



INFORMATION PACKET

HEALTHY ORGANIZATIONS

What is a summary of **child welfare class-action litigation**?

The use of class-action litigation has been an increasingly common means to try to reform what the public perceives as failing government systems. Cases typically are built around an argument that a federal statutory or constitutional provision has been violated. Institutional reform litigation has been used to advocate for the reform of numerous government agencies in areas such as education, law enforcement, and health care.

In child welfare, this type of class-action lawsuit is most often resolved through a consent decree or settlement agreement between the parties, or other judicial order, rather than continuing the case through trial or hearings. These approaches provide judges, independent monitors, and or other oversight committees with ongoing authority to enforce the performance benchmarks. As a result, litigation is lengthy, with the average life span of a consent decree about 15 years, and expensive, with the cost of legal fees, monitoring, and consulting fees estimated to reach or surpass \$15 million over the lifetime of a single agreement.

The following summary is divided into four sections:

- Jurisdictions operating under a consent decree (6 in total).
- Jurisdictions operating under a settlement agreement (13).



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- Jurisdictions that have exited consent decree, case dismissed, or case closed (11).
- Jurisdictions where litigation is pending in courts (11).

The information includes the name of the lawsuit, date the lawsuit was filed, date the consent decree or settlement agreement was entered, brief description of the case, and the most recent update. This summary contains publicly available information, as well as links and documents related to the case. The information is current as of **April 2022**.

Operating under consent decree or settlement agreement

Georgia

Kenny A. v. Perdue (Also known as Kenny A. v. Deal)

Filing Date: June 2002

Consent Decree Date: July 2005

This lawsuit against Georgia's Department of Children and Family Services (DCFS) in Fulton and DeKalb Counties sought to end statutory and constitutional violations of the rights of approximately 3,000 children and to ensure that DCFS provides proper protection and care for these children.

Status update

Class counsel initiated discussions with state defendants' counsel in July 2015 to "streamline obligations in recognition of progress, remaining challenges and changes in best practices standards in foster care." Parties negotiated and agreed upon the 2016 Modified Consent Decree and Exit Plan. In December 2016, a federal judge in Atlanta acknowledged the state's improvement and the system's increasing stability, and approved the Exit Plan to provide a pathway out of the case in the next two to four years. The new agreement modified several of the 31 performance measures set for the agency in 2005, including some that have become outdated and others that proved too difficult to meet and maintain.

New Infrastructure Standards to correspond with the state's new practice model and reform efforts were developed and amended to the Exit Plan in December 2017. As of June 2020, the biannual monitoring reports continue to be filed. The Monitoring Report highlights six areas of outcomes.

Related Documents:

[Period 28 Monitoring Report](#)

[Kenny A. v. Deal](#) (Click on Legal Documents tab)

Related Links:

[Civil Rights Litigation Clearinghouse](#)

[Children's Rights](#)

Illinois

B.H. v. Smith (Also known as B.H. v. McEwen, B.H. v. Johnson, B.H. v. Samuels, B.H. v. Sheldon, B.H. v. Suter, and B.H. v. Walker)

Filing Date: June 1988

Consent Decree Date: December 1991

B.H. v. Smith was brought on behalf of all children who are or will be in the custody of the Illinois Department of Children and Family Services (DCFS). The complaint charged DCFS with failure to provide services to the children in its care and with violations of the Constitution and Title IV-E of the Social Security Act.

Status update

In September 2016, U.S. District Court Judge Jorge Alonso approved a proposed implementation plan in the ongoing litigation. The plan was designed to assure that placements and services for those children under the care of DCFS meet appropriate constitutional standards. The implementation plan was initially filed with the court in February 2016.

This Amended and Revised Implementation Plan set forth the specific steps DCFS would take to begin

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addressing the six recommendations and the specific needs of children and youth in care with psychological, behavioral, or emotional challenges. Additionally, in accordance with implementation science, each initiative contains a logic model that incorporates the expert panel's comments. The plan represents a core component of the overarching DCFS strategic plan. As of May 2020, monitoring is still ongoing.

Related Documents:

[BH v. Smith](#)

[Implementation Plan](#)

[Report of the Expert Panel: B.H. vs. Sheldon Consent Decree](#)

Related Links:

[Civil Rights Litigation Clearinghouse](#)

Maryland

L.J. v. Massinga

Filing Date: December 1984

Consent Decree: September 1988, modified 1991, current operating modification October 2009

Plaintiffs filed this civil rights action against Maryland's Department of Human Services (DHS) and the Baltimore City Department of Social Services on behalf of approximately 2,500 Baltimore City children in foster care, seeking injunctive relief for class members and damages for the five named plaintiffs. Plaintiffs based their allegations of widespread, systemic abuses in the Baltimore City foster care system in part on a study that randomly reviewed 149 cases, concluding that 25% of children were likely to have been mistreated in foster care.

Status update

Recent changes have been negotiated with the Independent Verification Agent to address active

compliance measurement and make ongoing improvements to the data collection system. Exit from court supervision over the active Modified Consent Decree will not occur until compliance with 40 Exit standards has been met for 18 consecutive months.

Related Links:

[Civil Rights Litigation Clearinghouse](#)

Michigan

Dwayne B. v. Whitmer (Also known as Dwayne B. v. Snyder and Dwayne B. v. Granholm)

Filing Date: August 2006

Consent Decree Date: 2008

This suit alleges violation of constitutional, federal statutory, and federal common law rights of children in foster care. The suit challenges the state for failing to move children quickly into safe, permanent homes; to provide children with adequate medical, dental, and mental health services; and to prepare children to live independently as adults after exiting the foster care system. The lawsuit charges that poor management, underfunding, and understaffing of Michigan's child welfare system put the children in its custody at risk of serious harm.

Status update

On February 2, 2016, the State of Michigan and the Michigan Department of Health and Human Services (MDHHS) and Children's Rights, counsel for the plaintiffs, jointly submitted to the court an Implementation, Sustainability and Exit Plan that established a path for the improvement of Michigan's child welfare system. The agreement included 11 outcome measures to be maintained and 56 measures to be achieved, with various measures rolling to exit when achieved for specified timeframes.

On June 27, 2019, U.S. District Court Judge Nancy G. Edmunds approved a new agreement between

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MDHHS and Children's Rights, which replaced the plan approved in federal court in 2016. The Modified Implementation, Sustainability and Exit Plan reflects a number of changes sought by MDHHS. Examples include eliminating the state's time-consuming compliance reviews of cases over two years old, focusing efforts to prevent child maltreatment on the activities most directly related to stopping it, and shifting efforts for older youth from documenting planning activities to getting youth into effective programs, such as the Young Adult Voluntary Foster Care program.

On January 22, 2022, the U.S. District Court Judge ordered the development of a Corrective Action Plan to address 14 areas that the state has not yet achieved in the 2019 plan. On April 26, 2022, the U.S. District Court Judge accepted the Corrective Action Plan and Michigan began implementation. The strategies are designed to continue to improve the state's child welfare system in areas such as: collaboration and oversight of private agency partners that provide residential and foster care services; reducing the time children are in out-of-home care and reunifying them with their families sooner; keeping siblings placed in foster care together; limiting the time children spend in emergency or temporary facilities; and ensuring relative home placements are safe. Parties will meet quarterly to monitor the progress and implementation of the plan.

Related Documents:

[Michigan Department of Health and Human Services](#)

[Modified Implementation, Sustainability, and Exit Plan](#)

[Monitoring Report](#)

Related Links:

[Civil Rights Litigation Clearinghouse](#)

Mississippi

Olivia Y. v. Barbour (Also known as Olivia Y. v. Reeves)

Filing Date: March 2004

Consent Decree Date: 2008

This lawsuit was brought on behalf of 3,000 children in foster care in the custody of the Mississippi Division of Family and Children's Services (DFCS) and those who are improperly diverted from the system. Plaintiffs allege that DFCS placed thousands of children in foster care in danger and at risk of harm and has left many thousands more to fend for themselves in abusive and neglectful homes.

Status update

In December 2016, a Second Modified Mississippi Settlement Agreement and Reform Plan laid out new standards in a number of areas. Biannual reports from the monitor continue and discovery is ongoing. Oral arguments, set for August 4, 2020, were cancelled and motions still are pending before the court.

According to the watchdog organization A Better Childhood: "In 2021, after a new commissioner had been appointed to head the agency, and a new federal judge had been appointed to handle the case, the state asked for a 'rebuilding period.' The commissioner has made commitments to deliver on specific requirements in the settlement agreement, including increasing workers and taking other steps to ensure the safety of the children in the system. That 'rebuilding period' ends in 2023, the commissioner will be reporting regularly on the progress that is being made, and the court-appointed monitor will be working with the state to both improve its data system and to build the agency's capacity."

Related Documents:

[Olivia Y. Lawsuit](#)

[Second Modified Mississippi Settlement Agreement and Reform Plan](#)

Related Links:

[Civil Rights Litigation Clearinghouse](#)

[A Better Childhood](#)

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Washington State

Braam v. State of Washington

Filing Date: November 1998

Consent Decree Date: July 2004

This case was filed originally by 13 current and former children in foster care against the State of Washington, the Department of Social and Health Services (DSHS), and the secretary of DSHS seeking damages for injuries suffered as a result of the state's practice of transferring them from one facility to another.

Status update

The July to December 2016 review period included monitoring of performance on the two remaining outcomes. The Children's Administration demonstrated improved performance on the frequency of youth on runaway status, but not on the median number of days youth are on runaway status. According to plaintiff attorney [Columbia Legal Services](#), in February 2019, Whatcom County Superior Court approved a joint motion filed by the state and the plaintiff's counsel revising the outcomes regarding youth who run away from foster care. The order established three new measures to evaluate the state's success in preventing runaways and shortening the time youth are missing. The new measures set goals for addressing the needs of youth who run from foster care once or more than once, as well as focusing on the length of time a youth is missing.

In March 2022, DCYF filed and provided a report to plaintiffs' counsel indicating that it had achieved the final enforceable outcome under the revised agreement.

Related Links:

[National Center for Youth Law](#)

[Civil Rights Litigation Clearinghouse](#)

Operating under a settlement agreement

Arizona

B.K. v. Faust (also known as B.K. v. McKay and B.K. v. Flanagan)

Filing Date: February 2015

Settlement Agreement: February 2021

The lawsuit alleged a severe shortage of health care services, an acute lack of foster homes, a failure to preserve family ties once children are in foster care, and a failure to conduct timely investigations into reports that children have been maltreated while in state care.

Status update

On August 31, 2020, parties to the lawsuit submitted their settlement agreement to the court. On October 13, 2020, the court issued an order granting preliminary approval of the settlement agreement. On February 12, 2021, after a period of public comment, the court approved the settlement agreement.

Related Documents:

[B.K. v. McKay](#) (Click on Legal Documents tab)

[Settlement Agreement](#)

Related Links:

[Children's Rights](#)

[Civil Rights Litigation Clearinghouse](#)

California (Los Angeles County)

Katie A v. Bonta

Filing Date: December 2002

Consent Decree: December 2011

Settlement Agreement: September 2020

This class-action lawsuit against the state and Los Angeles County was filed on July 18, 2002, challenging

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the longstanding practice of confining children who had experienced abuse and neglect, and had unmet mental health needs in hospitals and large group homes instead of providing services that would enable them to stay in their homes and communities. The case was based on alleged violations of Medicaid and the Americans with Disabilities Act. At issue was the state and Los Angeles County's alleged failure to provide wraparound and Therapeutic Foster Care — intensive home and community-based mental health services and supports — that are proven effective in allowing most children to remain safely at home or in a home-like setting.

Los Angeles County first entered into a settlement agreement in 2003. The settlement obligated the county to make comprehensive reforms, including offering family-based wraparound services to children with mental, emotional, and behavioral issues, with the goal of family reunification and reducing multiple and arbitrary placements. The settlement also mandated the immediate closure of MacLaren Children's Center and the reallocation of its funding to home and community-based programs.

Status update

On August 26, 2019, Los Angeles County filed a motion to terminate federal court jurisdiction and release the county from this lawsuit. In May 2020, the parties began settlement negotiations and in September 2020 entered into a new settlement agreement, which as of April 2022, was pending a Motion for Preliminary Approval by the federal court. Under the new settlement agreement, the county agreed to make additional reforms to further improve the care of children and young adults in foster care with mental health needs, including increasing the availability of intensive home-based services for youth in foster care who have experienced, or are at risk of experiencing, placement disruption due to their behavior.

Related Documents:

[Settlement Agreement \(2011\)](#)

[Joint Stipulation re: Class Action Settlement \(2020\)](#)

[Specialty Mental Health Services Reports](#)

Related Links:

[National Center for Youth Law](#)

District of Columbia

LaShawn A. v. Fenty (Also known as LaShawn A. v. Williams, LaShawn A. v. Barry, LaShawn A. v. Dixon, LaShawn A. v. Kelly)

Filing Date: June 1989

Consent Decree: April 1993

Settlement Agreement: August 2020

Consent Decree Exit: June 2021

This case was filed on behalf of children in foster care or known to the District of Columbia child welfare system because of reported abuse or neglect. The complaint alleged violations of the plaintiffs' statutory rights under the Adoption Assistance and Child Welfare Act of 1980, the D.C. Prevention of Child Abuse and Neglect Act of 1977, the Child Abuse Prevention and Treatment Act, the D.C. Youth Residential Facilities Licensure Act of 1986, and the plaintiffs' constitutional rights to due process under the Fifth Amendment.

Status update

The parties submitted a joint motion for exit and sustainability plan on August 29, 2019, which was approved by the court on October 31, 2019. The plan included 19 outcomes to be achieved, self-regulation and public reporting commitments, placement array commitments, and continued monthly review by the court monitor. The Exit and Sustainability Plan detailed that the defendants may independently seek

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to exit court supervision, after they had maintained all outcomes to be achieved for two consecutive six-month reporting periods, by petitioning the court or by other court order.

The District, the Court Monitor, and the Plaintiffs' Counsel came together in Summer 2020 to reach a mutual agreement on exit commitments and timelines, and in August 2020, the judge signed a preliminary settlement agreement to allow the D.C. Child and Family Services Agency to exit court oversight on or before June 1, 2021. This Settlement Agreement included additional commitments to build and maintain a foster placement surplus, continue increased clinical and therapeutic services, and contract for a specialized psychiatric treatment option, as well as maintain commitment to caseload standards and toward self-monitoring and public reporting. Following a hearing on June 1, 2021, the court dismissed the lawsuit. A settlement agreement was reached and a status hearing was scheduled for September 2022.

Related Documents:

[Center for the Study of Social Policy: Progress Reports](#)

[Implementation and Exit Plan](#)

[Exit and Sustainability Plan](#)

[Settlement Agreement](#)

Related Links:

[A Better Childhood](#)

[Civil Rights Litigation Clearinghouse](#)

[News Release from Mayor's Office](#)

Florida

H.G. v. Carroll

Filing Date: February 2018

Settlement Agreement: August 2019

This lawsuit was filed on behalf of approximately 2,000 children in foster care, as well as all those who will enter foster care and whose cases originate in the "Southern Region." The case asserts that the state has failed to address a known drastic shortage of foster homes and lack of mental health treatment for children in the custody of Florida's Department of Children and Families (DCF). A [complaint](#) was filed detailing the impact on children.

Status update

A federal court in Tallahassee ruled on April 17, 2018, that a new class-action civil rights lawsuit targeting specific failings in the Miami-Dade/Monroe Counties' child welfare system should be allowed to proceed. In August, 2019, the department entered into an approved settlement agreement.

Related Documents:

[H.G. v. Carroll](#) (Click on Legal Documents tab)

[Settlement Agreement](#)

[Order approving the Settlement](#)

Related Links:

[Children's Rights](#)

Kansas

M.B. v. Howard (Also known as M.B. V. Colyer)

Filing Date: November 2018

Settlement Agreement: January 2021

This lawsuit was filed by Kansas Appleseed, attorney Lori Burns-Bucklew, the National Center for Youth Law, and Children's Rights on behalf of the approximately 7,600 children who were or would be placed in the state's foster care system. The class-action suit alleged the state violated the rights of children in foster care by shifting them — some of them more than

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100 times throughout their time in care — often from one single-night placement to the next. The plaintiffs charged that the practice rendered children in foster care effectively homeless.

Status update

In July 2020, the parties reached a settlement agreement, which included goals for improvements and changes that state agencies would be required to meet. Under the agreement, the state would be required to end the practice of housing children in offices and hotels as temporary placements, and in overcrowded placements. On January 28, 2021, a federal judge [approved](#) the settlement agreement.

Related Documents:

[Complaint](#)

[Settlement Agreement](#)

[M.B. v. Howard](#) (Click on Legal Documents tab)

Related Links:

[Children's Rights](#)

[Civil Rights Litigation Clearinghouse](#)

Minnesota (Hennepin County)

T.F. v. Hennepin County

Filing Date: May 2017

Settlement Agreement: December 2019

This class-action lawsuit was filed in U.S. District Court on behalf of 10 minors against Hennepin County and seven county and state officials, citing the county's inability to protect children who have been abused or neglected. While the lawsuit was primarily against Hennepin County, the Minnesota Department of Human Services was listed as a co-defendant. The lawsuit pertains to two classes of children who have "suffered harm or risk of harm caused by the systemic failures of

Hennepin County and responsible Hennepin County and State of Minnesota officials in implementing its child protection system." The suit claims the county has failed to: investigate reports that children have been abused or neglected; provide appropriate services to children and their families; and provide safe and appropriate foster care placements for children.

Status update

The lawsuit resulted in a Settlement Agreement that took several months to mediate between the parties. There is no third party monitor involved in this agreement. The final Settlement Agreement was officially ordered in Federal District Court on December 19, 2019.

Related Links:

[A Better Childhood](#)

Missouri

M.B. v. Tidball

Filing Date: June 2017

Settlement Agreement: December 2019

This federal lawsuit, filed by nonprofit litigator Children's Rights along with the National Center for Youth Law, alleged violations of Substantive Due Process, Procedural Due Process, and Title IV-E of the Social Security Act. It was the first class-action lawsuit pertaining to the overuse of psychotropic medications among vulnerable, at-risk populations — such as Missouri's 13,000 children in foster care.

Status update

The court dismissed the count pertaining to Title IV-E violations on the grounds that there was no private right of action to sue. In January 2018, the court ruled that a class-action lawsuit related to Missouri's use of psychotropic medications for youth in foster care could continue, and in July 2018, the court granted class-action status to the lawsuit.

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On November 6, 2019, the parties filed a joint motion for final approval of a class-action settlement. A fairness hearing was held on November 20, 2019, and the judge issued a Report and Recommendation indicating that the settlement should be approved and the case be dismissed with prejudice. On December 5, 2019, the court granted the parties' motion for final approval of the class-action settlement. The settlement agreement defined the exit criteria, with the state able to exit the agreement once the criteria have been met for three consecutive six-month reporting periods.

Related Documents:

[M.B. v. Tidball](#) (Click on Legal Documents tab)

[Joint Settlement Agreement](#)

Related Links:

[Children's Rights](#)

[Civil Rights Litigation Clearinghouse](#)

New Jersey

Charlie and Nadine H. v. Murphy (Also known as Charlie and Nadine H. v. Corzine)

Filing Date: August 1999

Consent Decree: 2003

Settlement Agreement: July 2006 (modified)

Plaintiffs filed this class action on behalf of children in the custody of the New Jersey Division of Youth and Family Services (DYFS). The complaint alleged violations of the children's constitutional rights and their rights under Title IV-E, the Child Abuse Prevention and Treatment Act, Early Periodic Screening Diagnosis and Treatment, § 504 of the Rehabilitation Act, the Americans with Disabilities Act, and the Multiethnic Placement Act (MEPA).

Status update

In July 2006, a Modified Settlement Agreement was finalized. In November 2015, after years of continued progress, a Sustainability and Exit Plan was entered, which required the New Jersey Department of Children and Families (DCF) to maintain 11 "Foundational Elements" and to achieve 48 "To be Maintained" and "To be Achieved" performance measures. According to the monitoring report released March 2022 by the Center for the Study of Social Policy (which serves as the court-appointed monitor), DCF has continued to maintain all foundational elements and has met 44 of 48 performance measures, even with the challenges associated with the COVID-19 pandemic. Most of the remaining measures to be achieved were historically measured through DCF's qualitative review process (due to the pandemic, DCF's qualitative review process was suspended, and DCF is currently redesigning its Continuous Quality Improvement processes).

At a recent status conference before the court, the parties announced that after months of negotiations, they had reached an Exit Plan and Agreement. Pursuant to that agreement, which remained pending for signature, court oversight could terminate by the end of 2022, with exit followed by a six-month "transition period."

Related Documents:

[Sustainability and Exit Plan](#)

[Charlie and Nadine H. v. Christie](#) (Click on Legal Documents tab)

[Charlie and Nadine H. v. Murphy Progress Report: January 1 to June 30, 2021](#)

Related Links:

[Children's Rights](#)

[Civil Rights Litigation Clearinghouse](#)

Can you share a summary of child welfare consent decrees?

New Mexico

Kevin S. v. Jacobson

Filing Date: September 2018

Settlement Agreement: March 2020

On September 22, 2018, 13 children in foster care and nonprofit organizations Disability Rights New Mexico and Native American Disability Law Center filed a complaint on behalf of a class of trauma-impacted children in the custody of New Mexico's child welfare system. The complaint laid out the steps the state should take to ensure that children in foster care are adequately supported, including: screening for trauma and the provision and ongoing monitoring of appropriate, adequate, and coordinated behavioral and mental health services; holistic wraparound services; and a commitment of resources for additional case workers, mental health professionals and foster parents with appropriate training and expertise to ensure stable and supportive placements.

Status update

In March 2020, the State of New Mexico's Children, Youth & Families Department and Human Services Department reached a settlement agreement with the youth in foster care and their advocates.

Related Documents:

[Complaint](#)

[Settlement Agreement](#)

[Settlement Agreement Progress Report \(2021\)](#)

Related Links:

[Plaintiff Profile Kevin S. v. Jacobson](#)

[News Release: New Mexico Children, Youth & Families](#)

Oklahoma

D.G. v. Yarbrough (Also known as D.G. v. Henry)

Filing Date: February 2008

Settlement Agreement: February 2012

Children's Rights, along with Oklahoma law firms Fredric Dowart Lawyers, Seymour & Graham LLP, Day, Edwards, Propester & Christensen PC, and international firm Kaye Scholer, filed this case against the governor of Oklahoma and commissioner of the Department of Human Services (DHS) on behalf of nine named plaintiffs and more than 10,000 children in Oklahoma who had been removed from their homes by the state. The litigation alleged violations of the constitutional rights of the children in the state's care by routinely placing them in unsafe, unsupervised, and unstable living situations, where they were frequently subjected to further maltreatment.

Status update

The Pinnacle Plan — which DHS began implementing in July 2012, six months after the Settlement Agreement was reached — was a five-year plan that included cutting down on placements, recruiting more foster families, lowering caseloads, eliminating shelter use, and raising worker salaries and foster family payments. A three-member monitoring panel (known as Co-Neutrals) oversees the agreement.

As a consequence of the COVID-19 pandemic, the parties agreed in December of 2021 to enter into an abeyance agreement, which postponed "good faith" assessments by the Co-Neutrals for seven of the 29 remaining metric standards in the Pinnacle Plan. When "good faith" determinations resume, the Co-Neutrals will continue their assessments until all seven of the impacted metrics have achieved two successive years of "good faith" findings, inclusive of those "good faith" findings made prior to the abeyance agreement.

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The 22 metrics not impacted by the abeyance continue to be judged under the “good faith” standard as before. DHS achieved “good faith” findings for all 22 in a [January 2022 assessment](#). Should DHS achieve “good faith” findings for these metrics through the next two Co-Neutrals assessments, the 22 metrics no longer will be subject to further reviews.

Related Documents:

[The Oklahoma Pinnacle Plan](#)

[Complaint](#)

[Compromise and Settlement Agreement \(January 2012\)](#)

[D.G. v. Yarbrough](#) (Click on Legal Documents tab)

Related Links:

[A Better Childhood](#)

[Children’s Rights](#)

[Reforming the child welfare system: A progress report](#)

[News Release: OKDHS Receives Positive Report for Pinnacle Plan](#)

Oregon

A.R., a minor child, and B.C., a minor child, by their guardian ad litem Richard Vangelisti v. State of Oregon, et al.

Filing Date: September 2016

Settlement Agreement: November 2016

The class-action suit alleged that the Oregon Department of Human Services (DHS) practice of housing some children in hotels and offices violated federal and state laws. A disproportionate share of the children in foster care placed in temporary quarters had mental disabilities, including behavioral and psychiatric impairments. By housing these children in hotels, offices, and even a juvenile detention facility, the

lawsuit alleged that the state denied them access to the family-like environment and stability that the state should provide for all children in its care.

Status update

On November 17, 2016, an interim settlement was reached between the agency and the lawyers for the children in foster care. A joint statement from DHS and Youth, Rights & Justice said the settlement stipulated that DHS would not place children in jails without charges or hospitals without a medical reason, and DHS agreed not to house children in its offices unless there are no safe hotels nearby. Agency staff also were to transport children in state custody staying at hotels or its offices to school or day care. In May 2017, the plaintiffs broke off negotiations and cited data on the number of children still sleeping in hotels or offices. The data was brought forward in a new plaintiffs’ filing that restated their demand that the state stop placing children in foster care in hotels, agency offices, juvenile detention centers, or other unlicensed locations.

In February 2018, the State of Oregon and advocates representing children in foster care agreed to settle the lawsuit. The agreement applies to all children in foster care and set deadlines for dramatically reducing the practice of lodging children brought into state protective care in hotel and motel rooms or child welfare offices.

Related Documents:

[Settlement Agreement](#)

Rhode Island

Andrew C. v. Raimondo

Filing Date: September 2007

Settlement Agreement: January 2018

This lawsuit charges Rhode Island’s Department of Children, Youth and Families (DCYF) with failing to ensure the safety and well-being of more than 3,000 children in state custody. Plaintiffs’ allege the following

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systemic problems: frequent abuse and neglect of children in foster care; placement of children in large orphanage-like institutions; and a lack of essential medical, dental, and mental health services.

Status update

In January 2018, the parties reached a comprehensive settlement agreement to resolve the lawsuit, and on May 9, 2018, a federal court approved the settlement agreement with plaintiff Children's Rights. DCYF has been working with Children's Rights and a monitoring team on the implementation of the terms of the settlement agreement. Through the first four reporting periods, DCYF successfully achieved three of the 12 strategic measures identified in the settlement agreement. In accordance with the terms of the settlement agreement, DCYF has established a corrective action plan to address the areas of non-compliance and has expressed its commitment to satisfy the terms of the settlement agreement.

Related Documents:

[Andrew W. v. Raimondo](#) (Click on the Legal Documents tab)

[Andrew C. v. Raimondo Monitoring Team Report: January 1 to June 30, 2020](#)

Related Links:

[Children's Rights](#)

South Carolina

Michelle H. v. McMaster (Also known as Michelle H. v. Haley)

Filing Date: January 2015

Settlement Agreement: June 2016

A federal class-action lawsuit was filed by Children's Rights on behalf of 11 plaintiffs against the governor and the South Carolina Department of Social Services (DSS), alleging a lack of health care and other basic

services was endangering children in the child welfare system. The complaint alleged drastic foster home shortages, excessive caseloads for agency workers, and a failure to provide children with basic health care. The complaint further alleged that child maltreatment while in foster care went without investigation, and inaccurate data masked higher rates of abuse and neglect than the state reports to the federal government.

Status update

In June 2016, DSS signed a settlement agreement to resolve the lawsuit, and on October 4, 2016, a federal judge approved the agreement, which requires the state to satisfy dozens of provisions relating to caseloads, investigations, placements, visitation, and health care.

On August 15, 2019, the court issued an order stating that DSS satisfy the settlement agreement requirements to have reached a set of benchmarks by July 1, 2020, which the agency had yet to achieve. A Monitoring Report outlined progress on six key items, including: caseloads; visits between case managers and children; investigations; placements; family time; and healthcare — but indicated that work is still needed to improve outcomes for children and families.

Related Documents:

[Settlement Agreement](#)

[Progress Report: October 1, 2020 to March 30, 2021](#)

Related Links:

[Civil Rights Litigation Clearinghouse](#)

Exited consent decree, case dismissed, or case closed

Alabama

R.C. v. Wally (also known as (R.C. v. Petelos, R.C. v. Nachman, R.C. v. Hornsby, and R.C. v.

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Cleveland)

Filing Date: November 1988

Consent Decree: December 1991

Consent Decree Exit: January 2007

This lawsuit alleged that the Alabama Department of Human Resources (DHR) failed to preserve the families of — and provide treatment to — children with emotional or behavior disorders. Plaintiffs alleged that the state agency failed to provide: in-home supports and other services needed to preserve family unity; and appropriate care, treatment, and services after removal from home. Plaintiffs asserted that DHR violated their constitutional rights to family integrity, proper care while in state custody, adequate mental health care, reasonable efforts toward reunification, and freedom from discrimination on the basis of their disabilities in violation of § 504 of the Rehabilitation Act.

Status update

In August 2005, DHR submitted a performance report and a second motion for an order terminating the consent decree. Following submission of the monitor's report, the court ordered the monitor to complete an extensive qualitative and quantitative review process to determine the counties' current compliance with the consent decree. In January 2007, the U.S. District Court for the Middle District of Alabama, Northern Division, terminated the consent decree in a 148-page order. Subsequently, the U.S. Court of Appeals for the Eleventh Circuit upheld the lower court's decision.

Related Documents:

[Implementation of Consent Decree](#)

[Memorandum Opinion and Order](#)

Connecticut

Juan F. v. Lamont (Also known as Juan F. v. Rell and Juan F. v. Malloy)

Filing Date: December 1989

Consent Decree: January 1991

Consent Decree Exit: March 2022

This lawsuit charged that the Connecticut Department of Children and Families (DCF) was underfunded and understaffed, child abuse complaints were not investigated, high caseloads overwhelmed social workers, and the limited supply of foster parents were underpaid and inadequately trained. Plaintiffs brought claims under the reasonable efforts provisions of the Title IV-E, Due Process Clause, and the "right to liberty and family integrity" protected by the First, Ninth, and 14th Amendments.

Status update

The exit plan approved in July 2006 contained 22 outcome measures that had to be met and sustained for six months before exit. In March 2022, the parties to the class action filed a motion to exit the federal court oversight. Days later, the chief judge ruled that the defendants had met all the requirements and issued an order [closing the case](#).

Related Documents:

[Juan F. v. Lamont Exit Plan Status Report](#)

[Juan F. v. Lamont](#) (Click on Legal Documents tab)

Related Links:

[Children's Rights](#)

Kansas

Sheila A. v. Whiteman (Also known as Sheila A. v. Finney)

Filing Date: September 1990

Settlement Agreement: June 1993

Settlement Agreement Exit: June 2002

A Topeka child guardian filed a class-action suit against the Kansas Department of Social and Rehabilitation

What is a summary of child welfare class-action litigation?

Services (SRS) that focused on lack of adequate placements for children entering foster care. Plaintiffs alleged that the Kansas child welfare system violated Title IV-E, the federal Child Abuse Prevention and Treatment Act, the Federal Due Process Clause, the Kansas Code for Care of Children, and the Kansas Constitution. The Kansas system allegedly had a number of deficiencies, including the highest recidivism rate in the country, with children returned to their parents often needing to be placed into foster care again.

Status update

In June 1992, the defendants filed a motion to dismiss the plaintiffs' Title IV-E claims. The motion was granted in October 1992. While the appeal was pending, the parties reached a settlement agreement in June 1993. The settlement agreement mandated wholesale changes in the Kansas child welfare system. Implementation of reforms under the settlement began in January 1994. Pursuant to the agreement, an internal departmental quality assurance unit was established to assess compliance and an independent state auditing agency, the Legislative Division of Post Audit, also was charged with conducting ongoing performance audits. Due to the state's success in implementing the settlement agreement, the state exited from the agreement in June 2002. SRS and the plaintiffs agreed to replace the settlement agreement with internal monitoring from SRS's Quality Assurance Unit. The unit is responsible for overseeing the quality of SRS's supervision of children.

Related Links:

[Sheila A v. Finney](#)

Massachusetts

Connor B. v. Patrick

Filing Date: April 2010

Case Dismissed: November 2013

This lawsuit was filed against the Massachusetts governor, the secretary of the Massachusetts Executive Office of Health and Human Services, and the commissioner of the Massachusetts Department of Children and Families. The complaint alleged violation of the constitutional rights of children in foster care by placing them in dangerous and unstable placements after removing them from their families' care. According to the complaint, youth in foster care suffered abuse in state-supervised placements at almost four times the national average, and a third of youth in foster care in the state were moved between at least five different placements during their time in foster care. The complaint also alleged that the state had failed to prepare and support adequately families for reunification.

Status update

The case was dismissed on November 22, 2013. The U.S. District Court judge ruled that the plaintiffs had not shown that the constitutional rights of children in foster care had been violated. The judicial opinion acknowledged there were real problems in the Massachusetts foster care system but noted that the problems arose largely from "budgetary shortfalls" rather than "management myopia" and stated that as taxpayers, "We are all complicit in this financial failure." On December 15, 2014, the U.S. Court of Appeals for the First Circuit affirmed the lower court's granting of judgment on partial findings, the chief judge concluding that the case "end[s] where we started, directing these matters to the attention of the state legislature and the Governor."

Related Documents:

[Connor B. v. Patrick](#) (Click on Legal Documents tab)

Related Links:

[Children's Rights](#)

[Civil Rights Litigation Clearinghouse](#)

What is a summary of child welfare class-action litigation?

Nevada

Henry A. v. Willden

Filing Date: April 2010

Consent Decree: July 2015

Case Closed: November 2015

Following the dismissal of a similar lawsuit (Clark K. v. Willden), 13 children in foster care in Clark County, Nevada, filed a new complaint. The plaintiffs charged the defendants with violations of state and federal statutes, and the due process clause of the U.S. and Nevada constitutions. The suit sought monetary damages as well as systemic improvements on behalf of those children and three discrete classes, which included: (1) children who have not been appointed a guardian ad litem to represent them in their court proceedings; (2) children who have not been referred to Early Intervention Services; and (3) children who have not had a case plan developed containing the relevant information for foster parents. These classes constituted more than half of the approximately 3,600 children in foster care in Clark County (which encompasses over 70% of Nevada's population).

Status update

The National Center for Youth Law first filed in August 2006 a lawsuit on behalf of children who had been abused and neglected in an attempt to improve Clark County's child welfare system. The court failed to certify the class because all plaintiffs had either aged out of the system or were adopted; however, the organization filed a new lawsuit in 2010. In 2012, The Ninth Circuit Court of Appeals overturned a U.S. District Court's ruling that dismissed the 2010 lawsuit against Clark County. On February 27, 2013, the U.S. District Court issued a decision allowing Henry A. v. Willden to proceed to trial.

In 2014, in the midst of trial preparation and shortly after the plaintiffs served their expert witness reports,

the parties entered into settlement discussions. The talks resulted in a settlement agreement, inclusive of damages. On November 12, 2015, the plaintiffs filed a stipulation to close the case, and the court granted the stipulation four days later.

Related Links:

[National Center for Youth Law](#)

[Civil Rights Litigation Clearinghouse](#)

New Mexico

Joseph and Josephine A v. Bolton

Filing Date: July 1980

Consent Decree: September 1983

Case Closed: 2005

On September 23, 1983, the court approved a consent decree, which set forth a detailed framework for restructuring New Mexico's foster care system to establish permanent plans for children in foster care within six months of their entry into care. In addition, the decree contained provisions governing employee qualifications, social worker training, case planning, caseload size, adoptions, computerized records, citizen review boards, and monitoring of compliance.

Status update

In 2003, the court approved a new Stipulated Exit Plan, encompassing the parties' agreements in the Memorandum of Understanding. External expert consultants met with the New Mexico Children, Youth, and Families Department case managers every 60 days in cases where a child's permanency goal is adoption, to ensure adequate efforts were being made to recruit adoptive homes, finalize adoptions, and find permanent families for children who need them. In 2005, the U.S. District Court ordered an end to court oversight, and the case was concluded.

What is a summary of child welfare class-action litigation?

Ohio

Roe v. Staples

Filing Date: October 1983

Consent Decree: August 1986

Consent Decree Exit: June 2016

This lawsuit concerned whether children in foster care and their parents received pre-removal and prompt reunification services consistent with their rights pursuant to federal child welfare statutes and the 14th Amendment. Plaintiffs alleged that the Hamilton County Department of Human Services in Ohio failed to comply with Title IV-E, and that the Ohio Department of Human Services failed to properly monitor the county's compliance with federal law.

Status update

The consent decree required the state to monitor county performance to ensure compliance with federal law and complete an assessment to quantify the number and types of services needed by families and children. Ohio resolved the monitoring component of the decree in 2015, more than 30 years after execution of the initial decree. On June 27, 2016, the U.S. District Court announced that the state completed all requirements and that Ohio had successfully exited from the consent decree.

South Dakota

Oglala Sioux Tribe v. Luann Van Hunnik

Filing Date: 2013

Case closed: January, 2020

Three American Indian parents, the Oglala Sioux Tribe, and the Rosebud Sioux Tribe filed a class-action lawsuit to challenge the continued removal of American Indian children in Pennington County, South Dakota, from their homes based on insufficient evidence and without proper hearings, in violation of the Indian Child

Welfare Act (ICWA) of 1978 and the constitutional right to due process.

Status update

In March 2015, a court issued a partial summary judgment in favor of the plaintiffs regarding emergency removal hearings, also known as "48-hour hearings," in Pennington County. In August 2016, the court convened a compliance hearing, which revealed the scope of the defendants' inaction. In December 2016, the court issued a finding that the defendants "continue to disregard his prior rulings" and ordered "an immediate halt" to further violations, accompanied by a formal injunction, indicating that a failure to comply could result in a contempt of court citation.

In September 2018, a federal appeals court sided with state agencies in South Dakota in regard to the earlier district court ruling, but in a unanimous decision, the U.S. Court of Appeals for the Eighth Circuit set aside the ruling, saying the lower court order went too far by ordering the state improve compliance with ICWA. Following this decision, the defendants filed a motion to dismiss and on January 16, 2020, the court granted it. The case is now closed.

Related Links:

[Oglala Sioux Tribe v. Van Hunnik](#)

[Civil Rights Litigation Clearinghouse](#)

Tennessee

Brian A. v. Haslam (Also known as Brian A. v. Sundquist, Brian A. v. Bredeesen, and Brian A. v. Hattaway)

Filing Date: May 2000

Consent Decree: July 2001

Consent Decree Exit: February 2019

Plaintiffs filed this lawsuit on behalf of more than 9,000 children in foster care who were in the legal

What is a summary of child welfare class-action litigation?

custody of Tennessee's Department of Children's Services (DCS), alleging that DCS systematically failed to provide the children and their families with legally required placements and services. The lawsuit sought to end ongoing violations of rights that endangered the children's health and well-being, and ensure that DCS provided proper protection and care.

Status update

On July 18, 2017, a U.S. District Court judge approved an agreement that required an independent commission to continue to conduct oversight of DCS for 18 months. The External Accountability Center subsequently published three public reports at six-month intervals covering the 18-month period from January 1, 2017, through June 30, 2018.

In 2019, the state was granted exit from the court-ordered improvements and the oversight [ended](#) in February 2019.

Related Documents:

[Brian A. v. Haslam](#) (Click on Legal Documents tab)

[Tennessee Accountability Center Monitoring Report](#)

[Brian A. v. Haslam Fact Sheet](#)

[Order Dismissing the Case](#)

Related Links:

[Children's Rights](#)

Utah

David C. v. Huntsman (Also known as David C. v. Leavitt)

Filing Date: 1993

Consent Decree: 1994

Case Dismissed: January 2009

This lawsuit, filed by the National Center for Youth Law, alleged that the state's treatment of children in foster care violated federal and state law because they were placed in unsafe living conditions and not provided with the services and supports to which they were entitled.

Status update

On May 14, 2007, the parties submitted a new agreement that would dismiss the case without prejudice. The agreement provided that if the state continued to comply with the material terms, the lawsuit would be dismissed with prejudice in December 2008 and no further relief would be available to the plaintiffs. In January 2009, the federal court dismissed the lawsuit with prejudice.

Related Links:

[National Center for Youth Law](#)

Wisconsin

Jeanine B. v. Doyle (Also known as Jeanine B. v. Walker)

Filing Date: June 1993

Consent Decree: December 2002

Consent Decree Exit: September 2021

This suit against the governor of Wisconsin was brought on behalf of children in foster care and other victims of child abuse and neglect in Milwaukee County. The complaint alleged that plaintiffs did not receive: timely and appropriate investigations of maltreatment; services to prevent entry into foster care; or appropriate case planning and services once they entered foster care. The suit also alleged that children were placed in inadequate and unmonitored foster homes, their cases lacked permanency planning, and that children with disabilities in the foster care system were discriminated against in case planning and services. The lawsuit sought injunctive relief to ensure that the county's foster care system complied with federal and state law.

What is a summary of child welfare class-action litigation?

Status update

In 2002, the parties entered into a settlement agreement. By December 2017, significant reform had been made in Milwaukee County, including: lower rate of abuse; higher percentage of adoptions within 24 months of entering care; and more manageable caseloads. As a result, the county had been released from 17 of the 18 enforceable agreement provisions. In 2021, a request was sent to the court for the case to be dismissed, and in September of that year, a judge terminated both the consent decree and the settlement agreement.

Related Documents:

[Jeanine B. Settlement Agreement Report of the Division of Milwaukee Child Protective Services](#)

[Termination of Settlement Agreement and Consent Decree](#)

Related Links:

[Civil Rights Litigation Clearinghouse](#)

[Children's Rights](#)

[Settlement Information from Wisconsin Department of Children and Families](#)

Litigation pending in courts

Alabama

A.A., B.B., C.C., and D.D. v. Buckner

Complaint Filing Date: May 2021

This class-action complaint against the Alabama Department of Human Resources (DHR) and its commissioner, filed on behalf of four children in foster care, alleged that DHR discriminated against children in foster care who have mental impairments, pointing to their segregation in restrictive institutional placements (known as psychiatric residential treatment facilities) in violation of Title II of the Americans with Disabilities Act. The lawsuit stated that children were placed in the

facilities unnecessarily and that children remained in the facilities for longer than necessary rather than moving them to less-restrictive, family settings.

Status update

On July 27, 2021, DHR filed a Motion to Dismiss that was granted in part on October 29, 2021. The plaintiffs, however, were allowed to file an amended complaint, which they did on November 19, 2021. The deadline for class certification is January 5, 2023, and the case is set for trial on September 18, 2023.

Related Documents:

[Jenny C. and Christine F. v. Buckner Class Action Complaint](#)

Related Links:

[News Story](#)

Alaska

Jeremiah M., Hannah M. and Hunter M. v. Crum

Complaint Filing Date: May 2022

This federal class-action lawsuit was filed on May 19, 2022, against the Alaska Department of Health and Social Services and the Office of Children's Services. The suit was filed on behalf of 13 children and claimed that the state knew about widespread adoption issues and has not addressed the problems. The problems include cases involving caseworkers, a high turnover of workers, a small number of adequate nurseries, and a lack of adequate support to place children in foster care with family members.

Related Documents:

[Class Action Complaint](#)

Indiana

Ashley W. v. Holcomb

Complaint Filing Date: June 2019

What is a summary of child welfare class-action litigation?

This class action was filed on June 25, 2019, in federal court in Evansville, Indiana. The plaintiffs include nine children between the ages of 3 and 16, with the complaint alleging that the Indiana Department of Child Services (DCS) had inadequately assessed and responded to reports of child abuse and neglect, and that the state lacked a sufficient placement array, which has led to an overreliance on institutional settings and emergency shelter care. The suit also claimed that the state had failed to adequately train, supervise, and retain caseworkers, and lacked a sufficient continuum of services necessary to meet the needs of children and families involved with the system.

Status update

DCS filed motions to dismiss the case, which the judge denied but placed a stay on discovery. DCS appealed the denial to dismiss and the parties argued the case. They await a decision (as of April 2022).

Related Documents:

[Ashley W. v. Holcomb Class Action Complaint](#)

Maine

Bryan C. v. Lambrew

Complaint Filing Date: January 2021

Children's Rights, civil legal aid advocate Maine Equal Justice, and a private law firm filed this class-action lawsuit against the Maine Department of Health and Human Services and the Office of Child and Family Services on January 6, 2021. The complaint alleges: 1) insufficient medical and mental health records for children in foster care; 2) lack of adherence to an informed consent policy; and 3) inadequate secondary review of psychotropic medication.

Status update

A Motion to Dismiss was filed on October 4, 2021.

Related Documents:

[Bryan C. v. Lambrew](#) (Click on Legal Documents tab)

[Order on Defendants' Motion to Dismiss](#)

Related Links:

[Children's Rights](#)

New Hampshire

G.K. v. Sununu

Filing Date: January 2021

On January 5, 2021, the ACLU of New Hampshire, Disability Rights Center – NH, New Hampshire Legal Assistance, Children's Rights, and a private law firm filed a lawsuit alleging unnecessary placement in group and residential placements for older youth who need mental health treatment and would benefit more through support from their community while living with family or in a foster family.

Status update

In September 2021, a [Motion to Dismiss Order and Opinion](#) was filed. In December 2021, a [Motion to Compel](#) was filed.

Related Link:

[Children's Rights](#)

New York City

Elisa W. v. The City of New York

Lawsuit Filing Date: July 2016

This lawsuit alleges that the New York City Administration for Children's Services (ACS) and the New York State Office of Children and Family Services

What is a summary of child welfare class-action litigation?

(OCFS) are causing real or potential irreparable harm to children in custody by failing to: protect children from maltreatment; ensure services provided are effective and of acceptable quality; ensure appropriate placements; provide children with permanent homes and families and reunification within a reasonable time; and properly address structural deficiencies in the New York City child welfare system.

Status update

On March 22, 2021, parents' advocate groups filed an amicus brief opposing the plaintiffs' renewed class certification motion. On September 3, 2021, the court ruled in the advocate groups' favor, denying the renewed class certification. Plaintiffs filed an appeal and the court ordered a stay on the underlying case while the appeal is pending. On April 19, 2022, plaintiffs filed their brief with the appeals court.

Related Links:

[Civil Rights Litigation Clearinghouse](#)

[A Better Childhood](#)

Ohio

H.C. v. DeWine

Lawsuit Filing Date: November 2020

This lawsuit was filed on November 19, 2020, against the Ohio governor and the director of the Ohio Department of Human Services. The lawsuit alleges that the state failed to provide financial support to relatives providing care to their kin in foster care.

Status update

After signing a bill into law that authorizes more financial resources per child per day to kinship caregivers in July 2021, Gov. Mike DeWine prevailed in his request asking the court to dismiss the lawsuit. In December 2021, Children's Rights filed a brief urging a federal appeals court to reverse the decision to dismiss. Eleven national

and seven Ohio-based child welfare organizations have filed amicus briefs in support of this position.

Related Documents:

[H.C. v. DeWine](#) (Click on Legal Documents tab)

Related Links:

[Children's Rights](#)

Oregon

Wyatt B. v. Governor Brown

Lawsuit Filing Date: April 2019

On April 16, 2019, [A Better Childhood](#) filed a lawsuit against the Governor of Oregon on behalf of 10 children in foster care, ages 1 to 17, who are representative of the 8,000 children in Oregon's foster care system. The lawsuit alleges that the state has failed to: protect children; ensure their constitutional rights; provide necessary services; and place them in safe and appropriate homes.

Status update

In June 2019, the parties convened settlement negotiations, which were not successful. In July 2019, the defendants filed a [Motion to Dismiss](#), and in August 2019, the plaintiffs filed [their response](#). On September 27, 2021, a judge filed an [opinion and order on the motion to dismiss](#), keeping alive the class-action lawsuit. The state moved to appeal and in November 2021, the plaintiffs wrote a [response](#) to that motion.

Related Links:

[Civil Rights Litigation Clearinghouse](#)

[Disability Rights Oregon: Wyatt B v Brown](#)

Texas

M.D. v. Abbott (also known as M.D. v. Perry)

Lawsuit Filing Date: March 2011

What is a summary of child welfare class-action litigation?

Final Order in effect: January 2018

On March 29, 2011, Children's Rights filed a federal lawsuit against Texas officials generally alleging constitutional violations against children in Permanent Managing Conservatorship (PMC) in the Department of Family and Protective Services (DFPS) and seeking to impose federal monitoring and oversight of the state foster care system. The suit was filed on behalf of nine plaintiffs, representing the more than 12,000 children in foster care who are in the permanent managing conservatorship of DFPS.

Status update

The U.S. District Court entered a [Final Order](#) in the case on January 19, 2018, which included an injunction against Texas. The state appealed and the U.S. Court of Appeals for the Fifth Circuit issued [an opinion](#) on October 18, 2018, upholding some provisions of the injunction and modifying others. In turn, the District Court [modified its final injunction](#) on November 20, 2018, which the state also appealed. The Fifth Circuit issued [an opinion](#) on July 8, 2019, that upheld and overturned parts of the lower court's final injunction.

The final injunction then went into effect, and a court-appointed monitoring team has been assessing compliance with the provisions of the final injunction. The monitors have issued three compliance reports and several issue-specific reports in the nearly three years of compliance monitoring. In response to several emergent issues in the state's foster care system during 2021 and 2022, a panel of experts made [additional recommendations](#) about the Texas system. The state has committed to implement many of the recommendations.

Related Documents:

[Monitors Report \(2022\)](#)

[M.D. v. Abbott](#) (Click on Legal Documents tab)

Related Links:

[Children's Rights](#)

[A Better Childhood](#)

[Texas Department of Family and Protective Services](#)

Washington State

D.S. v. Washington State Department of Children, Youth, and Families

Class Action Complaint Filing Date: January 2021

The lawsuit alleges that the Washington Department of Children, Youth, and Families (DCYF) has violated the rights of children in foster care who have disabilities, calling on DCYF to establish system-wide changes to correct various issues, including: the lack of family reunification services and supports; placement in hotels and state offices or other temporary stays; and the overall limited placement options for children with disabilities who are in foster care.

Status update

On September 1, 2021, DCYF issued its initial [Exceptional Placement Plan](#) to address the issue of children and youth experiencing unstable placements that result in hotel and office stays. A settlement agreement laying out system improvements and exit criteria currently is being developed.

Related Documents:

[Class Action Complaint](#)

[Plaintiffs' Summary of Settlement Agreement](#)

Related Links:

[National Center for Youth Law](#)

[Disability Rights Washington Case Page](#)

What is a summary of child welfare class-action litigation?

West Virginia

Jonathan R. v. Governor Justice

Lawsuit Filing Date: September 2019

On September 30, 2019, [A Better Childhood](#) filed a federal lawsuit on behalf of 12 children in foster care, ages 2 through 17, representing the 6,800 children in foster care in West Virginia. The lawsuit alleged that the state had failed to protect children, ensure their constitutional rights, provide necessary services, and place them in safe and appropriate homes.

Status update

On May 14, 2019, West Virginia entered into a Memorandum of Understanding (MOU) with the U.S. Department of Justice. The MOU required the state to

expand its home- and community-based children behavioral and mental health services to reduce reliance on residential mental health treatment facilities. The agreement would end on December 31, 2024, if certain conditions were met.

In November 2019, the West Virginia Department of Health and Human Services filed a motion to dismiss the lawsuit, which was granted. The plaintiffs appealed the ruling to the U.S. Court of Appeals for the Fourth Circuit, which heard oral arguments on March 9, 2022.

Related Links:

[Jonathan R. v. Justice Memorandum Opinion and Order](#)

1 Casey Family Programs analysis of financial cost data as reported by jurisdictional leads, April 2015.

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