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9 UNITED STATES DISTRICT COURT
 10 CENTRAL DISTRICT OF CALIFORNIA
 11 WESTERN DIVISION
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14 **KATIE A., et al.,**

15 Plaintiffs,

16 v.

17 **TOBY DOUGLAS**, Director of the
 18 California Department of Health Care
 Services; et al.,

19 Defendants.
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Case No. 2:02-cv-05662 JAK (SHx)

**STATE DEFENDANTS'
 RESPONSE TO SPECIAL
 MASTER'S SEPTEMBER 29, 2014
 REPORT**

Date: October 16, 2014

Time: 1:30 p.m.

Ctrm: 750

Judge: Honorable John A. Kronstadt

21 State Defendants, Toby Douglas, Director of the California Department of
 22 Health Care Services (DHCS), and Will Lightbourne, Director of the California
 23 Department of Social Services (CDSS) hereby file the following response to the
 24 Special Master's Report filed on September 29, 2014. Report, ECF No. 915.

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1 State Defendants submitted their proposed alternative language to the Special
2 Master's Recommendations to Plaintiffs' counsel and the Special Master. Plaintiffs
3 informed State Defendants that they were unable to agree to the State Defendants'
4 proposed language. Due to time constraints and the unavailability of the parties, the
5 parties and the Special Master were unable to adequately meet and confer in order
6 to attempt to reach agreement prior to October 9, 2014, the date the parties'
7 response to the Special Master's Report are to be filed pursuant to this Court's
8 August 19, 2014 Order. Order, ECF No. 914. However, the parties and the Special
9 Master have discussed plans to meet and confer following the filing of this response
10 and prior to the October 16, 2014 Status Conference in an effort to reach agreement
11 on the Recommendations. In the meantime, State Defendants propose the
12 following alternative Recommendations:

13 **Special Master's Recommendation 1: Identify Measurable Growth**
14 **Trends.**

15 The Parties identify measurable growth trends as targets to motivate counties
16 to continue developing intensive services and the CPM.

17 **State Defendants' Proposed Recommendation 1:**

18 The Parties will identify, in a manner that allows the State to exercise its post-
19 jurisdiction discretion, goals to motivate the counties to continue to implement
20 Intensive Care Coordination (ICC) and Intensive Home Based Services (IHBS)
21 (and Therapeutic Foster Care once approved and/or clarified to be an existing
22 Medi-Cal covered service by the Centers for Medicare and Medicaid Services), and
23 the Core Practice Model, based on county-to-county or localized conditions.

24 **Special Master's Recommendation 2: Counties Semi-Annual Progress**
25 **Report.**

26 That State include in the All County Expectations Notice/Letter its intention,
27 post jurisdiction, to continue the expectation that the counties submit Semi-Annual
28 Progress Reports to the State on Katie A. Implementation.

1 **State Defendants' Proposed Recommendation 2:**

2 The State will continue to post the counties' Specialty Mental Health Services
3 (SMHS) claiming reports. The SMHS and the Interagency Agreement between
4 DHCS and CDSS, together with any Joint Management Taskforce (JMT)
5 recommendations adopted by the Departments, will enable the State to receive and
6 report more precise information regarding county progress than the current progress
7 reports offer. Nevertheless, the State will continue to require the April 1, 2015
8 progress report.

9 **Special Master Recommendation 3: Parties to Maintain Communication**
10 **Post Jurisdiction.**

11 The Parties establish an agreement to continue to engage in thoughtful
12 discussions about the future of Katie A. implementation post jurisdiction.

13 **State Defendants' Proposed Recommendation 3:**

14 The parties recognize and acknowledge that it is in their mutual interest, both
15 to better serve foster children and youth in California and to avoid future litigation,
16 to continue to robustly communicate with one another regarding Katie A.-related
17 implementation post court jurisdiction.

18 **Special Master Recommendation 4: Future Status Conference.**

19 The Court set a Status Conference in mid-November 2014.

20 **State Defendants' Proposed Recommendation 4:**

21 The parties and the Special Master agree to discuss whether and when a
22 further status conference may be necessary prior to the expiration of court
23 jurisdiction on December 1, 2014.

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1 Finally, in the interest of transparency and in light of the impending end of
2 court jurisdiction on December 1, 2014, State Defendants respectfully request that
3 the remainder of the court proceedings be conducted on the record.

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5 Dated: October 9, 2014

Respectfully submitted,

6 KAMALA D. HARRIS
Attorney General of California
7 JENNIFER M. KIM
Supervising Deputy Attorney General

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9
10 /s/ CARMEN D. SNUGGS

11 ERNEST MARTINEZ
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12 Deputy Attorneys General
Attorneys for State Defendants

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CERTIFICATE OF SERVICE

Case Name: KATIE A., et al. v. BONIA, et al. No. 2:02-cv-05662 JAK (SHx)

I hereby certify that on October 9, 2014, I electronically filed the following document with the Clerk of the Court by using the CM/ECF system:

**STATE DEFENDANTS' RESPONSE TO SPECIAL MASTER'S
SEPTEMBER 29, 2014 REPORT**

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. On October 9, 2014, I have mailed the foregoing document by First-Class U.S. mail, postage prepaid, for delivery within three (3) calendar days to the following non-CM/ECF participants:

John F. Toole, Esq.
National Center for Youth Law
405 14th Street, 15th Floor
Oakland, CA 94612-2701

Kathleen R. Wolfe
Travis W. England
U.S. Department of Justice
950 Pennsylvania Ave NWNYA
Washington, DC 20530

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

This declaration was executed on October 9, 2014, at Los Angeles, California.

M. Chacon
Declarant

/s/M. Chacon
Signature