

EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

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|-------------------------------|---|-------------------------------------|
| KENNY A., by his next friend, |) | |
| Linda Winn; et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | Civil Action No. 1: 02-CV- 1686-MHS |
| |) | |
| SONNY PERDUE, in his official |) | |
| capacity as Governor of the |) | |
| State of Georgia; et al. |) | |
| |) | |
| Defendants. |) | |

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**NOTICE OF PROPOSED SETTLEMENT
REGARDING THE RIGHT OF CHILDREN TO HAVE LAWYERS IN
DEPRIVATION CASES**

PLEASE TAKE NOTICE:

**TO ALL CHILDREN WHO HAVE BEEN, ARE, OR WILL BE ALLEGED
OR ADJUDICATED DEPRIVED WHO (1) ARE OR WILL BE IN THE
CUSTODY OF GEORGIA’S DEPARTMENT OF HUMAN RESOURCES’
DIVISION OF FAMILY AND CHILDREN SERVICES ; AND (2) HAVE OR
WILL HAVE AN OPEN CASE IN THE DEKALB COUNTY
DEPARTMENT OF FAMILY AND CHILDREN SERVICES.**

I. Background of the Case

This notice concerns a proposed settlement of the lawsuit known as *Kenny A. et al.,v. Perdue*. **If you are one of the children described above, or if you are**

the legal representative of one or more of these children, then you should read this notice.

Kenny A. was filed in June 2002 in the Superior Court of Fulton County against the Governor of Georgia, the Commissioner of the Department of Human Resources, the Fulton County Department of Family and Children Services and its Administrator (“Fulton DFCS”), the DeKalb County Department of Family and Children Services and its Director (“DeKalb DFCS”) all in their official capacities (“State Defendants”), as well as Fulton and DeKalb Counties. As it relates to Defendant DeKalb County, this case alleged that DeKalb County failed to provide children with open cases in DeKalb County DFCS with adequate and effective assistance of legal counsel. DeKalb County at all times denied this allegation. This lawsuit sought only court-ordered changes in the system; money damages were never at issue.

All defendants joined in removing the case to the United States District Court for the Northern District of Georgia (Atlanta Division) (“the Court”).

Plaintiffs and DeKalb County have negotiated a proposed settlement and have asked the federal district judge assigned to the case to approve this settlement. The terms of this settlement agreement are described below in Section V. This is only a summary of the settlement. **You have the right to review the entire settlement agreement if you choose. You also have the right to tell the judge what you think before the judge decides whether to approve the settlement.**

II. Notice of Hearing

PLEASE NOTE THAT THERE WILL BE A HEARING BEFORE UNITED STATES SENIOR DISTRICT JUDGE MARVIN H. SHOOB ON MAY 16, 2006 AT 2:00 P.M., AT THE RICHARD B. RUSSELL UNITED STATES COURTHOUSE, 75 SPRING STREET, NW, ATLANTA GEORGIA, IN COURTROOM 1707 TO CONSIDER WHETHER THIS SETTLEMENT SHOULD BE APPROVED, AS PROVIDED BY RULE 23 OF THE FEDERAL RULES OF CIVIL PROCEDURE.

YOU ARE WELCOME TO ATTEND THE HEARING TO PRESENT ANY FAVORABLE COMMENTS OR OBJECTIONS REGARDING THE SETTLEMENT TO THE JUDGE. YOU ARE NOT, HOWEVER,

REQUIRED TO ATTEND THE HEARING OR TO CONVEY ANY COMMENTS TO THE COURT.

IF YOU WISH TO SPEAK AT THE HEARING, YOU MUST SEND A WRITTEN LETTER TO THE COURT BY MAY 5, 2006. TO DO THIS, FOLLOW THE DIRECTIONS IN SECTION IV BELOW.

PLEASE ALSO NOTE THAT THIS CASE AND THIS HEARING DO NOT CONCERN ANY INDIVIDUAL CHILD'S CASE, OR ANY CASE INVOLVING THE PARENTS OF CHILDREN IN DFCS CUSTODY. THIS CASE AND THE MAY 16 HEARING CONCERN ONLY DEKALB COUNTY'S PROVISION OF LEGAL COUNSEL TO CLASS MEMBER CHILDREN.

III. How to Obtain Copies of the *Kenny A. DeKalb County Settlement Agreement Or More Information About the Case*

If you would like a copy of the settlement agreement, it is available on DeKalb County's website at www.co.dekalb.ga.us. If you do not own a computer, you can use one at many local libraries. If a computer is not available, a copy of the settlement agreement may be obtained by contacting plaintiffs' counsel at Children's Rights, Inc. toll-free at (888) 283-2210 or Defendant DeKalb County's counsel, Stephen E. Whitted, at (404) 371-3011.

Any class member or legal representative of a class member who has questions about the settlement agreement or would like more information about the lawsuit may contact attorneys Ira Lustbader or Corey Hirokawa. These attorneys represent the plaintiff class. Mr. Lustbader can be reached toll-free at (888) 283-2210; Ms. Hirokawa can be reached at (404) 881-4100.

You may also review the materials that have been filed with the Court in this case, except those filed under seal, by going to the Office of the Clerk of the United States District Court for the Northern District of Georgia (Atlanta Division) at the Richard B. Russell United States Courthouse, 75 Spring Street, Atlanta, Georgia. The Clerk's Office is open on business days from 9:00 a.m. to 4:00 p.m. To review materials in the public record in the *Kenny A.* case, refer to Civil Action Number 1:02-CV-1686-MHS.

Please DO NOT call or write to Judge Shoob directly concerning this proposed settlement.

IV. How to Submit Objections or Comments to the Court, or Request the Opportunity to Speak at the Hearing

If you would like to submit any written objections or comments regarding the proposed *Kenny A.* settlement for the Judge's consideration, you must send a letter to the Clerk of Court at the following address:

Luther D. Thomas, Clerk
United States District Court for the
Northern District of Georgia
Richard B. Russell United States Courthouse
75 Spring Street
Atlanta, Georgia 30303

In order to be considered by the Court, your letter must be received by no later than 5:00 p.m. on May 5, 2006. You must sign your letter, and must also print your name, address and telephone number on the letter. Please indicate at the top of your letter that the letter relates to the DeKalb County Settlement in *Kenny A. v. Perdue*, Civil Action. No. 1:02 – CV – 1686 – MHS.

Please also send copies of your letter to the following lawyers:

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| Ira Lustbader Children's Rights, Inc. 330 Seventh Avenue, 4th Floor New York, New York 10001 | Stephen E. Whitted DeKalb County Law Department 1300 Commerce Drive, 5 th Floor Decatur, Georgia 30030 |
| Corey F. Hirokawa Bondurant, Mixson, & Elmore, LLP 1201 West Peachtree St., #3900 Atlanta, Georgia 30309 | William R. Turner Randy Turner, Atty. at Law, PC 2265 Roswell Road, Suite 100 Marietta, Georgia 30062 |

If, in addition to writing your concerns to the Court, you would also like to speak at the hearing, please add this request to your letter and briefly describe what

you want to speak about.

V. The *Kenny A.* Settlement

This settlement, if approved by the Court, will bring about certain changes relating to the provision of legal counsel to children in DFCS custody who have open deprivation cases before the DeKalb County Juvenile Court. The settlement contemplates the Court's entry of a judicially-enforceable Consent Decree itemizing DeKalb County's responsibility for and commitment to providing adequate and effective legal counsel to children in DFCS custody at all stages of deprivation and termination of parental rights proceedings before the DeKalb County Juvenile Court. The major terms of the settlement agreement are summarized below:

(1) REDUCING CASELOADS OF CHILD ADVOCATE ATTORNEYS

The settlement requires DeKalb County, within specified time periods, to hire a total of seven additional Child Advocate Attorneys. The settlement also requires DeKalb County to ensure that no full-time Child Advocate Attorney representing children in deprivation cases in DeKalb County handles more than 130 cases at a time.

(2) RESPONSIBILITIES OF CHILD ADVOCATE ATTORNEYS

The settlement requires all Child Advocate Attorneys in DeKalb County to meet certain minimum requirements in handling their cases. These requirements include responsibilities in the following areas:

- Preparation for and participation in hearings
- Making or filing necessary motions
- Resolving conflicts of interest
- Investigating cases and conducting discovery
- Maintaining contacts with child clients
- Maintaining necessary contacts with social workers, service providers, and family members
- Monitoring the implementation of Juvenile Court orders and advocating for the child's best interest

- Participation in settlement negotiations
- Participation in appeals

(3) ADOPTION OF “BEST PRACTICES” GUIDELINES

The settlement requires DeKalb County to adopt and implement three detailed documents listing principles, standards, policies and procedures to be followed by all Child Advocate Attorneys representing children in deprivation cases in DeKalb County.

(4) ACCOUNTABILITY AND ENFORCEMENT

The settlement contemplates that the Court will appoint an independent and neutral Compliance Agent recruited by the parties for her expertise in issues relating to representation of children. The parties have proposed that Karen Baynes, a former juvenile court judge and currently the Associate Director of the Carl Vinson Institute of Government at the University of Georgia, serve as Compliance Agent. The Compliance Agent will conduct factual investigation and verification of data and documentation necessary to compile and issue public record reports on DeKalb County’s performance under the Consent Decree at six month intervals. DeKalb County will be responsible for providing the Compliance Agent with the resources she requires to perform her task. Class Counsel will receive and review the public reports of the Compliance Agent and continue to represent the interests of the Plaintiff Class in the event that DeKalb County fails to comply with the terms of the settlement.

(5) DURATION OF THE AGREEMENT

The Consent Decree shall remain in effect until the Court approves a motion to terminate jurisdiction. The Consent Decree requires DeKalb County to wait at least three reporting periods (approximately twenty-two months from the date the Decree is entered) before seeking termination of the Consent Decree. The Consent Decree lists factors the Court should consider in deciding whether to terminate jurisdiction over all or part of the Consent Decree, including the degree to which DeKalb County has provided adequate and effective legal assistance to class members; the good faith of the parties; and the reports of the Compliance Agent. Alternatively, the Consent Decree specifies that the Court will terminate the

Decree if DeKalb County achieves and sustains compliance with the requirements relating to caseloads and to responsibilities of Child Advocate Attorneys for eighteen consecutive months.

(6) ATTORNEYS' FEES

Claims such as those brought in this lawsuit may entitle Plaintiffs, under certain circumstances, to apply to the Court for their reasonable attorneys' fees and costs. In this case, the parties have agreed that DeKalb County will pay \$175,000 to Class Counsel in attorneys' fees for work performed and to be performed through the date of anticipated final approval of settlement.

(7) OTHER CLAIMS IN THE KENNY A. LAWSUIT

The proposed settlement, if approved by the Court, will settle all of the claims in the *Kenny A.* lawsuit against DeKalb County. Plaintiffs' claims against the State Defendants were the subject of an earlier settlement and Consent Decree, which was entered by the Court on October 27, 2005. Plaintiffs' right-to-counsel claims in the *Kenny A.* lawsuit against Fulton County are the subject of a separate proposed settlement. The Court has granted preliminary approval for settlement of the claims against Fulton County, and a hearing to consider that settlement will also be held on May 16, 2006.

This Notice Has Been Approved For Distribution By:

The Honorable Marvin H. Shoob
Senior Judge
United States District Court
Northern District of Georgia

Dated: March ____, 2006