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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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CV-02-05662 AHM (SHx)

**STATE DEFENDANTS'  
 RESPONSE TO THE SPECIAL  
 MASTER'S NOVEMBER 13, 2013  
 REVISED REPORT ON THE  
 IMPLEMENTATION OF THE  
 KATIE A. PLAN**

Status Conf.: November 18, 2013  
 Time: 3:00 p.m.  
 Courtroom: 750  
 Judge: Hon. 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 (DSS), (State Defendants) hereby file their response  
 24 to the Special Master's November 13, 2013 Revised Report on the Implementation  
 25 of the Katie A. Plan (Doc. 866).

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1           **Recommendation No. 2:**

2           State Defendants request that this Court refuse to adopt Recommendation No.  
3 2 on the grounds that Recommendation No. 2 was not a part of the Special Master's  
4 original report filed on November 4, 2013. As such, State Defendants are  
5 prejudiced by the fact that Recommendation No. 2 purports to impose new  
6 implementation tasks on the State Defendants without any discussion between the  
7 parties and the Special Master, and without the parties having participated in the  
8 process to revise the Implementation Plan recommended by the Special Master and  
9 approved by the Court in Recommendation 4 of the Special Master's Progress  
10 Report dated and filed November 29, 2012 (Doc. 828, p. 31, lines 7-15).

11           Further, State Defendants object on the basis that Recommendation No. 2 is  
12 largely duplicative of the information that is going to be in the report prepared by  
13 the State Defendants in compliance with Recommendation No. 1. The State  
14 Defendants also object on the grounds that the State has already provided a method  
15 for counting subclass members and the number of children receiving ICC and IHBS  
16 services. Specifically, the State has issued instructions in various forms to the  
17 counties for the purpose of identifying subclass members. Instructions include:  
18 Mental Health Services Division Information Notice No. 13-11, page 2, issued May  
19 3, 2013, All County Letter 13-20, page 3, issued March 2013, Medi-Cal Manual,  
20 page 3, issued March 2013, Power Point Presentations, pages 13-17, trainings  
21 conducted March-June 2013, All County Letter No. 13-73/Mental Health Services  
22 Division Information Notice No. 13-19, page 2, issued September 9, 2013. (See  
23 Exhibit A.) The State continues to give the counties guidance in this area on its  
24 regular technical assistance calls. The State Defendants acknowledge that there  
25 have been issues and questions from the counties on this topic as is typical when  
26 implementing a new program. The State will continue to assist counties going  
27 forward. While the State objects to Recommendation No. 2, it is willing to hear the  
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1 Special Master's specific concerns and attempt to resolve those problems through  
2 its existing procedures.

3 **Recommendation No. 4:**

4 Recommendation No. 4 of the Special Master's November 13, 2013, Revised  
5 Report proposes that this Court set a Status Conference in early February 2014.  
6 State Defendants respectfully request that this Court set a further Status Conference  
7 in mid March 2014 instead. State Defendants respectfully note that it takes  
8 approximately three weeks of intensive activity to prepare for each Status  
9 Conference, including assisting the Special Master write his report by providing  
10 detailed information on the status of implementation activities, responding to the  
11 Special Master reports, and meeting and conferring with Plaintiffs' counsel.  
12 Therefore, for example, if a Status Conference was scheduled for February 3, 2014,  
13 preparation for the Status Conference would begin on or about January 13, 2014.  
14 This would not allow the State Defendants sufficient time to prepare for the Status  
15 Conference *and* conduct its activities and meet its timelines on other matters  
16 already agreed to by the parties and the Court including the activities outlined in  
17 Recommendation No. 1, if accepted by the Court, which have a deadline of  
18 February 1, 2014, as well as the following activities:

- 19 a. By December 6, 2013, DHCS and DSS shall provide the updated work  
20 plan regarding Therapeutic Foster Care as outlined in Recommendation No. 3;
- 21 b. By December 31, 2013, DHCS will host two Promising Practices  
22 Webinars highlighting organizations and entities demonstrating strong  
23 implementation of ICC and IHBS;
- 24 c. DHCS and DSS will act on the recommendations from the various Task  
25 Forces to establish a Joint Management Structure; and
- 26 d. Various ongoing implementation activities including - Complete the  
27 statewide analysis of county Semi-Annual Progress Reports; Complete and  
28 disseminate an ICC/IHBS/TBS/Wraparound Comparison Matrix; Issue an All

1 County Letter/Information Notice regarding county expectations for implementing  
 2 ICC/IHBS/CPM; Update the Medi-Cal Manual and Core Practice Model Guide;  
 3 Conduct two Promising Practices webinars; Conduct six regional trainings  
 4 throughout the state; Prepare, staff and attend various committee meetings and  
 5 forums (CMHDA, CWDA, Wraparound); Staff and participate on the Therapeutic  
 6 Foster Care subgroup; Staff and participate on the JMT Task Force to develop  
 7 recommendations to submit to DHCS/CDSS; Staff and participate on the ACO  
 8 Task Force to develop recommendations to submit to DHCS/CDSS; Participate in  
 9 several Learning Collaborative regional meetings and workgroups; Provide ongoing  
 10 technical assistance as necessary, both regionally and individually; Host weekly  
 11 technical assistance calls; and Develop and post Frequently Asked Questions.

12 For the all of the above stated reasons, State Defendants request the Court not  
 13 include Recommendation No. 2 in its order following the November 18, 2013  
 14 Status Conference, and that the Court not schedule a Status Conference any earlier  
 15 than mid March 2014.

16 Dated: November 15, 2013

Respectfully submitted,

KAMALA D. HARRIS  
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 JENNIFER M. KIM  
 Supervising Deputy Attorney General

/s/ CARMEN D. SNUGGS

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**CERTIFICATE OF SERVICE**

Case Name: **KATIE A., et al. v. BONTA, et al.** No. **CV-02-05662 JAK (SHx)**

I hereby certify that on November 15, 2013, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**STATE DEFENDANTS' RESPONSE TO THE SPECIAL MASTER'S NOVEMBER 13, 2013 REVISED REPORT ON THE IMPLEMENTATION OF THE KATIE A. PLAN**

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 November 15, 2013, 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 and that this declaration was executed on November 15, 2013, at Los Angeles, California.

M. Chacon  
Declarant

/s/M. Chacon  
Signature