

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

FILED IN OPEN COURT

17-30 2011

WHATCOM COUNTY CLERK

By _____
Deputy

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF WHATCOM

JESSICA BRAAM, et al.

Plaintiffs,

vs.

STATE OF WASHINGTON, SUSAN
DREYFUS, et al.

Defendants.

CLASS ACTION

No. 98-2-01570-1

NOTICE OF REVISED SETTLEMENT
AND EXIT AGREEMENT

(JUDGE CHARLES R. SNYDER)

This NOTICE is to inform you that the State of Washington, Department of Social and Health Services, along with the attorneys for the Plaintiff class, have entered into a revised settlement and exit agreement in this lawsuit. The underlying settlement agreement has been preliminarily approved by the Court.

I. SUMMARY OF THE PROPOSED SETTLEMENT

On October 31, 2011, the parties reached a proposed Revised Settlement and Exit Agreement ("Revised Agreement") intended to replace the July 31, 2004 settlement agreement ("2004 Agreement").

1 The Revised Agreement acknowledges that although the State made significant progress
2 and improvements to Washington's child welfare system since 2004, it has not yet met a number
3 of key outcomes.

4 The Revised Agreement will be in effect for 26 months, starting November 1, 2011, and
5 ending December 31, 2013. The Revised Agreement states that the case of *Braam v. State of*
6 *Washington*, No. 98-2-01570-1, shall be dismissed with prejudice on March 31, 2014, unless
7 prior to that date (1) the parties have entered into a signed agreement to extend and/or modify the
8 Revised Agreement; (2) the Court has already terminated the Revised Agreement because the
9 State sought a court order asking for termination of the Revised Agreement because it met the
10 full compliance measure for each and every outcome, as outlined in the Revised Agreement; or
11 (3) Plaintiffs have commenced judicial enforcement proceedings.

12 In the Revised Agreement, the number of outcomes with which the State must comply
13 has been reduced from 33 to 21, some outcomes have been redefined or replaced, and the method
14 for measuring compliance with some outcomes has been altered. The Revised Agreement
15 requires the State to meet or exceed the "full compliance measure" for a specific outcome for 18
16 consecutive months before that outcome will no longer be monitored or enforceable by the
17 Plaintiffs. From November 1, 2011, to December 31, 2012, the *Braam* Oversight Panel created
18 by the 2004 Agreement will remain in operation and staffed as necessary to monitor the State's
19 performance and compliance with the specified outcomes.

20 As per the framework for payment of attorney's fees adopted by the Whatcom County
21 Superior Court on June 29, 2009, the State shall pay Plaintiffs' counsel \$134,400 annually while
22 this proposed Revised Agreement remains in effect.

1 **II. IF YOU DISAGREE WITH THE PROPOSED REVISED SETTLEMENT**

2 If you disagree with the proposed settlement agreement you may send your written
3 objections to the Clerk of the Court at:

4 Clerk of the Court
5 Whatcom County Superior Court
6 311 Grand Avenue, Suite 301
7 Bellingham, Washington 98225

8 Your written objections must be received by the Clerk of the Court **no later than**

9 1/16/12 ~~2011~~. The objections must include the following:

- 10 1. The case name and cause number;
11 *Braam v. State of Washington*, Whatcom County Case # 98-2-01570-1
- 12 2. What you are objecting to in the settlement agreement;
- 13 3. An explanation of why you are objecting;
- 14 4. Your full name and address.

15 You can also appear at a hearing on 1/25/12, ~~2011~~, at 8:30 to tell the judge
16 that you disagree with the proposed settlement. This hearing will be held at the Whatcom County
17 Courthouse, 311 Grand Avenue, Bellingham, WA 98225. If at this hearing the Judge finds that
18 the proposed revised settlement and exit agreement is fair, reasonable and an adequate resolution
19 for this case, the Revised Agreement will become final.

20 **III. IF YOU HAVE QUESTIONS ABOUT THE PROPOSED REVISED**
21 **SETTLEMENT AND EXIT AGREEMENT**

22 If you have questions about the proposed revised settlement and exit agreement you may
23 contact Plaintiffs' counsel, their contact information is below. Do not contact the Court.


24 Casey Trupin
25 Columbia Legal Services
26 101 Yesler Way, Ste. 300
27 Seattle, WA 98104
28 (800) 542-0794, ext. 239
29 casey.trupin@columbialegal.org

30 Bill Grimm
31 National Center for Youth Law
32 405-14th Street, 15th Floor
33 Oakland, CA 94612-2701
34 (510) 835-8098
35 billgrimm@youthlaw.org

1 Erin Shea McCann
2 Columbia Legal Services
3 101 Yesler Way, Ste. 300
4 Seattle, WA 98104
5 (800) 542-0794 ext. 235
6 erin.sheamccann@columbialegal.org

Timothy C. Farris
300 North Commercial Street
PO Box 5008
Bellingham, WA 98225-4002
(360) 220-0800
tfarris@kidcounsel.org

7
8
9 DATED this 30 day of November, 2011.
10
11
12
13
14
15
16
17
18
19
20
21
22
23



JUDGE CHARLES R. SNYDER
