

August 4, 2020

Dear Co-Neutrals,

This letter memorializes the agreement between the parties to the *Kevin S. v. Blalock* (No. 1:18-cv-00896) settlement agreement (collectively, the “Parties”) to extend by 180 days the deadline for compliance with some of the commitments scheduled to be completed in 2020 in the settlement agreement. The Parties have agreed to these extensions in light of the significant impact of the COVID-19 pandemic that arose subsequent to the negotiation and execution of the agreement.

The Parties agree that CYFD and HSD will meet the following commitments in 2020:

1. The commitments and deliverables identified by the State in its letter of June 16, 2020 (attached hereto as Exhibit 1) as those for which the State did *not* seek an extension of time will be completed and subject to Co-Neutral review on the dates indicated in the settlement agreement.<sup>1</sup>
2. Appendix A, Implementation Target 1.1 will be completed and subject to Co-Neutral Review on the date indicated in the settlement agreement. (“CYFD, with input and collaboration from HSD, will establish Child and Adolescent Needs and Strengths (“CANS”) and functional trauma assessment criteria for access to intensive home-based services in consultation with clinical experts agreed upon by Defendants and Plaintiffs.”). The Parties further agree that Dr. George Davis (at no cost to the State), Bryce Pittinger, and Dr. Neal Bowen will serve as the above-referenced clinical experts.
3. By December 1, 2020, CYFD and HSD will identify, and Co-Neutrals will approve, the form of the Child and Adolescent Needs and Strengths Crisis Assessment Tool (“CANS-CAT”) and comprehensive CANS screening tools referenced in Appendix A, Implementation Target 1.
4. Appendix B, Target Outcome 1.1 will be completed and subject to Co-Neutral<sup>2</sup> Review on the date indicated in the settlement agreement (prohibition on placement in any hotel, motel, out-of-state provider, office of a contractor, or state agency office unless in extraordinary circumstances necessary to protect the safety and security of the child and with proper documentation, approval, and notice).

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<sup>1</sup> As indicated in May 18, 2020 letter from Co-Neutrals to Defendants, for commitments that require Co-Neutral review and approval, a draft will need to be submitted to Co-Neutrals at least 60 days before the deadline, or in this instance by October 1, 2020.

<sup>2</sup> As indicated in May 18, 2020 letter from Co-Neutrals to Defendants, for any commitments that require data verification, methodology and baseline data for related metrics will need to be submitted to Co-Neutrals with time for review. Co-Neutrals have asked Defendants to identify dates when such deliverables will be provided.

5. By December 1, 2020, HSD will produce to the Co-Neutrals and Plaintiffs' counsel a detailed interim progress report on the State's efforts to implement the commitment in Appendix D, Implementation Target 3.1 (development and publication of reimbursement methodology, billing rate information, and guidance for providers). The deadline for completion and Co-Neutral review of Appendix D, Implementation Target 3.1 will be extended by 180 days.
6. By December 1, 2020, CYFD, with input from HSD and Dr. George Davis, will publish in the public record for comment proposed regulations governing medication protocols to ensure that Children in State Custody are not overmedicated, while ensuring timely access to medically necessary medication and treatment. These proposed regulations will comply in all respects with the terms of Appendix D, Implementation Target 4. The deadline for adoption of these proposed regulations, as specified in Appendix D, Implementation Target 4, will be extended by 180 days.
7. By December 1, 2020, HSD will produce to the Co-Neutrals and Plaintiffs' counsel a detailed progress report on the State's efforts to build High-Fidelity Wraparound capacity.

The Parties further agree that, except as specified above, the deadline for completion and Co-Neutral review of all other commitments scheduled to be completed during 2020 will be extended by 180 days.

Nothing in this letter agreement is intended to alter or amend any other commitment or provision described in the *Kevin S. v. Blalock* settlement agreement.

Sincerely,



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On Behalf of Plaintiffs

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On Behalf of Defendants