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12 CALIFORNIA ALLIANCE OF CHILD AND FAMILY
SERVICES

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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

VRW

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18 CALIFORNIA ALLIANCE OF CHILD AND
FAMILY SERVICES,
19 Plaintiff,
20 v.
21 JOHN WAGNER, Director of the California
Department of Social Services, in his official
22 capacity; GREGORY ROSE, Deputy Director of
the Children and Family Services Division of the
23 California Department of Social Services, in his
official capacity,
24 Defendants.

No.
**DECLARATION OF SUSAN
LEMIEUX IN SUPPORT OF
PLAINTIFF CALIFORNIA
ALLIANCE OF CHILD AND
FAMILY SERVICES' EX PARTE
APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND
ORDER SHOWING CAUSE
REGARDING PRELIMINARY
INJUNCTION**

1 I, Susan Lemieux, declare as follows:

2 1 I am a resident of the State of California and am over the age of 18. I am
3 submitting this declaration in support of California Alliance of Child and Family Services'
4 Temporary Restraining Order Application. Each of the facts stated herein are based on my
5 personal knowledge unless I state that I know that information based on information and belief.

6 2. I am currently the Executive Director of Family Life Center. I founded the
7 organization thirty-one years ago. As Executive Director, my duties include oversight of the
8 organization's budget and finances.

9 3. Family Life Center operates a private school and a group home. The group home
10 serves boys and girls age thirteen to eighteen. Our residents have severe mental health issues
11 including depression, anxiety, ADHD and drug and alcohol addiction. Many have suffered
12 sexual or physical abuse.

13 4. The primary sources of funding for Family Life Center's group home are special
14 education funding and payments from the California Department of Social Services ("DSS"),
15 which makes foster care maintenance payments to Family Life Center as is required under the
16 federal Child Welfare Act and California's Welfare and Institutions Code.

17 5. The foster care maintenance payments that Family Life Center receives from DSS
18 are used to provide the most basic necessities to the foster care children in our care. Among
19 other things, Family Life Center uses the funds it receives to provide food, shelter, daily
20 supervision, social work activities, school supplies and many other essential items as required
21 under the federal Child Welfare Act and California Welfare and Institutions Code.

22 6. In recent years, the cost of providing the basic necessities required under the
23 federal Child Welfare Act and California Welfare and Institutions Code has increased
24 significantly. At the same time, the reimbursement rates have remained almost the same. As a
25 result, the reimbursement rates from DSS no longer cover the costs of providing the required
26 basic necessities to the foster care children at our group home. Unfortunately, this has led us to
27 reduce the size of our staff. We have also been unable to provide our staff with the cost-of-living
28 pay increases that they deserve. Because we are unable to pay staff members the salaries merited

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1 by their positions, it is difficult to attract and maintain qualified staff with the education, training
2 and experience to understand the emotional and behavioral issues confronting the children. The
3 high staff turn-over that we experience directly affects the children's relationship with staff,
4 making it difficult for the children to develop stable relationships with their parental figures.

5 7. I am informed and believe that in July 2009 the State of California passed its new
6 budget for 2009 (the "2009 Budget"). The 2009 Budget includes a ten-percent reduction in the
7 DSS reimbursement rates for foster care maintenance payments.

8 8. The 2009 Budget's ten-percent reduction in DSS reimbursement rates will further
9 increase the gap between, on the one hand, the amount necessary to provide the required basic
10 necessities under the Child Welfare Act and, on the other hand, the amount Family Life Center
11 actually receives from DSS. This reduction will significantly affect Family Life Center and the
12 foster children under its care. Because of the past failure to make cost-of-living adjustments to
13 reimbursement rates and the recently instituted ten-percent reduction in reimbursement rates, we
14 cannot afford to hire the additional staff we need. Specifically, we need, but cannot afford to
15 hire, one therapist, three full-time child care workers and one full-time administration/office
16 position. We are also unable to afford additional hours by our psychiatrist. As discussed, the
17 children in our program have severe mental health issues and would greatly benefit from
18 additional time with our psychiatrist.

19 9. The children in our program are suffering from the lack of funding to care for
20 them. Specifically, lack of staff means that the children are provided with less supervision,
21 which affects our ability to proactively work with children in order to prevent crisis situations.
22 Our staff are sometimes overly-stressed, increasing the potential for errors. Additionally, the
23 lack of an administration/office position leads to delays in obtaining crucial information from
24 past service providers. This, in turn, directly impacts our ability to plan for the children's
25 treatment.

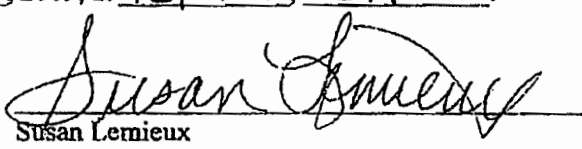
26 10. Because of the current and proposed cuts to foster care reimbursement rates, the
27 funding we receive is inadequate to provide the minimum services required for safe and adequate
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care. We are currently relying on deficit spending to operate and we can only sustain this deficit spending for a matter of months

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 7/30, 2009, at Petaluma, CA.


Susan Lemieux