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CALIFORNIA ALLIANCE OF CHILD AND FAMILY
12 SERVICES

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

17 CALIFORNIA ALLIANCE OF CHILD AND
FAMILY SERVICES,

18 Plaintiff,

19 v.

20 CLIFF ALLENBY, Interim Director of the
California Department of Social Services, in his
21 official capacity; MARY AULT, Deputy Director
of the Children and Family Services Division of
22 the California Department of Social Services, in
her official capacity,

23 Defendants.
24

CASE NO. CV 06-4095 MHP
Related to Case No. CV 09-04398 MHP

**[PROPOSED] JUDGMENT FOR
PLAINTIFF CALIFORNIA
ALLIANCE OF CHILD AND
FAMILY SERVICES**

1 On December 14, 2009, the Ninth Circuit Court of Appeals ruled that Defendants have
2 violated federal law because “the State is not covering the costs required by the [Child Welfare
3 Act.]” *California Alliance of Child and Family Services v. Allenby*, -- F.3d ----, 2009 WL
4 4755730, at *5 (9th Cir. Dec. 14, 2009). The Ninth Circuit ordered this Court to enter judgment
5 in favor of Plaintiff California Alliance of Child and Family Services (the “Alliance”) as a matter
6 of law. (*Id.*) The Ninth Circuit’s Mandate was spread and received by this Court on January 6,
7 2010. (Docket No. 85.) The issues in this matter having been heard and a written Order having
8 been duly rendered and filed by the Ninth Circuit Court of Appeals on December 14, 2009, it is
9 hereby **ORDERED** and **ADJUDGED** as follows:

10 1. The Alliance’s motion for summary judgment, filed on July 16, 2007 (Docket No.
11 34) is **GRANTED** in its entirety and the Court’s prior Order granting Defendants’ cross motion
12 for summary judgment (Docket No. 57) is **VACATED**.

13 2. The Clerk’s Judgment entered in favor of defendants Cliff Allenby and Mary Ault
14 and against the Alliance, filed on March 12, 2008 (Docket No. 58) is **VACATED**.

15 3. The Alliance’s request for declaratory relief in its Complaint is **GRANTED** and
16 the Court hereby finds that the standard rates paid under California’s Rate Classification Level
17 system violate the Child Welfare Act, 42 U.S.C. §§ 670-679b because the State does not “cover
18 the cost” of providing the items and services enumerated in the Act.

19 4. The Alliance’s request for permanent injunctive relief in its Complaint is
20 **GRANTED** and Defendants Cliff Allenby and Mary Ault, and their successors, including John
21 Wagner and Gregory Rose, and their respective agents, officers, servants, employees, attorneys
22 and representatives, and all persons acting in concert or participating with defendants in their
23 respective official capacities as Director of the California Department of Social Services and
24 Deputy Director of the Children and Family Services Division of the California Department of
25 Social Services, and each of them, are hereby **ORDERED** to:

- 26 a. Adjust the current standard rates paid under the Rate Classification Level
27 system to group homes to an amount equal to the standard rates in the
28 original standardized schedule of rates for State fiscal year 1990-91 to

1 include the 76.25% cumulative increase in the California Necessities
 2 Index (CNI) from 1990-91 through 2009-10, effective and to be applied to
 3 amounts paid as of December 14, 2009, the date on which the Ninth
 4 Circuit entered its Order, for each RCL as follows:

5	6	Rate Classification Level	Rate (Effective Dec. 14, 2009)
7	8	1	\$2,085
9	10	2	\$2,605
11	12	3	\$3,125
13	14	4	\$3,643
15	16	5	\$4,159
17	18	6	\$4,681
19	20	7	\$5,199
21	22	8	\$5,719
23	24	9	\$6,237
25	26	10	\$6,757
27	28	11	\$7,274
		12	\$7,795
		13	\$8,319
		14	\$8,835

- 22 b. The standardized schedule of rates shall be adjusted annually, no later than
 23 the first day of the State's fiscal year, July 1, to reflect the change in the
 24 CNI for the current fiscal year. Such adjustments are not subject to the
 25 availability of funds.
- 26 c. The new fully-funded standardized schedule of rates, reflected in
 27 paragraph 3(a) above, which are adjusted to include the 76.25%
 28

1 cumulative increase in the California Necessities Index (CNI) from 1990-
2 91 through 2009-10, shall be used to establish the AFDC-Foster Care rates
3 paid for both federally-eligible and non-federally children.

4 d. The standardized schedule of rates shall be adjusted annually, no later than
5 the first day of the State’s fiscal year, July 1, to reflect, as described in
6 Welfare and Institutions Code Section 11462 (m), “any new departmental
7 requirements established during the previous fiscal year concerning the
8 operation of group homes, and of any unusual, industrywide increase in
9 costs associated with the provision of group care that may have significant
10 fiscal impact on providers of group homes care,” to the extent that the
11 additional costs of such new departmental requirements and industrywide
12 increase in costs are excluded from the CNI calculations.

13 5. A status conference shall be held on February 22, 2010 to discuss further
14 proceedings on the implementation of a State system that complies with the Child Welfare Act,
15 with this Court retaining jurisdiction over this matter until such a system has been drafted and
16 implemented.

17 6. The Alliance may bring a motion to recover its attorneys’ fees and costs within
18 the statutory time period.

19 7. The Court retains jurisdiction to enforce this Judgment.

20
21 IT IS SO ORDERED.

22
23
24 DATED: _____

THE HONORABLE MARILYN H. PATEL
U.S. DISTRICT COURT JUDGE