependent children;

16 (3) biological parents of children who are receiving services from DCFS
17 whose parental rights have not been terminated;

18 B. Shall mail the printed notice to Miriam Krinsky, Executive Director of
19 Children's Law Center ("CLC"), Los Angeles; Ms. Krinsky has agreed to distribute
20 copies of the notice to all of the attorneys who work at CLC.¹

21 C. Shall mail the printed notice to all of the attorneys on the Juvenile
22 Dependency Court's panel of attorneys who represent children and parents in
23 dependency actions pursuant to Calif. Welf. & Inst. § 317.

24

25

26

27 ¹Children are represented by counsel in dependency proceedings. Most children are represented
28 by an attorney at one of the three law firms that comprise CLC. Some children are represented by
"panel" attorneys, described in Section C, infra.

1 D. Shall mail the printed notice to all attorneys on the Juvenile Dependency
2 Courts panel attorneys who represent children in civil actions and are appointed
3 pursuant to Calif. Welf. & Inst. § 317(e).

4 E. Shall mail this printed notice to the following stakeholder groups and/or
5 interested advocate's groups: Alliance for Children's Rights; Public Counsel; Mental
6 Health Advocacy Services; Court Appointed Special Advocates (CASA) of Los
7 Angeles; Bet Tzedek Legal Services; Legal Aid Foundation of Los Angeles;
8 Neighborhood Legal Services of Los Angeles County; Western Law Center for
9 Disability Rights; California Foster Parent Association; California Youth Connection,
10 California Alliance of Child and Family Services; Association of Community Human
11 Services Agencies; Mental Health Association of Los Angeles.

12 F. Shall post the notice in a prominent location in all DCFS offices;

13 G. Shall mail the notice to the following Mental Health Treatment Facilities –
14 Starview Adolescent Center and other licensed Community Treatment Facilities
15 (“CTFs”) in Los Angeles County; all licensed Institutes for Mental Disease (“IMDs”)
16 that serve children or youth, age 18 or younger; and Metropolitan State Hospital – and
17 request that it be posted in a prominent location;

18 H. Shall post the notice on the website for Los Angeles County, DCFS.

19 I. Shall mail the notice to all foster family agencies (“FFA”) and group homes
20 with which the County currently contracts to provide placement services to children and
21 request that the notice be posted in a prominent location in these facilities;

22 J. Shall set up a toll-free number, at least thirty (30) days prior to the fairness
23 hearing, by which persons can contact plaintiffs’ counsel to communicate questions or
24 concerns about the settlement agreement.

25 4. At least thirty (30) days prior to the fairness hearing on the proposed
26 Settlement and Stipulated Order, plaintiffs’ counsel shall post the notice and the
27 Settlement on the following website: <http://www.hewm.com/fostercaresettlement>.

28

1 5. The Court finds that the notice set forth in the preceding paragraphs
2 are reasonably calculated to provide adequate notice to members of the subclass of the
3 proposed Settlement and Stipulated Order, and that the Due Process requirements of the
4 United States Constitution will be met with respect to those class members.

5 6. At least seven (7) days before the Fairness Hearing, the County
6 Defendants shall serve and file a declaration reporting to the Court and counsel for the
7 other parties as their compliance with the notice provisions set forth above.

8
9 DATED: May 20, 2003


THE HONORABLE A. HOWARD MATZ
UNITED STATES DISTRICT JUDGE

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12
13 A7. As to the "Revised Notice of Proposed Settlement
14 Agreement and Settlement Hearing," which
15 was filed on May 16, 2003, the Court orders that
16 in the paragraph captioned "Description of the Class"
17 the word "provisionally" be substituted for
18 "preliminarily" on the first line and the
19 words "after the Fairness Hearing" be added after
20 "If the settlement is approved" on the third
21 line. In addition, for Exhibit #3 an Exhibit
22 Two, concerning the Toll-Free Phone Line, the recorded
23 message should specify the address of the
24 courthouse referred to at page four.

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PROOF OF SERVICE BY MAIL

I, Debora K. Biggers, declare as follows:

I am employed with the law firm of Heller Ehrman White & McAuliffe LLP, whose address is 601 South Figueroa Street, 40th Floor, Los Angeles, California 90017.

I am readily familiar with the business practices of this office for collection and processing of correspondence for express mailing with the United States Postal Service;

I am over the age of eighteen years and not a party to this action.

On May 9, 2003, I served the following:

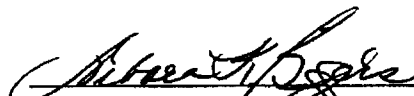
[PROPOSED] ORDER FOR APPROVAL OF CLASS SETTLEMENT, PROVISIONAL CERTIFICATION OF SETTLEMENT CLASS, APPROVAL FO FORM AND MANNER OF NOTICE TO CLASS, AND SCHEDULING OF FAIRNESS HEARING

on the below parties in this action by placing true copies thereof in sealed envelopes, addressed as shown, for collection and mailing pursuant to the ordinary business practice of this office which is that correspondence for express mailing is collected and deposited with the United States Postal Service on the same day in the ordinary course of business:

SEE ATTACHED SERVICE LIST

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed at Los Angeles, California, on May 9, 2003.



Debora K. Biggers

SERVICE LIST

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