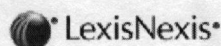


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Foster home cleared in court; Judge rips police raid, but home lost its girls, funds.

Bill Rankin, Jeffry Scott; Staff

A North Georgia foster home for teenage girls that was raided by deputies in January should keep its state license, an administrative law judge has ruled.

The deputies' allegations that Downing Clark Center in Calhoun was in "total chaos" when they arrived are not credible, Judge Steven W. Teate found in a ruling last month.

The ruling is a significant victory for Downing Clark, which was founded in March 2006 for girls with psychological and behavioral disorders. The residential treatment facility was raided Jan. 4 by 29 sheriff's deputies, who reported they found the center in turmoil and arrested 20 of the girls.

After the raid, the state Office of Residential Child Care moved to revoke the center's license, and the Department of Family and Children Services canceled its contract to send teenagers to the center. Authorities had previously inspected Downing Clark and found numerous violations of rules, including violations they said could jeopardize the safety of the children in the center's care.

In a 21-page decision, Teate said the state cannot revoke the center's license. The judge noted that surveillance video taken inside the foster home showed the center was "calm and completely under control and properly staffed" when Gordon County deputies arrived shortly after 10:30 p.m. It was the deputies' presence that agitated the girls and led to subsequent chaos at Downing Clark, the judge said.

"The video reveals that virtually all of the [center's] residents were either in their rooms or were casually in the hallway," Teate wrote. "Nothing was on the floors; there was no indication that any of the girls were causing a disturbance."

Chief Deputy Robert Paris, spokesman for the Gordon County sheriff's office, said: "That case is under appeal. We're not going to comment on pending litigation."

The allegations of what occurred at Downing Clark were reported in a series by The Atlanta Journal-Constitution in April that investigated the state's system of publicly funded but privately operated foster care.

Mel Goldstein, a Marietta lawyer who represents Downing Clark, said the actions taken by the state

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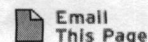
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against the center have caused a "huge amount of damage" to the foster home and its owners, sisters Cindy Downing and Kelli Clark.

"They don't have a license and a contract and no ability to get children while they've been having to pay their mortgage for the last eight months," Goldstein said.

"This has been catastrophically devastating to us emotionally, spiritually and financially," Clark said. "Ideally we would love to open back up. But financially this has just drained us."

Clark said she and her sister, regardless of what they do next, will continue to advocate for the girls they cared for.

The state has asked Teate to reconsider his ruling and allow the center's license to be revoked, Dena Smith, a spokeswoman for the Georgia Department of Human Resources, said.

On the evening of the raid, the deputies were responding to a 911 call reporting a "domestic disturbance" at the facility, which housed 43 girls at the time. Investigators later determined the call was made by a girl who sneaked a cell phone inside the home, made up of four dormitories.

In his incident report, Deputy Joss Vinall said there was "total chaos" at the center when deputies arrived. Security doors stood open; food, bed linens and clothing were on the floors; and there was the "sound of someone screaming," he wrote.

But Teate found that the report "is not credible in the light of the videos that were recording while he was there."

According to Teate's decision, Vinall gave facility staff 10 minutes to calm residents who had become "agitated and frightened" as the deputies arrived. After that time, the deputies assumed control of the facility and the chaos occurred, Teate wrote. "At that time there were several confrontations between some of the residents and the approximately 29 police that entered the residential halls. Despite pleas for police restraint, the police continued and ultimately arrested and removed 20 residents."

The teenage girls were charged with a range of offenses: rioting, criminal damage to property and assaulting officers. Clark said the girls were detained for several days until they entered guilty pleas. She said it is her understanding that all 43 girls are in foster-care homes and facilities.

In its notification of intent to revoke the center's license, the state in February cited nine violations of licensing rules for group foster homes ranging from insufficient staff to inadequate monitoring and administration of medications. Teate found the evidence presented at the hearing established that the center had violated two of nine procedures, related to the maintenance of files and the use of check marks instead of initials in the tracking of administered medications.

"With regard to those two violations," Teate wrote, "the record does not demonstrate a direct adverse effect on the health and safety of children in DCC's care." He directed the state to calculate the appropriate fine to be paid by Downing Clark for those two violations.

Teate wrote that there was no evidence of dosage errors in medications given to the residents, including psychotropic drugs to treat their behavioral problems. "Undisputed testimony ... is that all children received the proper dosage of medication and there were no dosage errors," he wrote.

Normer Adams, executive director of Georgia Association of Homes and Services for Children, of which Downing Clark Center is a member, praised the judge's decision.

"This has been a terrific injustice, depriving these children who are severely emotionally disturbed of the care provided by this home, and putting 20 of them, who were taken to jail, through a terrible ordeal," said Adams.

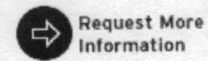
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