

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LASHAWN A., by her next friend, Evelyn)	
Moore, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 89-cv-1754 (TFH)
)	
ADRIAN M. FENTY, as Mayor of the)	
District of Columbia, et. al.,)	
)	
Defendants.)	

ORDER

Pending before the Court are Plaintiffs’ Renewed Motion for a Finding of Civil Contempt [Dkt. No. 910], Defendants’ Motion to Establish a Definitive Timeline for Termination of the Consent Decree (“Termination Motion”) [Dkt. No. 914], and Defendants’ Motion to Modify Court Order Provisions Requiring that the Court Monitor Approve, or Authorizing Her to Impose or Write, the District of Columbia’s Plans, Policies, or Strategies [Dkt. No. 924]. Upon careful consideration of the entire record of this case, and in accordance with the Memorandum Opinion issued this day, the Court hereby **ORDERS**:

1. Plaintiffs’ Renewed Motion for a Finding of Civil Contempt is **GRANTED IN PART** and **DENIED IN PART**. Defendants are held in civil contempt of Court for their noncompliance with ¶ 8 of the October 7, 2008 Stipulated Order [Dkt. No. 899]. Mayor Adrian M. Fenty is further held in civil contempt for noncompliance with ¶ 4 of the same Stipulated Order.
2. Defendants’ Motion to Establish a Definitive Timeline for Termination of the Consent Decree is **DENIED**.
3. Defendants’ Motion to Modify Court Order Provisions Requiring that the Court Monitor Approve, or Authorizing Her to Impose or Write, the District of Columbia’s Plans, Policies, or Strategies is **GRANTED IN PART** and **DENIED IN PART**.

4. Section XX.B.4 of this Court's Order, dated Nov. 18, 1993 (the "Modified Final Order" or "MFO") is modified to read as follows:

The Court Monitor shall provide a proposed Implementation Plan (or related updates, amendments, or recommendations) to the Court and to the Parties. The parties may submit comments or objections to the Monitors' proposal(s) within ten days thereafter. The Court may adopt, modify, or reject the Court Monitor's proposal(s) in whole or in part.

The MFO will otherwise remain in force.

5. The Parties shall contact each other and the Court to schedule a status conference and a remedy/sanctions hearing.
6. By April 30, 2010, the Parties shall meet and confer with each other and with the Court Monitor in an effort to develop a new consent order proposal.
7. By May 14, 2010, the Parties shall submit a proposed consent order to the Court with:
- a. A proposed implementation plan, consistent with MFO § XX.B (and intended to replace the AIP) covering the period through FY 2011 (September 30, 2011). This plan or "Compliance Strategy" must address in detail the period through the end of this calendar year by
 - i. including *specific* action steps and targets;¹ and
 - ii. briefly discussing, where appropriate, personnel and budget allocations.
 - b. A proposed methodology² for evaluating compliance with the MFO including
 - i. Indicators, benchmarks, or other criteria for evaluating compliance, and
 - ii. reporting requirements or other means of measurement.
8. Proposals submitted pursuant to ¶ 7 shall (to the extent practicable):
- a. Be categorically organized around the same subsections as the AIP, or else clearly denote and describe deviations from that format, to ensure clarity in reporting;

¹ This requirement is intended to facilitate understanding of the District's plans going forward. Absent a substantial or unjustifiable disparity, the Court will not find deviations from adopted provisions of jointly proposed action steps to constitute noncompliance.

² In crafting these proposals, the Parties are encouraged to review the U.S. Department of Justice *Toolkit for Court Performance Measures in Child Abuse and Neglect Cases* (available at <http://www.ojjdp.ncjrs.gov/publications/courttoolkit.html>).

- b. Include references to statutes, regulations, the MFO, and internal policies; and
 - c. Be provided to the Court in an editable electronic format (preferably a format using one of the following file extensions: *.rtf, *.doc, or *.wpd).
9. To the extent the Parties are unable to agree on terms of a proposed consent order, they shall submit separate proposals, otherwise consistent with this Order, to the Court and to the Court Monitor. Consistent with ¶ 4 of this Order, the Court Monitor shall thereafter provide a proposed Implementation Plan to the Court.
 10. By May 31, 2010, the Court Monitor shall submit comments regarding the Parties' proposals (and any related filings, including recommendations completed pursuant to ¶ 9) to the Court.
 11. Defendants shall continue to provide reports and data to the Court Monitor, in accordance with the MFO and AIP § 1.D.34.
 12. The Parties are invited to discuss monitoring costs at the next status conference.
 13. Defendants' Motion for a Ruling on Its Termination Motion [Dkt. No. 1024] is resolved by this Order and is therefore dismissed as moot.

SO ORDERED.

April 5, 2010

/s/ Thomas F. Hogan

THOMAS F. HOGAN
UNITED STATES DISTRICT JUDGE