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**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JOHN AND MARY ROE, ET AL. : CASE NO: C-1-83-1704

Plaintiffs, : JUDGE BLACK

vs. :

JACQUELINE ROMER-SENSKY, ET AL. :

Defendants. :

AGREED ORDER

Plaintiffs have filed their Motion to Show Cause. (Doc. 128). Plaintiffs contend therein that the Ohio Department of Job and Family Services and its Director (collectively, “Defendants”) have failed to comply with the monitoring and needs assessment components of the Consent Decree (Doc. 45), as modified by the Agreed Order Modifying Consent Judgment of June 30, 1992 (Doc. 94), and by the Agreed Order of July 27, 2006 (Doc. 125). Defendants contend that Plaintiffs lack standing to bring a contempt action, deny that they are out of compliance, and raise a number of other defenses in their Memorandum in Opposition. (Doc. 131). Plaintiffs timely filed a Reply. (Doc. 134).

This matter was subsequently referred to Magistrate Judge Wehrman for mediation. The Parties now agree that through mediation, subsequent meetings among the Parties, site visits by the Court-approved expert, Etta Lappen Davis, MA, Ed, and meetings between Ms. Davis and

Ohio Department of Job and Family Services (ODJFS), the Parties have resolved the pending Motion in its entirety.

Subsequent to the mediation and based upon site visits, data review and meetings with ODJFS officials, Ms. Davis has concluded that her concerns regarding compliance with Monitoring components of this case have been resolved. In her October 17, 2014, Interim Report, Ms. Davis concludes that staffing levels are adequate and that through substantive improvements in ODJFS' monitoring, including implementation of the Differential Response Model (among other changes), and the use of SACWIS to provide monitoring capability for supervisors by case, by worker and by local agency, Defendants have met their monitoring obligations. Ms. Davis now concludes,

In consideration of all factors and evidence reviewed, Consultant believes that Ohio has met the intent of the original *Roe v. Staples* decree regarding monitoring.¹

Ms. Davis also concludes that Defendants have not yet met the needs assessment provisions of the Decree as modified.

In light of the above developments and the agreement of the Parties, and the Court having considered the Interim Reports of Etta Lappen Davis filed with the Motion to Show Cause and Attachment A hereto, and having further considered the Memoranda of the Parties and, being otherwise sufficiently advised,

IT IS HEREBY ORDERED that Defendants are in compliance with the monitoring provisions of the Consent Decree (Doc. 45) as modified by the Parties' July 27, 2006 Agreed Order (Doc. 125). Therefore, all claims regarding Defendants' monitoring obligations are now resolved and Court supervision of the monitoring portions of any Consent Decree, Order, or Agreed Order is hereby terminated.

¹ See Attachment A, Ms. Davis' Interim Report of October 17, 2014, p. 5.

IT IS FURTHER ORDERED that Defendants shall comply with the needs assessment provisions of the Parties' July 27, 2006, Agreed Order according to the following deadlines:

a. On or before December 31, 2015, Defendants shall utilize SACWIS to complete a valid needs assessment based upon the child welfare population in accordance with the Agreed Order entered July 27, 2006 (Doc. 125). The needs assessment shall be filed with the Court and served on the parties and Ms. Davis. In the needs assessment itself or in a separate document describing the needs assessment, Defendants shall describe the methodology used to ensure that the needs assessment relies upon accurate data; the methodology employed to conduct the needs assessment itself; and the data analyzed through SACWIS. Defendants shall also include a description of those pre-placement preventive and reunification services which ODJFS determines, as a result of the needs assessment, are needed by a significant number of families on a statewide basis but which are either not available or not available in sufficient quantity to meet such identified needs.

b. On or before January 31, 2016, Ms. Davis shall file a report with the Court providing her opinion regarding whether the needs assessment has been completed in accordance with this Order, including identification of gaps or shortfalls in services described in the preceding paragraph. Such report shall include a detailed basis for any opinions rendered therein.

c. On or before March 31, 2016, the Parties shall file any objections they have to the report and findings of Ms. Davis. Any objections will be promptly resolved by the Court. If the Court finds that Defendants have not complied with the needs assessment provisions of this Order, it will re-docket Plaintiffs' Motion to Show Cause and schedule the matter for a hearing.

If the Court finds Defendants are in compliance with the needs assessment requirements of this Order, Defendants shall comply with Paragraph d. below.

d. On or before May 31, 2016, Defendants shall prepare a report and recommendation for the General Assembly that includes their findings based on the needs assessment. Defendants shall provide a copy of such report and recommendation to Ms. Davis.

e. On or before May 31, 2016, Defendants shall request that the General Assembly provide appropriations sufficient to meet any service shortfalls identified in the needs assessment discussed above. Defendants shall provide a copy of such report or request to Ms. Davis and Plaintiffs' counsel.

f. Nothing in this Order shall require Defendants to obtain full SACWIS approval from the federal Department of Health and Human Services ("DHHS"). SACWIS approval by DHHS is a goal that is separate and apart from Defendants' obligations in this case.

IT IS FURTHER ORDERED that upon completion of Defendants' obligations under paragraphs a. through e. above, Defendants shall file with the Court their plan to complete the above-mentioned formal needs assessment on a systematic basis in the future, but no less frequently than once every five years. The Court-approved expert and Plaintiff will be given an opportunity to respond or otherwise object to such plan within a time period agreed upon by the parties or otherwise set by the Court at that time.

Upon submission of the Plan and consideration of the responses and objections of the Plaintiffs and Court Approved Expert, the Court will take the case under submission for the purpose of determining whether Defendants have complied with this Order. If the Court concludes that Defendants have not complied with this Order, it will set the matter for a hearing as the Court deems appropriate. If the Court finds that Defendants have complied with this

Order then on June 1, 2016, their obligations regarding this litigation shall be satisfied, the Court shall dismiss the case, and all further Court oversight of this case shall cease. Any issues regarding attorney fees and costs are reserved for resolution by the Court after a petition for the same has been filed or the matter otherwise resolved.

/s/Timothy S. Black
TIMOTHY S. BLACK
UNITED STATES DISTRICT JUDGE

Have Seen And Agree:

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*per 4-8-2015 email authorization