

NOTICE FROM THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
OF CLASS CERTIFICATION AND PROPOSED SETTLEMENT

This notice is sent in accordance with an Order of the Court. Plaintiffs representing a class of families have filed a lawsuit against Warren County concerning adoption assistance agreements with parents of children with special needs. The parties have agreed to a class and the Court has preliminarily certified a class. The parties have agreed to a proposed settlement and this notice explains your rights.

DESCRIPTION OF THE LAWSUIT

This class action challenged Warren County Children Service's adoption assistance process concerning adoption subsidies for children determined to have "special needs" under the Title IV-E adoption assistance program.

Plaintiffs challenge the process for negotiating subsidy amounts and Warren County Children Services submits the process for determining those subsidies is proper. The Court has preliminarily determined that issues shared by the class include whether adoption assistance can be denied in the absence of a diagnosis of a particular medical need; in the absence of a need tied directly to the child's special need; for ordinary needs and expenses such as day care, tuition and lost wages; and whether some families receive a zero subsidy without consideration of the appropriate eligibility criteria.

There has been no ruling on these issues, but the parties have agreed to class certification and a proposed settlement in order to minimize the cost of litigation and direct money to adoption assistance rather than legal fees and expenses.

AGREED ORDER ON CLASS CERTIFICATION

The parties have agreed to and the Court has certified the following as a class:

All adoptive parents and their adopted children who, as of the date of the filing of this lawsuit and/or through the date of the fairness hearing, were eligible to receive subsidies under Title IV-E of the Adoption Assistance and Child Welfare Act and who fall under the jurisdiction of Defendant Warren County, Ohio and who receive or received less than \$250.00 in monthly adoption assistance payments.

The Court has appointed Families #1, #2 and #3 and their children as the class representatives, and designated Alphonse A. Gerhardstein, Jennifer L. Branch, M. Caroline Hyatt and Barbara Thornell Ginn to serve as class counsel.

SUMMARY OF SETTLEMENT TERMS

1. Agreement on criteria for negotiating Title IV-E adoption assistance
2. Agreement on negotiation tool for use during negotiation process

3. Agreement on revised annual recertification letter regarding Title IV-E adoption assistance agreements
4. Agreement on training to be provided to staff and families on the adoption assistance program
5. Opportunity for all class members to seek renegotiation and/or redetermination of any subsidy that was less than \$250 per child per month. Class counsel to assist class members with preparation for renegotiation and/or redetermination at no charge to class members who request this service. Monitoring of agreement implementation by class counsel.
6. Fees and expenses in an amount to be approved by the Court shall be paid to class counsel.

YOUR RIGHTS UNDER PROPOSED SETTLEMENT AGREEMENT

You have received this notice because you are a member of this class. The Plaintiffs and Warren County have reached a settlement agreement. The Court will hold a hearing in Room 706 at the Potter Stewart U.S. Courthouse, 100 East Fifth Street, to determine if the settlement is fair and equitable on **May 30, 2019 at 2:00 p.m.** If the Court approves the settlement you will be bound by its terms. **If you object to the settlement you may file a written objection by May 24, 2019 by sending your objection to United States Clerk of Court, 100 East Fifth Street, Cincinnati, OH 45202.**

If you wish to see all of the pleadings and/or settlement documents in this case you can examine them on the website of class counsel, www.gbfirm.com.

You cannot be retaliated against for participating in this process. Any alleged retaliation should be reported to Class Counsel Caroline Hyatt at 513-246-1066. Do not call the Court with questions. Direct all questions to Class Counsel Caroline Hyatt at 513-246-1066.

s/Richard W. Nagel
Clerk of the United States District Court