



April 2026

## Summary of child welfare class action litigation

This report was developed and updated in partnership with the [Barton Child Law and Policy Center](#) at Emory University.

Class action litigation has been an increasingly common means to advocate for the reform of what the public perceives as failing government institutions, such as education, law enforcement, and health care. Cases typically are built around an argument that one or more federal statutory or constitutional rights have been violated. In child welfare, class action lawsuits often are resolved through a settlement agreement between the parties, a consent decree, or other judicial order, rather than a judgment following a trial on the merits. These approaches provide ongoing authority to judges, independent monitors, and other oversight bodies to enforce negotiated outcomes and associated performance benchmarks. As reform plans are comprehensive, child welfare class action litigation is both lengthy (the lifespan of a case averages about 11 years) and expensive (including consulting and legal fees, hiring additional staff, and the costs to monitor the requirements of the settlement agreement).

The cases included in this document have been brought by or on behalf of children in foster care and seek comprehensive system reform by addressing alleged constitutional and statutory violations of substantive and procedural rights. Information presented on each case includes: the name of the lawsuit; the date the lawsuit was filed; a description of the case; the latest status update; and links to related resources. The cases are divided into four sections based on the current status of the litigation:

[Jurisdictions operating under court oversight](#)

[Jurisdictions that have exited court oversight](#)

[Jurisdictions where litigation is pending](#)

[Jurisdictions where litigation has been dismissed](#)

## Operating under court oversight

**Description:** *Most cases in this section resulted in a settlement agreement negotiated by the parties and approved by a court. The agreement allows for the dismissal of the case with the court retaining jurisdiction for enforcement if necessary. Other cases resulted in a court-ordered consent decree or in a final order after trial, which allows the case to remain open and the court to actively monitor it.*

### Arizona

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

Filed: February 2015

#### About the Case

Children's Rights brought this lawsuit on behalf of children in Arizona's foster care system. The [complaint](#) alleged violations of federal constitutional and state statutory rights resulting from budget cuts in critical family support services. Specifically, plaintiffs noted: a severe shortage of physical, mental, and behavioral health care services for children; a shortage of family 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 custody.

#### Status Update

In August 2020, the parties submitted their [settlement agreement](#) to the court. In October 2020, the U.S. District Court for the District of Arizona 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 and dismissed the case with prejudice. The court retained jurisdiction to enforce the settlement agreement.

#### Related Links:

[Children's Rights](#)

[Civil Rights Litigation Clearinghouse](#)

### Florida

**H.G. v. Carroll**

Filed: February 2018

#### About the Case

Children's Rights filed this lawsuit against the State of Florida on behalf of children in foster care whose cases originate in Miami-Dade and Monroe counties. The [complaint](#) asserted that the state 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.

#### Status Update

The parties entered a negotiated settlement in March 2019, which included agreement on class certification and a set of outcomes focused on placement stability, mental and behavioral health needs of children, and adequate and licensed placements. The [settlement agreement](#) received final court [approval](#) in August 2019, stipulating that an auditor monitor compliance. The agreement was amended by consent of both parties in August 2024 and again, in April 2025. In November 2025, the court approved an auditor's report dated June 30 and July 31.

#### Related Links:

[Children's Rights](#)

## Georgia

### **Kenny A. v. Kemp (Also known as Kenny A. v. Deal, Kenny A. v. Perdue)**

Filed: June 2002

#### **About the Case**

Children's Rights brought this lawsuit against Georgia's Division of Children and Family Services on behalf of children in foster care in DeKalb and Fulton counties. The [complaint](#) alleged federal and state constitutional and statutory violations resulting from excessive caseloads, inappropriate and unsafe placements, placement instability, failure to achieve timely permanency, inadequate mental health services, and lack of legal representation.

The case resulted in consent decrees in [DeKalb](#) and [Fulton](#) addressing a child's right to counsel, in addition to the general reform [consent decree](#) for the state. DeKalb County successfully exited its decree in 2008, followed by Fulton County in 2011.

#### **Status Update**

In September 2024, the defendants filed a motion to terminate the consent decree, arguing that continued enforcement would be redundant, unnecessary, counterproductive, and inequitable considering the significant improvements already achieved. Plaintiffs filed their initial response November 2024. In response, in April 2025, the plaintiffs filed a motion for order to enforce the 2016 modified consent decree and exit plan.

On August 27, 2025 the court [denied](#) the state's motion to terminate the consent decree and the plaintiff's motion to enforce the consent decree. In September, the state filed a notice of appeal to the United States Court of Appeals for the Eleventh Circuit.

#### **Related Links:**

[Civil Rights Litigation Clearinghouse](#)

[Children's Rights](#)

## Illinois

### **Aristotle P. v. Smith (Also known as Aristotle P. v. Johnson, Aristotle P. v. McDonald)**

Filed: September 1988

#### **About the Case**

Minors in foster care in Illinois, represented by the Office of the Cook County Public Guardian, brought this civil rights action against officials of the Illinois Department of Children and Family Services. The lawsuit challenged the agency's practice of placing siblings in separate foster homes and denying them visitation, alleging various constitutional violations. In March 1994, a [consent decree](#) was entered.

#### **Status Update**

The decree has been extended multiple times, most recently in 2018. No further docket entries have been made.

#### **Related Links:**

[Civil Rights Litigation Clearinghouse](#)

## Illinois

### **B.H. v. Smith (Also known as B.H. v. Johnson, B.H. v. McDonald)**

Filed: June 1988

### About the Case

The American Civil Liberties Union brought this case on behalf of all children who were or would be in the custody of the Illinois Department of Children and Family Services. The [complaint](#) alleged the agency was failing to provide services to the children in its care in violation of rights guaranteed by the 14<sup>th</sup> Amendment of the U.S. Constitution and the federal Adoption Assistance and Child Welfare Act of 1980. In December 1991, a [consent decree](#) was entered that has since undergone multiple modifications by the court.

### Status Update

A [superseding implementation plan](#) was filed in May 2023 setting out the next phase in the department's effort to address the 2015 experts' report. This plan identified seven strategies designed to improve care for all class members, particularly those with psychological, behavioral, or emotional challenges. The department agreed that the plan cannot be terminated until the agency has met improvement goals in criteria specified in the plan. In July 2024, in accordance with the Superseding Implementation Plan, the parties agreed to an extended and revised investigator caseload implementation plan. The court continues to monitor the state's progress through regular progress reports.

### Related Links

[American Civil Liberties Union](#)  
[Civil Rights Litigation Clearinghouse](#)

## Kansas

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

Filed: November 2018

### About the Case

Kansas Appleseed, the National Center for Youth Law, and Children's Rights filed a lawsuit on behalf of children in foster care in Kansas. The [complaint](#) alleged that the state violated the federal constitutional and statutory rights of children in foster care by placing them in inappropriate placements and subjecting them to multiple placement moves unnecessarily. The complaint also alleged that the Kansas Department of Children and Families failed to provide children in foster care with mental and behavioral health services and treatment as mandated by the Medicaid Act.

### Status Update

In July 2020, the parties reached a [settlement agreement](#), which included goals for improvements and required systemic changes. Under the agreement, the state is required to end the practice of housing children in offices and hotels as temporary placements. The court approved the settlement agreement in January 2021. The agreement was modified by joint motion in April 2023.

The Center for the Study of Social Policy issues [reports](#) assessing Kansas' progress toward achieving the goals under the agreement.

### Related Links

[Children's Rights](#)  
[Civil Rights Litigation Clearinghouse](#)

## Maine

**Bryan C. v. Lambrew**

Filed: January 2021

### About the Case

Children's Rights and Maine Equal Justice filed a class action lawsuit against the Maine Department of Health and Human Services and the Office of Child and Family Services on behalf of children who are or will be in foster care, and who are or will be prescribed or administered psychotropic medication. The [complaint](#) alleges violations of federal constitutional and statutory law arising from insufficient medical and mental health records for children in foster care, lack of adherence to an informed consent policy, and inadequate secondary review of psychotropic medication.

### Status Update

In March 2024, the parties filed a [motion](#) for preliminary approval of a [joint settlement agreement](#). In November 2024, the court conducted a fairness hearing after which it issued its [order granting final approval](#) to the settlement. Accordingly, the case is dismissed, with the court retaining continuing jurisdiction for purposes of enforcing and ensuring compliance for so long as the settlement agreement remains in effect, which is limited to five years from the start date of the implementation reviewer's contract.

### Related Links

[Children's Rights](#)

## Maryland

**L.J. v. Massinga**

Filed: December 1984

### About the Case

The Public Justice Center filed a lawsuit against Maryland's Department of Human Services and the Baltimore City Department of Social Services on behalf of children in foster care. The complaint alleged constitutional and statutory violations resulting from systemic deficiencies in the Baltimore City foster care system. Specific claims cited inappropriate and unsafe placements, inadequate medical care, and a lack of family foster home capacity.

### Status Update

The U.S. District Court for the District of Maryland approved the parties' settlement as part of a consent decree in September 1988. In 1991, a modified consent decree expanded the class to children placed in unlicensed placements with relatives. The court in October 2009 [approved](#) a second modified consent decree, which required an independent verification agent to verify the defendants' compliance and provide feedback for quality improvement purposes.

In December 2023, plaintiffs brought a motion to enforce the consent decree and, in March 2024, defendants filed a motion seeking partial modification of the decree. The court approved the proposed plan, which continues to be monitored as the parties engage in further settlement discussions.

Compliance [reports](#) are accessible through Maryland's Department of Human Services webpage.

### Related Links

[Civil Rights Litigation Clearinghouse](#)

## Michigan

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

Filed: August 2006



### About the Case

Children's Rights filed a lawsuit against state officials in Michigan alleging violations of the constitutional, federal statutory, and federal common law rights of children in foster care. The [complaint](#) alleged that the state failed to: move children quickly into safe, permanent homes; provide children with adequate medical, dental, and mental health services; or prepare children to live independently as adults after exiting the foster care system. The lawsuit further claimed 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

The parties originally settled the case in 2008, and the U.S. District Court for the Eastern District of Michigan approved an implementation, sustainability, and exit plan in 2011. In February 2016, the parties jointly submitted to the court a modified [implementation, sustainability, and exit plan](#) that established a path for the improvement of Michigan's child welfare system. The agreement included various outcome measures to be achieved and maintained by specific dates associated with each measure.

In June 2019, the court approved a [second Modified Implementation, Sustainability, and Exit Plan \(MISEP\)](#), and in January 2024, the MISEP was amended. The court monitors the state's progress through reports and status conferences every six months.

Monitoring [reports](#) are available through Michigan's Health & Human Services website.

### Related Links

[Civil Rights Litigation Clearinghouse](#)

[Children's Rights](#)

## Mississippi

**Olivia Y. v. Barbour (Also known as Olivia Y. v. Reeves and Johnson v. Barbour)**

Filed: March 2004

### About the Case

Children's Rights filed a lawsuit on behalf of children in foster care, claiming that the Mississippi Department of Human Services and Division of Family and Children's Services were failing their obligations to protect abused and neglected children in the state. The [complaint](#) alleged violations of federal constitutional and statutory laws by excessive caseloads, inadequate staffing, insufficient services, and a lack of foster and adoptive homes. The complaint specifically stated that the defendants placed thousands of children in abusive and neglectful foster homes, putting them at significant risk of harm. Since 2014, A Better Childhood has represented the plaintiff class.

### Status update

In December 2016, the court approved a modified settlement agreement requiring biannual reports from a monitor to assess state compliance. In 2021, the parties agreed to a two-year rebuilding period, which placed the 2016 agreement on hold. The initial rebuilding period ended in June 2023 but has been extended multiple times. In October 2024, the court [ordered](#) the modified settlement agreement between the parties to continue under a suspension period until April 2025. The defendants will continue producing data to the monitor during the suspension period under specified deadlines.

### Related Links

[Civil Rights Litigation Clearinghouse](#)

[A Better Childhood](#)

## Missouri

**M.B. v. Tidball**

**Filed:** June 2017

### About the Case

Children's Rights and the St. Louis University Legal Clinic filed a lawsuit on behalf of children who are or will be in foster care in Missouri. The [complaint](#) alleged that the state failed to maintain a system of effective oversight and monitoring of psychotropic medications to children in foster care, violating the children's federal constitutional and statutory rights.

### Status Update

In November 2019, the parties filed a [joint settlement agreement](#) with the court, and in December 2019, the court [approved](#) the agreement, retaining jurisdiction for purposes of enforcement. In February 2024, the court approved technical modifications to several provisions of the settlement agreement and, in December 2025, the parties sought further modifications. A data validator verifies and reports on a semi-annual basis to ensure the defendants' compliance with the exit criteria outlined in the agreement.

Missouri's Psychotropic Medication Advisory Committee [reports](#) are available through the state's Department of Social Services.

### Related Links

[Children's Rights](#)

[Civil Rights Litigation Clearinghouse](#)

## New Mexico

**Kevin S. v. Jacobson**

**Filed:** September 2018

### About the Case

Disability Rights New Mexico and Native American Disability Law Center filed this lawsuit against the state's Children, Youth, and Families Department and its Human Services Department on behalf of children in the custody of New Mexico's child welfare system. The [complaint](#) alleged constitutional and statutory violations arising from the state's failure to: ensure safe, stable, and appropriate placements; maintain adequate staffing; meet the medical, mental health, and behavioral needs of children in state custody; and implement trauma-informed practices.

### Status Update

In March 2020, the parties reached a [settlement agreement](#), which the court approved. In June 2022, the parties entered a Memorandum of Understanding to improve compliance with certain specific outcomes as well as improving the communication between the State and Plaintiffs through increased reporting. In June 2023, the parties entered into a [corrective action plan](#) to bring the department into compliance with the agreement. The plan addressed several issues, including workforce caseload, family-based placements, and out-of-state placements.

In May 2024, the plaintiffs [alleged](#) a breach of the corrective action plan. The issue went to arbitration and remedial orders were issued in January and August 2025, directing the state to continue its progress towards all outcomes and directives. The Arbitrator held status conferences in October and December 2025, noting improved compliance. An evidentiary hearing is set for March 2, 2026, to assess compliance with the Remedial Orders of 2025.

### Related Links

[Civil Rights Litigation Clearinghouse](#)

[Kevin S. Settlement, State of New Mexico Children, Youth, & Families Department](#)

## New York

**C.K. v. Bassett<sup>1</sup>**

Filed: March 2022

### About the Case

Children's Rights, Disability Rights New York, and the National Health Law Program filed a lawsuit on behalf of Medicaid-eligible children and children at risk of enrollment in segregated institutional facilities. The [complaint](#) was filed against the New York State Department of Health Commissioner and the New York State Office of Mental Health Commissioner and described New York's systematic failure to provide the children with legally required mental health care services. The allegations include a failure to: provide intensive home and community-based mental health services; federally funded services specifically designed to prevent unnecessary institutionalization; and provide services in a timely or sufficient manner.

### Status Update

The parties reached a [settlement agreement](#) in early August 2025, and the court subsequently issued an order granting the Motion for Preliminary Approval of the Settlement Agreement. The parties thereafter filed a joint motion for final approval of the agreement and a fairness hearing is scheduled for January 6, 2026.

### Related Link

[Children's Rights](#)

## Oregon

**A.R. and B.C v. State of Oregon**

Filed: September 2016

### About the Case

The Oregon Law Center and Youth, Rights & Justice filed this class action alleging that the Oregon Department of Human Services practice of housing 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 stipulating that the department would not place children in jails without charges or hospitals without a medical reason, or house children in its offices unless there are no safe hotels nearby. The agency also agreed to transport any children staying at hotels or its offices to school or daycare.

In February 2018, the parties agreed to [settle](#) the lawsuit but have returned to court in 2019 and again in July 2023 due to noncompliance. The court appointed a special master to determine the next steps for the department to reestablish compliance.

## Oregon

**Wyatt B. v. Governor Brown (Wyatt B. v. Kotek)**

Filed: April 2019

### About the Case



A Better Childhood and Disability Rights Oregon filed a lawsuit against the Governor of Oregon and the Oregon Department of Human Services on behalf of children in the state's foster care system. The [complaint](#) alleged that the state failed to protect children, ensure their constitutional rights, provide necessary services, and place them in safe and appropriate homes.

#### Status Update

In May 2024, the court entered an [order](#) approving a settlement agreement that will terminate when a neutral monitor determines the agency is in substantial compliance with outcomes specified in the agreement or within 10 years of its effective date, whichever is sooner, unless extended. The court retained jurisdiction only to enforce the agreement. In June 2024, the court [appointed](#) a neutral monitor to provide recommendations of exact steps the agency would need to take in order to meet the goals under the settlement agreement.

In July 2024, the plaintiffs appealed an [order](#) defining “child in care” to the Ninth Circuit. In the order, the district court held children in the legal custody of the Department but physically placed with their parents were excluded from the term “child in care” and were not entitled to due process protections. In September 2024, the court entered a final judgment adopting the settlement agreement and retaining jurisdiction for purposes of enforcement.

In August 2025, the Ninth Circuit [reversed](#) the district court's decision and held children in the legal custody of the Department while placed with their parents are afforded substantive due process protections.

#### Related Links

[Civil Rights Litigation Clearinghouse](#)  
[Disability Rights Oregon](#)

## Pennsylvania

### **S.R. v. Pennsylvania Department of Human Services**

Filed: December 2017

#### About the Case

Disability Rights Pennsylvania filed this lawsuit on behalf of a class of dependent youth with mental health disabilities alleging that the state Department of Human Services (DHS) violated rights provided under the Medicaid Act, Title II of the Americans with Disabilities Act, and section 504 of the Rehabilitation Act by failing to provide medically necessary mental health and child welfare services and failing to prevent unnecessary institutionalization and other forms of discrimination.

#### Status Update

The case was [settled by agreement](#) on terms focused on enhancing service delivery, reducing reliance on congregate care, and increasing the availability of effective, non-residential services for dependent children with mental health disabilities. The settlement agreement received final court approval in October 2025. DHS's compliance with the agreement will be periodically assessed by an independent consultant engaged by the agency, and the agreement will terminate after DHS achieves substantial compliance in three consecutive assessments. In addition, DHS must report regularly on the status of implementation of the requirements of the agreement.

## Rhode Island

### **United States of America v. State of Rhode Island**

Filed: December 2024

#### About the Case

The United States Department of Justice filed a lawsuit on behalf of children with behavioral health disabilities in Rhode Island's foster care system. The [complaint](#) alleges Rhode Island's Department of Children, Youth, and Families has violated Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973 through its mismanagement of its publicly funded behavioral health system, thereby placing children in care in unnecessarily prolonged or avoidable hospitalizations.

#### Status Update

In December 2024, the parties filed a joint motion to approve the [consent decree](#) in the U.S. District Court for the District of Rhode Island, and in January 2025, the court approved it. On May 25, 2025, the appointed monitor submitted to the court its [Children's Behavioral Health Consent Decree Monitoring Plan](#). The court retained jurisdiction to enforce the consent decree.

## South Carolina

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

Filed: January 2015

#### About the Case

Children's Rights brought this suit against the South Carolina Department of Social Services and state officials on behalf of 11 named plaintiffs. The [complaint](#), which was certified as a class action, alleged widespread failures of the state's foster care system, including dangerous placement practices, excessive caseloads, and inadequate medical and mental health services. Despite publicly acknowledging these deficiencies, the state failed to remedy the violations.

#### Status Update

In June 2016, the department signed a [settlement agreement](#) to resolve the lawsuit, which the court approved in October 2016. The settlement requires the state to satisfy dozens of provisions relating to caseloads, investigations, placements, visitation, and health care.

The monitoring team published a [supplemental report](#) on the state's placement crisis in July 2023. The report noted that the placement crisis has reached "new extremes" and that the department requires more resources to make substantial improvements in its placements. The most recent monitoring [report](#), published in September 2025 indicates that the lack of adequate support for maintaining family connections, unaddressed health care needs of children, and placement instability remain challenges for the state.

Joint motions filed in December 2025 seeking court approval of defendants' substantial compliance with and exit from specific provisions of the settlement agreement were granted, and the court acknowledged the agency's genuine progress.

#### Related Links

[Civil Rights Litigation Clearinghouse](#)

## Tennessee

**B.R. v. Quin**

Filed: July 2023

#### About the Case

In July 2023, Children's Rights filed a lawsuit on behalf of immigrant children in Tennessee's foster care system who do not have legal immigration status. The [complaint](#) alleges that the Tennessee Department of Children Services systematically has failed to provide immigration-related services to eligible children in foster care and that its failure to do so prevents these children from applying for the federally funded

immigrant relief program known as “Special Immigrant Juvenile Status,” which provides access to federal funds, protection from removal, and a path to citizenship.

The parties filed a joint motion to grant approval of their [settlement agreement](#) and proposed order for dismissal in February 2024. The court subsequently granted the motion and retained jurisdiction for purposes of enforcement of the agreement.

#### Related Links

[Children’s Rights](#)

## Texas

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

Filed: March 2011

#### About the Case

Children’s Rights filed a lawsuit against Texas officials alleging violations of the constitutional rights of children in long-term foster care, known in the state as permanent managing conservatorship. The [complaint](#) asserted that the Texas Department of Family and Protective Services failed to find permanent homes for children in state custody and subjected children in permanent managing conservatorship to numerous harms including over-medication, repeated placements, abuse, neglect, and deprivation of familial relationships with siblings. The plaintiffs now are represented by a Texas law firm, Children’s Rights, and A Better Childhood. In 2015, the court [found Texas liable](#) for structural deficiencies in permanent managing conservatorship and appointed special masters who recommended measures to reduce caseloads, stop the use of group homes, increase available foster homes, and otherwise improve children’s living conditions.

#### Status Update

On January 19, 2018, the court entered a [final order](#) in the case that included an injunction against Texas. Following the state’s appeal, the U.S. Court of Appeals for the Fifth Circuit issued [an opinion](#) rejecting and upholding some provisions of the order and modifying others. The district court thereafter [modified its final injunction](#), which the state also appealed. The Fifth Circuit issued [an opinion](#) in July 2019, that upheld some parts and overturned other parts of the lower court’s final injunction.

Since the final injunction went into effect, a court-appointed monitoring team has been assessing compliance with its provisions. As of December 2025, the monitoring team has issued eight compliance reports and several issue-specific reports. Citing the state’s noncompliance, the district court held the state in contempt in both [2019](#) and [2020](#) for violating its remedial orders.

On April 15, 2024, [the district court found](#) the Executive Commissioner of the Health and Human Services Commission in contempt of two remedial orders that provide for timely investigations. The state appealed, and a three-judge panel of the Fifth Circuit [vacated](#) the contempt order, finding substantial compliance with two remedial orders. The panel of the Fifth Circuit also removed the district court judge from the case.

The plaintiffs filed a petition for rehearing which was denied in February 2025, and the matter was remanded to the district court for further proceedings consistent with previous orders. The case was reassigned in March 2025. In October 2025, the Supreme Court of the United States denied the plaintiffs’ writ for certiorari, and the new judge assignment remains in effect.

#### Related Links

[Children’s Rights](#)

[A Better Childhood  
Civil Rights Litigation Clearinghouse](#)

## Washington

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

**Filed:** January 2021

### About the Case

Disability Rights Washington filed this [lawsuit](#) alleging that the Washington State Department of Children, Youth, and Families violated the rights of children in foster care who have behavioral health and developmental disabilities. The suit called on the department 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

In September 2021, the department issued an initial [exceptional placement plan](#) to address the number of children in foster care experiencing unstable placements that result in hotel and office stays. In June 2022, the parties entered into a [settlement agreement](#) that laid out several system improvements to better provide for dependent children with behavioral health and developmental disabilities. An independent monitor has been assigned to review and report on the state's progress.

The agency published its [final implementation plan](#) at the end of May 2023. In February 2024, the department published a [data addendum](#) that addresses the methodologies and metrics to be used in tracking the state's compliance and progress. The state released the final draft of the [semi-annual report](#) on August 29, 2024.

In May 2025, the parties filed a joint stipulation to modify the settlement agreement. The stipulation changed certain requirements of the Statewide Hub Home Model Program.

### Related Links

[National Center for Youth Law](#)  
[Washington State Department of Children, Youth, and Families](#)

## Exited court oversight

**Description:** Cases in this section closed or ended within the past 10 years due to a jurisdiction being released from court oversight of a consent decree, settlement agreement, or other comprehensive remedial order.

## California (Los Angeles County)

**Katie A v. Bonta**

**Filed:** December 2002

**Case Closed:** May 2025

### About the Case

The American Civil Liberties Union of Southern California and the Center for Law in the Public Interest filed this class action against the State of California and Los Angeles County. The suit challenged the state's longstanding practice of institutionalizing children who experienced abuse and neglect by placing them in hospitals and large group homes rather than providing services that would enable them to stay in their homes and communities. The [complaint](#) alleged violations of: federal constitutional rights; the Early

and Periodic Screening, Diagnostic and Treatment provisions of the Medicaid Act; and the Americans with Disabilities Act.

The court approved the settlement agreement between Los Angeles County and plaintiffs on July 17, 2003, obligating the county to make comprehensive reforms. A specific reform included 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.

#### Status Update

The parties' preliminary settlement agreement received final approval In November 2023, The [final judgment](#) terminated the court's jurisdiction 18 months following the entry of the order to enforce the defendant's routine and special reporting requirements.

#### Related Links:

[National Center for Youth Law \(classifies case as "inactive"\)](#)

[Civil Rights Litigation Clearinghouse](#)

## Connecticut

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

**Filed:** December 1989

**Case Closed:** March 2022

#### About the Case

The Connecticut Civil Liberties Union Foundation, Children's Rights Project of the American Civil Liberties Union, and Children's Rights brought this lawsuit on behalf of children in Connecticut who were in or were at risk of being in the custody of the Connecticut Department of Children and Families. [The complaint](#) alleged the department was underfunded and understaffed, child abuse complaints were not investigated, high caseloads overwhelmed social workers, and the agency failed to make reasonable efforts to keep families together. Plaintiffs asserted various constitutional violations as a result of agency failures.

In January 1991, the parties reached a settlement and entered into a [consent decree that](#) required the defendants to establish a training academy, a statewide computerized data system, and a health management system for children in custody of the department.

#### Status Update

A revised [exit plan](#) approved in July 2006 specified 22 outcome measures that had to be met and sustained for six months before exit could occur. In March 2022, the parties filed [a motion to exit](#) court oversight. Days later, the chief judge ruled that the defendants had met all the requirements and issued an order closing the case but maintained jurisdiction to oversee the closure of the court monitor's office, which occurred in April 2023.

#### Related Links

[Children's Rights](#)

[Civil Rights Litigation Clearinghouse](#)

## 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)**

**Filed:** June 1989

**Case Closed:** June 2021



### About the Case

Children's Rights and the ACLU filed this suit against the District of Columbia Department of Human Services on behalf of children in foster care or those known to the agency due to reported abuse or neglect. The [complaint](#) alleged that the department's failure to timely investigate reports of abuse or neglect and provide for the needs of children in foster care violated the plaintiffs' statutory and constitutional rights. In [April 1991](#), the court found in favor of the plaintiffs and the U.S. Court of Appeals for the District of Columbia Circuit upheld the decision in [April 1993](#). Following that decision, the District of Columbia entered into a consent decree to develop new procedures to investigate reported abuse or neglect and provide for the welfare of children in foster care. A Better Childhood later assumed representation for the plaintiffs.

### Status Update

After several years of monitoring and revised implementation plans, the parties submitted a joint motion for an [exit and sustainability plan](#) in August 2019. Three months later, the court approved the plan, which included 19 outcomes to be achieved and reviewed monthly by a court monitor. The plan detailed that the defendants independently could petition the court to exit supervision after they had achieved all outcomes for two consecutive six-month reporting periods.

The district court, court monitor, and the plaintiffs' counsel came together in the summer of 2020 to reach a mutual agreement on exit commitments and timelines. In August 2020, the judge granted preliminary approval to the parties' proposed [settlement agreement](#), which provided that — absent the filing of an enforcement action alleging breach of the agreement — all claims would expire after six months following the submission of the defendants' final report on December 31, 2021. The court declared as final the proposed settlement agreement through an order issued on June 1, 2021, and after a year of data validation, a status hearing was held on September 9, 2022, during which all parties agreed the settlement was fair, reasonable, and adequate. Washington D.C. Mayor Muriel Bowser [announced](#) the official end of the case on the same day.

### Related Links

[A Better Childhood](#)  
[Civil Rights Litigation Clearinghouse](#)

## Minnesota (Hennepin County)

### T.F. v. Hennepin County

**Filed:** May 2017

**Case Closed:** December 2023

### About the Case

A Better Childhood filed a class action lawsuit on behalf of children who are or will be the subject of reported child abuse or neglect, who are or will be under the protective supervision or in the custody of Hennepin County, or who are under the guardianship of the Commissioner of Human Services. The [complaint](#) alleged that the county failed to: investigate reports properly; provide safe and appropriate placements; provide appropriate services to children and families; and find permanent homes for children who cannot be reunified.

### Status update

In February 2018, the U.S. District Court for the District of Minnesota partially granted and partially denied the defendants' motion to dismiss, dismissing three of the four claims the plaintiffs raised. The opinion did not dismiss the plaintiffs' claim of substantive due process, and the court encouraged negotiations to settle the lawsuit. The final [settlement agreement](#) was [approved](#) by the court in a December 2019 order dismissing the remaining claims and providing for four years of oversight, assessment, periodic reporting, and public disclosure. Additionally, the order called for four years of systemic reforms overseen by a

settlement subcommittee, which will monitor the county's progress in meeting its requirements and issue biannual monitoring reports.

## New Jersey

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

**Filed:** August 1999

**Case Closed:** April 2023

### About the Case

Children's Rights filed a class action lawsuit on behalf of children in the custody of the New Jersey Division of Youth and Family Services. The [complaint](#) alleged violations of the children's constitutional rights, Title IV-E, the federal Child Abuse Prevention and Treatment Act, the Early Periodic Screening Diagnosis and Treatment provision of the Medicaid Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and the Multiethnic Placement Act.

### 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 into that required the New Jersey Department of Children and Families to achieve and maintain various performance measures. In March 2023, the court dismissed the case, stating that dismissal was appropriate in light of the progress the department had made in meeting many of the standards established through the litigation, the substantial commitments the agency had made to build on those efforts, and the risks inherent in continued litigation. The dismissal ceased monitoring under the consent decree and concluded 24 years of litigation.

### Related Links

[Civil Rights Litigation Clearinghouse](#)

## New York (New York City)

**A.M. v. Mattingly**

**Filed:** May 2010

**Case Closed:** June 2016

### About the Case

The Legal Aid Society's Juvenile Rights Practice filed this class action suit against the New York City Administration for Children's Services on behalf of children in New York City's foster care system who have been confined in psychiatric hospitals for prolonged periods of time. The [complaint](#) asserted that the agency placed children in acute care psychiatric hospitals under highly restrictive conditions for unnecessarily long periods of time. The wrongful, extended confinement was alleged to violate the plaintiffs' statutory and constitutional rights.

### Status Update

In November 2010, the parties submitted a settlement agreement to the court, which gave its final approval in [February 2011](#). The agreement implemented new training programs for agency staff, improved placement policies, and monitoring requirements. In [June 2011](#), the court entered a settlement order that dismissed the case with prejudice, and the defendants were released from liability in exchange for payment. After a few years of monitoring, the court approved a joint motion to alter the settlement in [January 2016](#). The amended agreement extended the court's jurisdiction for an additional four months with the option of extending another six months after June 30, 2016. The parties chose not to extend and the court's jurisdiction thus has expired.

### Related Links

## [Civil Rights Litigation Clearinghouse](#)

### New York (New York City)

#### **Marisol A. v. Giuliani**

**Filed:** December 1995

**Case Closed:** August 2018

#### **About the Case**

Children's Rights filed a class action lawsuit on behalf of children in the custody of New York City's child protection agency and at-risk children who are known, or should have been known, to the agency. The [complaint](#), filed against New York City and the State of New York, alleged violations of: the First, Eighth, and 14<sup>th</sup> Amendments; the Adoption Assistance and Child Welfare Act; the Child Abuse Prevention and Treatment Act; the Medicaid Act; the Multiethnic Placement Act; the Americans with Disabilities Act; the Rehabilitation Act; and state law. Allegations included that the defendants failed to: protect the children from abuse and neglect; appropriately accept and investigate reports of child maltreatment; provide preventative services; place children in appropriate placements; provide appropriate case management services; and maintain an adequate information system to manage the child welfare system effectively.

#### **Status Update**

The parties agreed to separate settlement agreements with the city and state, and the U.S. District Court for the Southern District of New York [approved](#) both agreement in March 1999. The city settlement required the creation of an independent advisory panel with complete access to the agency, which would provide recommendations, issue progress reports on reform, and determine whether the city was acting in good faith in pursuing systematic reform. The city settlement was successfully reached in March 1999.

In January 2001, the plaintiffs returned to court alleging the state's noncompliance with specific terms of the state settlement agreement. In August 2001, the court agreed and extended the term of those settlement provisions until the court was able to determine the state's full compliance. Seventeen years later, a status conference was held, which resulted in a [report](#) outlining the state's significant progress in complying with its settlement agreement. In August 2018, the court relinquished its jurisdiction over that agreement, and the entire case was closed.

#### **Related Links**

[Civil Rights Litigation Clearinghouse](#)

### Ohio

#### **Roe v. Staples**

**Filed:** October 1983

**Case Closed:** June 2016

#### **About the Case**

This case was filed against the Hamilton County Department of Human Services and the Ohio Department of Human Services on behalf of children in Ohio's foster care system. The complaint alleged that Hamilton County had failed to provide children in foster care and their parents with pre-removal and reunification services consistent with their rights pursuant to federal child welfare statutes and the 14<sup>th</sup> Amendment of the U.S. Constitution.

#### **Status Update**

The parties entered into a consent decree that required the state to monitor the county's 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. In June 2016, the court found that the state completed all requirements and Ohio successfully exited from the consent decree.

#### Related Links

[Civil Rights Litigation Clearinghouse](#)

## Oklahoma

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

**Filed:** February 2008

**Case Closed:** March 2025

#### About the Case

Children's Rights filed this lawsuit on behalf of children in Oklahoma's foster care system. The [complaint](#) alleged violations of the constitutional rights of the children in the state's care due to their routine placement in unsafe, unsupervised, and unstable living situations where they frequently were subjected to further maltreatment. A Better Childhood now represents the plaintiff class.

#### Status Update

The parties reached a [settlement agreement](#) in January 2012. Six months later, the Oklahoma Department of Human Services began implementing the [Pinnacle Plan](#), a five-year strategy to cut down on placements, recruit more foster families, lower caseloads, eliminate shelter use, and raise worker salaries and foster family payments. A three-member monitoring panel (known as co-neutrals) oversees the implementation of the agreement.

In February 2025, the Co-Neutrals issued their final report confirming that the Department has fulfilled the requirements of the settlement agreement for a two-year continuous period. The court accepted the report and found the obligations under the settlement agreement satisfied. The compromise and settlement agreement was vacated March 13, 2025.

#### Related Links

[A Better Childhood](#)

## Rhode Island

### **Cassie M. v. Raimondo (Also known as Andrew C. v. Raimondo)**

**Filed:** September 2007

**Case Closed:** June 2025

#### About the Case

Children's Rights filed this lawsuit charging Rhode Island's Department of Children, Youth and Families with failing to ensure the safety and well-being of children in state custody. Plaintiffs [alleged](#) widespread failures in the state's foster care system, citing 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 in May 2018, the court approved it. The agency has been working with plaintiffs' counsel and a monitoring team on the implementation of the terms of the settlement agreement. Through the first four reporting periods, the department successfully achieved three of the 12 strategic measures identified in the settlement agreement. In accordance with the terms, the state 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. As of reporting period 11, the state has successfully exited from nine of the 12

progress measures. Past federal monitoring reports are available through Rhode Island's Office of the Child Advocate [website](#). In April 2023, the ACLU of Rhode Island [joined](#) the long-running suit.

On June 6, 2025, the court issued an order approving exit from sections 11 and 12 of the settlement agreement. The order further states that the court will no longer exercise jurisdiction over the agreement now that all the commitments in the Settlement Agreement have been made. The court retained jurisdiction solely to address payment of attorney fees.

#### Related Links

[Children's Rights](#)

### Tennessee

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

**Filed:** May 2000

**Case Closed:** February 2019

#### About the Case

Children's Rights filed this lawsuit against Tennessee's Department of Children's Services on behalf of all children in Tennessee's foster care system, including a subclass of Black children in foster care. The [complaint](#) alleged that the agency had endangered the children's health and well-being as a result of its widespread deficiencies in placement practices, case manager support, and developmental and family support services. The complaint further claimed that agency's administration of services had a disproportionately negative impact on Black children in the foster care system.

#### Status Update

In July 2017, the court [approved](#) a modified settlement agreement and exit plan. The agreement created an independent commission, the Tennessee Accountability Center, to conduct oversight of the state agency. The center subsequently published [five public reports](#) in six-month intervals from January 2017 to May 2020. In 2019, the state was [granted exit](#) from the court-ordered oversight and the case closed in February 2019.

#### Related Links

[Children's Rights](#)

[Civil Rights Litigation Clearinghouse](#)

### Wisconsin (Milwaukee County)

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

**Filed:** June 1993

**Case Closed:** September 2021

#### About the Case

The American Civil Liberties Union Children's Rights Project brought this suit against Wisconsin state officials on behalf of children in Milwaukee's foster care system 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.



### Status Update

In 2002, the parties entered into a [settlement agreement](#). By December 2017, significant reform had been made in Milwaukee County, including a lower rate of child abuse, higher percentage of adoptions within 24 months of entering foster care, and more manageable caseloads. As a result, the county was released from 17 of the 18 enforceable agreement provisions. In 2021, a joint motion to terminate the settlement agreement and consent decree was filed, and in September of that year, the judge [granted](#) the motion.

### Related Links

[Civil Rights Litigation Clearinghouse](#)

[Children's Rights](#)

[Wisconsin Department of Children and Families](#)

## Litigation pending

**Description:** *Cases in this section are in the initial phase of a lawsuit, following the filing of a complaint but before a trial has begun. They typically involve a series of legal motions to narrow or dismiss the case, or attempts to reach a settlement.*

### Alabama

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

Filed: May 2021

#### About the Case

Alabama Disabilities Advocacy Program, Southern Poverty Law Center, and Children's Rights brought this class action on behalf of children in foster care against the Alabama Department of Human Resources. The [complaint](#) alleged the department was in violation of Title II of the Americans with Disabilities Act by discriminating against children in foster care who have mental impairments, pointing to their segregation in restrictive institutional placements. The complaint specifically stated that children were placed in these facilities unnecessarily and remained in the facilities longer than necessary rather than being moved to less-restrictive, family-like settings.

### Status Update

The plaintiffs filed their motion to certify the class in March 2024, and the parties thereafter were ordered to engage in mediation. The stay of discovery and scheduling order deadlines was lifted in March 2025 at which time the plaintiffs' motion to certify the class was denied without prejudice. A renewed motion to certify the class was filed in April 2025, and the parties reopened settlement discussions. A joint motion for settlement was filed in December 2025 after the parties reached a [preliminary settlement agreement](#).

### Related Links

[Children's Rights](#)

[Civil Rights Litigation Clearinghouse](#)

[Southern Poverty Law Center](#)

### Alaska

**Jeremiah M., Hannah M. and Hunter M. v. Crum (Mary B. v. Kovol)**

Filed: May 2022

#### About the Case

A Better Childhood, Disability Law Center of Alaska, and Northern Justice Project brought this class action lawsuit on behalf of children in the state's foster care system. Defendants include the Alaska Department of Health and Social Services and the Office of Children's Services (OCS). The [complaint](#)

alleged violations of federal constitutional and statutory law, including the Indian Child Welfare Act, the Adoption Assistance and Child Welfare Act, the Americans with Disabilities Act (ADA), and the Rehabilitation Act. Specific claims included the state's failure to ensure manageable caseloads, adequate staffing, placement stability, and adequate family foster home capacity; failure to provide timely case plans, adequate permanency planning, and proper services; and failure to support children, parents, and foster parents.

### Status Update

In August 2024, the defendants filed a motion to dismiss concerning out-of-custody plaintiffs, which was eventually granted in February 2025. Defendants also were successful with a series of motions for summary judgment to dismiss individual counts. In November 2024, Plaintiffs sought class [certification](#). Their motion was granted in June 2025, recognizing two classes: a general class of children for whom OCS has or will have legal responsibilities, which was certified as to the substantive due process claim (claim 1) and the Child Welfare Act claim (claim 3), and an ADA subclass, which was certified as to the ADA and Rehabilitation Act Claims (claims 6 and 7). The case went to trial in August 2025, concluding after 11 days, and the parties are still awaiting a ruling from the court.

### Related Links

[A Better Childhood](#)

[Civil Rights Litigation Clearinghouse](#)

## California (Los Angeles County)

### Ocean S. v. Los Angeles County

Filed: August 2023

### About the Case

Children's Rights and Alliance for Children's Rights filed this case on behalf of transition-age youth in foster care in Los Angeles County. The [complaint](#), filed against both California and Los Angeles County human services agencies, alleged failures to fulfill their federal and state legal obligation to provide the youth with access to housing and support services. The complaint attributes a "foster care to homelessness pipeline" to the alleged failures.

### Status Update

In November 2023, the defendants sought dismissal, arguing lack of subject matter jurisdiction and failure to state a claim. In June 2024, the court issued an [order](#) granting in part and denying in part the motions. An amended complaint was filed in August 2024, and another motion to dismiss was filed in September, which were eventually granted in part and denied in part. In June 2024, the court ruled that abstention did not apply to support defendants' motion to dismiss for lack of subject matter jurisdiction and found that plaintiffs had proper standing. The court ruled in favor of defendants on their motions to dismiss for failure to state a claim, but allowed plaintiffs to amend the substantive due process claims (other than the right to shelter), the Child Welfare Act claim, the procedural due process claim, the Medicaid Act claim, and the Section 504, ADA, and Integration Mandate claims. Plaintiffs filed a second amended complaint in August 2024, after which defendants again sought dismissal of multiple causes of action alleged. On November 8, 2024, the U.S. Department of Justice filed a [statement of interest](#) in the suit regarding the "integration mandate" that prohibits the needless institutionalization of individuals with disabilities.

The case proceedings were thereafter continued due to the fires in the area and to await resolution of defendants' appeal of the denial of their motion to dismiss for lack of subject matter jurisdiction. Oral arguments were held in September 2025, and the parties are awaiting the Ninth Circuit's decision.

### Related Links

[Children's Rights](#)

## California (San Bernardino County)

**Gary G. v. Newsom**

Filed: May 2023

### About the Case

This case filed on behalf of children in foster care is against the California Department of Social Services, San Bernardino County Child and Family Services, and state and county officials and agencies. The [complaint](#) focuses primarily on alleged failures of San Bernardino County's child welfare system. Specific allegations include: inadequate case planning; failure to vet and monitor foster homes resulting in harm to children; failure to provide health services to children; failure to achieve timely permanency; and dangerously high caseloads. The complaint also included a subclass of children with disabilities, who the county allegedly has failed to support.

### Status Update

In September 2024, the court issued an [order](#) granting in part and denying in part the defendants' motion to dismiss. The court granted the California Department of Social Services motion to dismiss regarding the plaintiffs' Section 1983 claims based on 11th Amendment immunity and granted California Gov. Gavin Newsom's motion to dismiss for failure to make specific allegations against the governor. In October 2024, the County sought to certify for appeal the order denying their motion to dismiss for lack of subject matter jurisdiction. The court denied that motion in February 2025, and later denied defendants' motion for reconsideration. subsequently moved for reconsideration. The case is now set for trial in November 2027.

### Related Links

[A Better Childhood](#)

## Georgia

**Isaac A. v. Carlson**

Filed: January 2024

### About the Case

The Georgia Advocacy Office, the National Health Law Program, and the Center for Public Representation filed [this class action](#) on behalf of Medicaid-eligible children against the Commissioners of the Georgia Department of Community Health, Department of Behavioral Health and Developmental Disabilities, and the Georgia Department of Human Services, claiming that Medicaid-enrolled children with significant mental health needs are being systematically deprived of necessary services and unnecessarily institutionalized. Specifically, plaintiffs accuse the state of failing to provide intensive care coordination, intensive in-home services, and mobile crisis response services in violation of the children's rights under the Early and Periodic Screening, Diagnostic, and Treatment provisions of the Medicaid Act, Title II of the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act.

### Status Update

The defendants' motion to dismiss is pending before the U.S. District Court for the Northern District of Georgia.

### Related Links

[Civil Rights Litigation Clearinghouse](#)

## Indiana

**Annabel B. v. Governor Holcomb**

Filed: August 2023

### About the Case

A Better Childhood filed this case on behalf of children in foster care in Indiana. The [complaint](#) alleges that the Indiana Department of Child Services and the state as a whole fails to maintain the basic care and safety of children in foster care. The allegations include failure to recruit and retain caseworkers, failure to provide timely and appropriate medical treatment, and failure to maintain an adequate number of foster homes, as well as specific failures pertaining to a subclass of children with disabilities who are protected under the Americans with Disabilities Act.

### Status Update

In June 2024, the court granted the defendants' motion to dismiss with prejudice. In July 2024, the plaintiffs filed a notice of appeal with the Seventh Circuit Court of Appeals.

### Related Links

[A Better Childhood](#)

## Louisiana

### Jacob B. v Louisiana Department of Children and Family Services

Filed: April 2024

### About the Case

A Better Childhood filed this class action lawsuit on behalf of children in foster care against the Louisiana Department of Children and Family Services and elected officials. In addition to the general class of children in foster care, a subclass of children who have emotional, psychological, cognitive, and physical disabilities is called out in the lawsuit. The [complaint](#) alleges violations of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, along with significant system deficiencies such as: severe and chronic staff shortages that prevent case workers from adequately overseeing children in foster care; high caseloads with some caseworkers reporting over 100 cases; failing to provide appropriate mental health and medical assessments for children in foster care; placement instability; and a lack of safe and appropriate foster placements.

### Status Update

In June 2024, the Department of Children and Family Services filed a motion to dismiss, followed by a motion to stay discovery filed in July. In August 2024, the U.S. Department of Justice filed a [statement of interest](#) regarding the two federal law claims. In March 2025, the court issued an order granting the defendant's motion to stay discovery until issue of sovereign immunity has been resolved. The case is pending before the U.S. District Court for the Middle District of Louisiana.

### Related Links

[A Better Childhood](#)

## Maryland

### Y.A. v. Padilla

Filed: January 2023

### About the Case

The ACLU of Maryland, Children's Rights, and Disability Rights Maryland filed a class action on behalf of children in the care of the state's child welfare system in three Maryland counties (Prince George, Baltimore, and Howard). The lawsuit was filed against officials of the Maryland Department Human Services and the Maryland Social Services Administration. The [complaint](#) alleges that the defendants failed to adequately implement an oversight system regarding the use of psychotropic medication for children in foster care, resulting in high rates of medication use. It also alleges inadequate medical records, informed consent, and secondary review.

### Status Update

The case is pending before the U.S. District Court for the District of Maryland.

### Related Links

[Children's Rights](#)

## New Hampshire

### G.K. v. Sununu (Also known as B.D. v. Sununu)

Filed: January 2021

### About the Case

The ACLU of New Hampshire, Disability Rights Center of New Hampshire, New Hampshire Legal Assistance, and Children's Rights filed a lawsuit on behalf of older youth in foster care who have mental disabilities placed in foster care due to parental abuse or neglect. The [complaint](#) alleges violations of federal constitutional and statutory rights caused by unnecessary placement in group and institutional settings without the benefit of an attorney or adequate case planning.

### Status Update

In September 2021, the defendants filed a motion to dismiss for failure to state a claim on which relief may be granted. The court [granted](#) the motion with respect to plaintiffs' right to counsel and denied the remaining claims.

In March 2023, the plaintiffs filed a motion for class certification, which was [granted](#) in September 2024. In July 2024, plaintiffs filed an amended complaint, which defendants sought to dismiss. In July 2025, the plaintiffs filed a motion for summary judgment and a [memorandum of law in support of their motion for summary judgment](#) regarding their Americans with Disabilities Act and Child Welfare Act claims. The state filed an objection and cross-motion to the plaintiff's motion for summary judgment, and a trial date is pending.

### Related Links

[Children's Rights](#)

[Disability Rights Center - NH](#)

## New York (New York City)

### Elisa W. v. The City of New York

Filed: July 2015

### About the Case

The Public Advocate for the City of New York and A Better Childhood filed a class action lawsuit on behalf of children in foster care. The [complaint](#) alleges that the New York City Administration for Children's Services and the New York State Office of Children and Family Services caused irreparable harm to children in their custody by failing to: protect them from maltreatment; ensure services provided are effective and of acceptable quality; ensure appropriate placements; provide children with permanent homes and families, and safe reunification within a reasonable time; and properly address structural deficiencies in the New York City child welfare system. An amended complaint was filed in December 2015.

### Status Update

In September 2021, the U.S. District Court for the Southern District of New York [denied](#) the renewed class certification. The plaintiffs filed an appeal and in September 2023, the Second Circuit Court of Appeals [reversed and remanded](#) the district court's denial of class certification.

In August 2024, the district court [granted in part and denied in part](#) the motion for class certification, denying both the “special scrutiny” and “compelling reasons” subclasses. The court [denied](#) the defendants’ motion to stay discovery and directed the parties to proceed. In December 2024, the court denied the defendants’ motion for reconsideration of the court’s August 2024 order. In June 2025, plaintiffs filed a second amended complaint, which defendants sought to be dismissed by motion filed in July 2025.

#### Related Links

[Civil Rights Litigation Clearinghouse](#)  
[A Better Childhood](#)

### North Carolina

**Timothy B. v. Kinsley**

Filed: December 2022

#### About the Case

Children’s Rights filed a [lawsuit](#) on behalf of children with disabilities in North Carolina’s foster care system. The lawsuit alleges federal statutory violations arising from the state’s discriminatory placement of children with disabilities in psychiatric residential treatment facilities despite being eligible for integrated community-based housing and services. The complaint describes the facilities as “prison-like” institutions with traumatizing conditions, especially for children with disabilities who are particularly vulnerable to the overmedication, injuries, and abuse that often can occur in those facilities.

#### Status Update

On March 6, 2023, Children’s Rights filed an [amended complaint](#), removing one of the named plaintiffs from the suit. Later in the same month, the defendants filed a motion to dismiss on the basis of the plaintiffs’ failure to state a claim. In April 2023, the U.S. Department of Justice filed a [statement of interest](#) in the case regarding the legal standard for stating a claim under Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act, and addressed other claims made in the motion to dismiss. The motion to dismiss subsequently was [denied](#) in March 2024. In April 2025, the court issued an order staying the proceedings to allow for settlement discussions and mediation. The stay expired in August , and the case is proceeding toward trial.

#### Related Links

[Civil Rights Litigation Clearinghouse](#)  
[Children’s Rights](#)

### Rhode Island

**J.“E.”L. v. Charest**

Filed: November 2024

#### About the Case

Children’s Rights, the American Civil Liberties Union of Rhode Island, and Disability Rights Rhode Island filed this class action on behalf of Medicaid-eligible children against the Secretary of the Executive Office of Health and Human Services and the Director of the Rhode Island Department of Children, Youth and Families. Plaintiffs challenge the state’s reliance on institutionalization of children in acute-care psychiatric hospitals and congregate care settings, claiming they have been denied medically necessary intensive home and community-based services in violation of their rights under the Early and Periodic Screening, Diagnostic, and Treatment provisions of the Medicaid Act, Title II of the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act. The [complaint](#) alleges that the state’s failure to maintain a



sufficient service array and implement policies and practices to ensure eligible children have access to services to which they are entitled results in children being unnecessarily institutionalized.

#### **Status Update**

The case is pending before the U.S. District Court for the District of Rhode Island. On August 13, 2025 the class and subclasses were certified when the court granted the plaintiff's Assented-to-Motion for Class Certification.

### **Tennessee**

#### **Keira M. v. Quinn**

Filed: May 2025

#### **About the Case**

A Better Childhood filed a lawsuit against the Tennessee Department of Children's Services (DCS). The [complaint](#) alleges widespread and systematic violations of the rights of children, including the right to be safe in placement, placement instability, unnecessary residential placements, DCS' lack of appropriate oversight to contracted providers, and an overall lack of medical care and education, among other allegations.

#### **Status Update**

The case is pending before the U.S. District Court for the Middle District of Tennessee.

#### **Related Links**

[A Better Childhood](#)

### **West Virginia**

#### **Jonathan R. v. Justice (R. v. Morrissey)**

Filed: September 2019

#### **About the Case**

A Better Childhood filed a lawsuit against the West Virginia Department of Health and Human Resources, among others, on behalf of children in West Virginia's foster care system. The [complaint](#) alleges constitutional violations arising from the state's failure to protect children in foster care from physical and emotional harm, discriminatory treatment of children in foster care who have disabilities, and inappropriate home placements.

#### **Status Update**

In July 2021, the court [dismissed](#) the lawsuit based on mootness and the abstention doctrine. The Fourth Circuit Court of Appeals [reversed](#) the district court's decision, however, and the case was remanded to the district court to reconsider the plaintiffs' claims. The district court subsequently [granted](#) class certification to both the general class and a subclass of children with disabilities.

In February 2025, the court issued an [order](#) dismissing the case for a lack of jurisdiction. In March, the plaintiffs filed a notice of appeal to the United States Court of Appeals for the Fourth Circuit.

#### **Related Links**

[A Better Childhood](#)

[Civil Rights Litigation Clearinghouse](#)

## Litigation dismissed

**Description:** Cases in this section were dismissed on clear procedural grounds within the past 10 years.

### Indiana

**Ashley W. v. Holcomb**

**Filed:** June 2019

**Case Dismissed:** May 2022

#### About the Case

A Better Childhood filed this class action on June 25, 2019, on behalf of children in foster care in Indiana. The [complaint](#) alleged that the Indiana Department of Child Services violated federal constitutional rights and federal and state law by inadequately assessing and responding to reports of child abuse and neglect, and failing to support an adequate 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

The department filed motions to dismiss, which the judge denied in part and granted in part. The court ruled that the abstention doctrine did not require the court to decline jurisdiction and that the children sufficiently stated a claim under the Americans with Disabilities Act, but that the Child Welfare Act did not create a privately enforceable federal right. The state appealed, and the U.S. Court of Appeals for the Seventh Circuit [reversed](#), holding that because the disputed issues all may be resolved by judges presiding over individual abuse and neglect cases, the abstention doctrine requires the court to dismiss the suit on jurisdictional grounds.

#### Related Links

[Civil Rights Litigation Clearinghouse](#)

### New York City

**B.B. v. Hochul**

**Filed:** November 2021

**Case Dismissed:** March 2023

#### About the Case

The Legal Aid Society filed a class action complaint against the New York City Administration for Children's Services and state and local officials on behalf of children in foster care challenging the constitutionality of laws, policies, and practices that prevent kin caregivers from serving as foster or adoptive placements based on criminal or child welfare history. The complaint alleged violations of children's substantive due process right to be free from harm and procedural due process under the Fourteenth Amendment and sought a permanent injunction requiring defendants to establish and implement practices to ensure children in foster care receive a meaningful and individualized kinship placement evaluation and establish oversight over the foster and adoptive approval process ensure full and meaningful consideration of kin caregivers.

#### Status Update

In June 2022, defendants filed a motion to dismiss arguing lack of subject matter jurisdiction and failure to state a claim. In March 2023, the court granted the motion, dismissing the complaint in its entirety.

## North Carolina

### **Jameson v. Cooper (Also known as Bolch v. Cooper)**

**Filed:** August 2024

**Case Dismissed:** December 2025

#### **About the Case**

A Better Childhood filed a [class action complaint](#) against North Carolina state officials and two counties on behalf of children in foster care, including an Americans with Disabilities Act subclass of children in foster care who have emotional, psychological, cognitive, or physical disabilities. The complaint alleges that the North Carolina Department of Health and Human Services: failed to license, recruit, and retain a sufficient number of foster homes, resulting in unsafe and inappropriate settings for children; experienced high caseworker turnover; experienced high re-entry and retention rates of children in foster care; and failed to properly provide children in foster care who have disabilities the services and supports needed. The complaint also sues Mecklenburg and Gaston counties for failing to provide safe and appropriate care to children in foster care.

#### **Status Update**

In October 2024, each county filed a separate [motion to dismiss](#) on the basis of the plaintiffs' failure to state a claim. The court ordered the plaintiffs to respond to the motions or file an amended complaint. In September 2025 the court [found](#) it lacks subject matter jurisdiction to hear the case and dismissed the plaintiff's amended complaint without prejudice.

#### **Related Links**

[A Better Childhood](#)

## South Dakota

### **Oglala Sioux Tribe v. Van Hunnik**

**Filed:** 2013

**Case Dismissed:** January 2020

#### **About the Case**

Three American Indian parents, the Oglala Sioux Tribe, and the Rosebud Sioux Tribe filed a [class action complaint](#) to challenge the continued removal of American Indian children in Pennington County from their homes based on insufficient evidence and without proper hearings, in violation of the Indian Child Welfare Act of 1978 and the constitutional right to due process.

#### **Status Update**

In March 2015, the 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 permanent 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, and 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 the Indian Child Welfare Act. 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**

[ACLU](#)  
[Civil Rights Litigation Clearinghouse](#)

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<sup>1</sup> The inclusion of five cases: C.K. v. Bassett (New York), S.R. v. Pennsylvania DHS, United States of America v. State of Rhode Island, Isaac A. v. Carlson (Georgia), and J.“E.”L. v. Charest (Rhode Island) represent an expansion of the original report parameter of including class actions brought by or on behalf of children in foster care seeking comprehensive child welfare system reform. These five cases were included because of an increase in Medicaid-based claims filed seeking improvements in the delivery of mental and behavioral health services for children in the child welfare system. All children in foster care are Medicaid-eligible and therefore affected by the outcomes of these lawsuits, and improving access to and quality of community-based mental and behavioral health care can prevent children from being unnecessarily placed in foster care.