Child Welfare Consent Decrees:

Analysis of Thirty-Five Court Actions from 1995 to 2005

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Introduction

A "class action lawsuit" is a civil court procedure under which one party, or a group of parties, sue as representatives of a larger class of individuals.[1] For over a quarter-century, class action lawsuits have had a major impact on the operation of state and local child protection systems. These lawsuits have often been used as tools to address failures by child welfare agencies to provide adequate services to children and parents and to achieve systemic reform that might otherwise have required legislation or many individual lawsuits.

Over the past ten years alone, there has been child welfare class action litigation in 32 states, with consent decrees or settlement agreements in 30 of these.[2] These lawsuits have often resulted in settlement agreements that become "consent decrees" upon approval by the court. Once approved by the court, the consent decree acts as a contract, binding the child welfare agency and the attorneys acting on behalf of the "plaintiff" class members to its terms, and it is fully enforceable by the court.[3] The substance of the consent decree describes specific actions defendants must take to resolve the identified problems, and the plaintiffs' responsibilities to ensure the provisions in the decree are implemented.[4]

The Child Welfare League of America and the American Bar Association Center on Children and the Law have herein, for the first time to our knowledge, collected, analyzed, and categorized the systemic improvement topics addressed within "child welfare"[5] class action consent decrees, settlement agreements, and court orders/decisions that have impacted the child welfare system in the last two decades. We have spoken to contacts in all 50 states and the District of Columbia, and we believe, but cannot be absolutely certain, that we have identified an exhaustive and comprehensive list of class action suits (both federal and state) affecting the child welfare system.

In order to be included in this collection and analysis, a consent decree, settlement, or court opinion/order had to either be *currently* affecting the operation of a state or local child welfare system, or it had to have *expired* within the past ten years. Using these criteria, we found 21 states where there was a currently operative court-approved consent decree or court order, or where there was pending litigation brought against a public child welfare agency. In another 11 states, the court's formal involvement had ended, but the decree, agreement, or order was still deemed relevant for our analysis.

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[1] http://www.techlawjournal.com/glossary/legal/classaction.htm

[2] Suits have been brought against state as well as local child welfare agencies.

[3] Theodore J. Stein, Child Welfare and the Law, Washington, DC: Child Welfare League of America, 1998 at 226.

[4] Id.

[5] "Child welfare" is defined here to include an action that is brought to affect significant systemic change in the state and/or local agencies responsible for child protective services, removal of children into out-of-home care, filing of juvenile court dependency petitions, permanency planning for children in foster care, termination of parental rights, adoption, and other issues affecting abused, neglected, and abandoned children.

We have read all the settlement agreements, consent decrees and court orders we were able to obtain[6], and we have charted the ways in which each addresses such areas as Protective Services, Placement, Services, Adoption, Planning, Caseworker Issues, Judicial and Legal Issues, and Resource Development.[7] In all, we have identified 58 decrees, agreements, and orders from 32 states, including the District of Columbia.

Because of the difficulty in obtaining all of the decrees and agreements, this study analyzes 35 that were directly pertinent to our study.[8] Of the decrees, agreements, or orders analyzed, the substance of:

- 36 (76.6%) addressed placement issues such as recruitment, retention, licensing and training of foster parents, relative placements, and group homes;
- 31 (65.9%) addressed protective service issues such as reporting, investigating, and intake;
- 32 (68.1%) required the defendants to ensure the provision of certain services to children and their families, such as medical, dental and mental health examinations, parent-child or sibling visitation, and independent living training;
- 30 (63.8%) required the defendants to address issues concerning caseworkers, such as adequate staffing, maximum caseloads, and enhanced training and supervision;
- 25 (53.2%) addressed planning issues such as permanency and identified case goals;
- 25 (53.2%) required some sort of new resource development, such as the creation of universal information systems or quality assurance reviews'
- 16 (34%) addressed adoption issues; and
- 11 (23.4%) addressed reforms to the judicial system.

We hope this analysis will be helpful to child welfare administrators, child welfare reform advocates, attorneys, guardians ad litem, court-appointed special advocates, judges, dependency court administrators, legislators, and others who want to better understand the results of these major legal actions. This will allow them to see, at a glance, major areas of the child welfare system that were affected by the consent decrees, and the objectives and outcomes required by these court orders or agreements.

This project's materials will, we hope, help both policymakers and practitioners better understand the issues addressed in the final resolution of these cases and the collective outcomes of these suits. As shown by the decrees, settlements, and orders we have read, class action lawsuits can definitely effectuate large-scale systemic change for child welfare systems. Yet ideally, given the expense and time-consuming nature of litigation, systemic transformation and improvement would best occur in other ways, administratively and legislatively, without the need for such lawsuits.

[6] We obtained 47 settlement agreements, consent decrees and court orders out of the 58 we identified.
[7] See Part 1 below.
[8] Examples of lawsuit issues that were not deemed pertinent to our study include: decree monitoring and enforcement mechanisms and issues of how to fund changes agreed upon in the decrees.

We want to be clear that we are neither endorsing nor critiquing the litigative process of achieving major change in child welfare agency policy and practice. We are simply hoping that this information can – as states become involved in a second round of federal Child and Family Services Reviews and implementation of state Program Improvement Plans – serve to better inform our field of systemic improvements that class actions lawsuits have addressed.

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Summary

Over the past ten years, thirty-two states have been involved in child welfare litigation, with thirty states entering into a consent decree or settlement agreement as a result of the suit. These decrees detail the various requirements and standards with which the state, under the jurisdiction of the court, must comply. The duration of these decrees depend on how many service areas the state must address, and its success in implementing the requirements of the decree.

Most decrees that have been active within the past ten years have addressed the state's failure to:

- properly license and train foster parents;
- place children in adequate and safe foster and group homes;
- properly report, investigate and address abuse and neglect incidents;
- provide needed medical, dental, and mental health services to foster children;
- ensure adequate parent-child or sibling visitation;
- ensure social workers have manageable caseloads, training and supervision;
- provide children and families with adequate case planning and review.

Expired Decrees

Several states have successfully complied with the consent decrees governing their child welfare agency within the past ten years, and thus the decrees were dismissed. Such states include Arkansas, Florida, Hawaii, Idaho, Kansas, Michigan, Minnesota, New Hampshire, New Mexico, New York and North Carolina. Many of these states have enacted legislation and/or policies as a result of the decrees, and some continue to have advisory groups monitor the child welfare agencies' activities. The following examples illustrate some of the results of the states' successful compliance with the decrees:

- In New Mexico, after close monitoring of the *Joseph and Josephine A. v. Bolson* consent decree, the number of children successfully moved out of foster care to permanent homes dramatically increased.[9]

- As a result of the *James O.* decree in New Hampshire, foster children in need of special education services have IEPs that are being implemented, those students that weren't getting any education are now in school, and judges have made the decision-making process of a child's placement much more inclusive, involving the school district as well as the Division of Children and Youth Services.[10]

- As a result of the *Sheila A.* decree in Kansas, children now receive services within 4 hours of referral, out-of-home placements average 13 months (compared to the national average of 24 months), after-care is available to all

[9] Children's Rights, 2005. http://childrensrights.org/Legal/Joseph_Bolson.htm.
[10] James O. v. Marston, Consent Decree, Civil Action No: 86-6-S; Ronald Lospennato, Disability Rights Center.

children for 12 months, crisis support is available to families 24 hours a day, 7 days a week, and 86% of children are placed either with a relative or a family foster home.[11]

Current Decrees

Today, twenty-one states currently operate under court consent decrees, settlement agreements or are under pending litigation brought against public child welfare agencies: Alabama, Arizona, California, Connecticut, Georgia, Illinois, Indiana, Maryland, Mississippi, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Utah, Washington, West Virginia, and Wisconsin

- Twenty-six federal consent decrees or settlement agreements are currently governing child welfare agencies within these states. Most of the current decrees have been in effect for over six years, with approximately half of the decrees in effect for over ten years. Some have governed the agencies for approximately twenty years, and others for less than four years. Several decrees have been modified since the original agreement, with some modifications occurring within the past few years.

Those cases with modified agreements still have areas with which the state is not complying, even though the state may be in successful compliance with other terms of the agreement. Although those decrees are still outstanding, documented results in such states as Alabama, Wisconsin and New York have already been realized:

- The *R.C.* settlement in Alabama prompted statewide reform of the child welfare system, implementing a unique collaborative county-by-county model and dramatically improving the care of children in foster care and reducing their time in the system.[12]

- In New York, as a result of the *Marisol* settlement, the Administration for Children's Services has achieved lower caseloads, obtained funding for additional placements, sharply increased staff training, vastly improved its data management system, and reconfigured foster care services along neighborhood lines.[13]

- As a result of the *Jeanine B.* settlement, the child welfare system in Wisconsin has improved in numerous ways, including caseloads that previously exceeded 100 children per social worker dropping to an average of less than 20 children per social worker.[14]

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[11] Kansas Children's Service League, *Policy Statement: Child Welfare*.
[12] Bazelon Center for Mental Health Law. http://www.bazelon.org/issues/children/publications/rc/index.htm.
[13] Children's Rights, 2005. http://childrensrights.org/Legal/Marisol_Pataki.htm.
[14] Children's Rights, 2005. http://childrensrights.org/Legal/Jeanine_Thompson.htm

Significant Alternatives

Some cases resulted in significant changes for their state's child welfare systems, even though no settlement or consent decree was entered. On the other hand, Colorado entered into a settlement agreement before litigation even began.

- In Louisiana, the 1986 *Del A. v. Edwards* case resulted in a decision for the state. However, the defendants did admit to the violations presented at trial. Following the case, an extensive reform plan funded by the legislature was developed to implement both policy and procedural changes, and more competent staff was hired to oversee these changes.[15]

- In Massachusetts, *MacFarland v. Dukakis* resulted in a preliminary injunction from the District Court ordering the state to provide foster children with case plans and periodic reviews and social workers with adequate caseload sizes. Although the case was later dismissed, *MacFarland* is significant for its decision that mandated the state to implement specific remedies to address violations of law, the first decision of its kind in a foster care case.[16]

    - Colorado's "foster care settlement" was the result of a task force's findings that Colorado's Division of Child Welfare Services had major deficiencies in its service provision. Before litigation ever began, a settlement agreement was issued to reform virtually all areas of Colorado's child welfare services.

[15] National Center for Youth Law, *Foster Care Reform Litigation Docket*, 2000.
[16] National Center for Youth Law, *Foster Care Reform Litigation Docket*, 2000.

Part 1: Collective Analysis of Child Welfare Consent Decrees

Legal documents used to obtain Consent Decree analysis information

Alabama	***R.C. v. Walley*** Consent Decree in the United States District Court for the Middle District of Alabama, Northern Division. Civil Action No. 88-H-1170-N, December 11, 1991
Alaska	No record of any past or current settlements or consent decrees
Arizona	***J.K. v. Eden*** Settlement Agreement in the United States District Court, District of Arizona. No. CIV 91-261 TUC JMR (Assigned to the Honorable John M. Roll) March, 2001
Arkansas	***Angela R. v Huckabee a.k.a. Angela R. v. Clinton*** [Proposed] Order of Dismissal and Approval of Settlement in the United States District Court, Eastern District of Arkansas, No. LRC-91-415, February 27, 1992
California	***Mark A. v. Wilson*** Stipulated Judgment in United States District Court, Eastern District of California, Case No. Civ-S-98-0041LKKDAD November 2, 1999 ***Katie A. et al. v. Diana Bonta et. al*** Settlement Agreement, March 2003 ***Higgins v. Saenz*** Stipulated Settlement Agreement and Order in the Superior Court of the State of California, County of San Francisco-Unlimited Jurisdiction. Case no. CPF-02-501937 October 31, 2002 ***Rene M. v. Anderson*** Stipulated Settlement in the Superior Court of the State of California, for the County of San Francisco. Case No. 982014, May 5, 1997 ***Bohler v. Anderson*** Order Granting Writ of Mandate in California Superior Court, City and County of San Francisco Department Number Eight. No. 987660, November 24, 1997***Jones-Mason v. Anderson*** Stipulation to Stay Proceedings in the Superior Court of the State of California, for the County of San Francisco. Case No. 982959 February14, 1997 ***Booraem v. Orange County*** Settlement Agreement in the Superior Court of the State of California, County of Orange, Case No. 798871, May 8, 2000
Colorado	**Settlement Agreement:** Addendum to Settlement Agreement, February 13, 1995
Connecticut	***Juan F. v. Rell*** Consent Decree United States District Court, District of Connecticut. January 7, 1991 ***Emily J. v. Weicker***: Settlement Agreement, United States District Court, District of Connecticut, No. 3:93CV1944 (RNC), February 6, 1997
Delaware	No record of any past or current settlements or consent decrees
District of Columbia	***LaShawn A. v. Williams a.k.a. LaShawn A. v. Dixon*** Modified Final Order, November 18, 1993
Florida	No cases were analyzed

Georgia	***Kenny A. v. Perdue*** United States District Court, Northern District of Georgia, Atlanta Division, Consent Decree, Civil Action No. 1: 02-CV-1686-MHS (pending court approval at the time of this publication), and Court Order, February 7, 2005. Order on defendants' motion for summary judgment, reported at 356 F.Supp.2d 1353 (N.D.Ga. 2005)—case settlement being negotiated at time of this publication).
Hawaii	***Jennifer Felix v. Cayetano*** Revised Consent Decree in the United State District Court for the District of Hawaii, Civil No 93-00367 DAE, August, 3, 2000
Idaho	***Oglala Sioux Tribe et. al v. Harris*** Settlement Agreement in the District Court of the Second Judicial District for the State of Idaho, in and for the County of Nez Perce, Case No. CV 9400316 July 11, 1995
Illinois	***B.H. v. McDonald*** Restated Consent Decree in the United States District Court for the Northern District of Illinois, Eastern Division, No. 88 C 5599 (Judge John F. Grady), December 20, 1991 ***Aristotle P. v. Mcdonald*** Consent Decree in the United States District Court for the Northern District of Illinois, Eastern Division, No. 88 C. 7919 (Judge Ann C. Williams), March 11, 1991; Parties' Joint Report to the Court and Joint Motion for Entry of an Agreed Order Regarding the Consent Decree (Judge Charles R. Norgle, Sr), March 11, 1994 ***Bates v. McDonald*** Agreed Order in the United States District Court for the Northern District of Illinois Eastern Division, No. 84 C 10054, April 3, 1986***Norman v. Suter*** Order Approving Consent Order in the United States District Court for the Northern District of Illinois, Eastern Division, No. 89 C 1624, March 28, 1991 ***Burgos v. Suter***: Consent Decree in the United States District Court for the Northern District of Illinois Eastern Division, No. 75 C 3974, January 17, 1977 ***Katie I. v. Kimbrough*** Consent Decree in the United States District Court for the Northern District of Illinois, Eastern Division, No. 89 C 8584, undated ***Hill v. Erickson*** Consent Decree in the Circuit Court of Cook County, Illinois County Department, County Division, No 88 CO 296, January 3, 1994 ***In re Lee/Wesley***
Indiana	***B.M. v. Richardson*** Stipulation to Enter Consent Decree Following Notice to the Class Civil in the United States District Court for the Southern District of Indiana, Indianapolis Division Action No. IP 89-1054-C, July 31, 1992 ____
Iowa	No record of any past or current settlements or consent decrees
Kansas	***Sheila A. v Finney*** Agreement in the District Court of Shawnee County, Kansas, Division Twelve, Case No. 89-CV-33, May 12, 1993
Kentucky	No record of any past or current settlements or consent decrees
Louisiana	No cases were analyzed
Maine	No record of any past or current settlements or consent decrees
Maryland	***L.J. v. Massinga*** Consent Decree in the United States District Court for the District of Maryland, Civil Action No JH-84-4409, September 27, 1988

Massachusetts	No cases were analyzed
Michigan	***Committee to End Racism in Michigan's Child Care System v. Mansour*** Stipulation in Eastern District of Michigan, Southern Division, File No. 85CV7438DT (Honorable Robert E. DeMascio), March 17, 1986
Minnesota	***Budreau v. Hennepin County Welfare Board*** First Written Modification of the Stipulation for Settlement, in the District Court-Other Civil Fourth Judicial District, Civil File No. 94-15706, February 16, 1996
Mississippi	No cases were analyzed
Missouri	***G.L. v. Stangler*** Consent Decree in the United States District Court for the Western District of Missouri, Western Division, No. 77-0242-CV-W-4, March 21, 1983; Amended Modified Consent Decree No. 77-0242-CV-W-1, January 30, 2001
Montana	No record of any past or current settlements or consent decrees
Nebraska	No record of any past or current settlements or consent decrees
Nevada	No record of any past or current settlements or consent decrees
New Hampshire	***Eric L. v. Bird*** Proposed Class Action Settlement in United States District Court District of New Hampshire, Civil Action No. 1:91-cv-376-M, June 2, 1997; Second Stipulation Modifying the Settlement Agreement, June 1997 ***James O. v. Marston*** Consent Decree, United States District Court for the District of New Hampshire, Civil Action 86-6-S, August 23, 1991
New Jersey	***Charlie and Nadine H. v. Codey*** Settlement Agreement, United States District Court for the District of New Jersey, Civ. Action No. 99-3678(SRC), June 23, 2003; Enforceable Elements of the New Jersey Child Welfare Plan July 19 , 2004 - Final; A New Beginning The Future of Child Welfare in New Jersey June 9, 2004 - Analysis of Key Elements of the 237-page Reform Plan
New Mexico	***Joseph and Josephine A. v. Bolson*** Revised Stipulated Exit Plan, in the United States District Court for the District of New Mexico, No. 80-623 JC/DJS, September 23, 1983
New York	***Marisol v. Pataki; Marisol v. Guiliani*** Settlement Agreement, United States District Court, Southern District of New York, 95 CV 10533 (RJW), December 1, 1998; Settlement Agreement, United States District Court, Southern District of New York, 95 CV 01533 (RJW), March 1999 ***Wilder v. Bernstein*** Proposed Stipulation of Settlement in United States District Court Southern District of New York, 78 Civ. 957 (RJW), December 1985 ***Nicholson v. Williams*** Stipulation & Order of Settlement, United States District Court, Eastern District of New York, 00CV 2229 (JBW) (CLP), December 17, 2004
North Carolina	***Willie M. et. al. v. Hunt*** Second Set of Stipulations United States District Court for the Western District of North Carolina, Charlotte Division, Civil Action No. CC 79-0294, 1998
North Dakota	No record of any past or current settlements or consent decrees
Ohio	***Roe v. Staples*** Consent Judgment between Plaintiffs and Defendant Barry, in the United States District Court for the Southern District of Ohio, Western Division, Civil No. C-1-83-1704(S), (Judge Spiegel), August 26, 1986
Oklahoma	No record of any past or current settlements or consent decrees

Oregon	No record of any past or current settlements or consent decrees
Pennsylvania	***Baby Neal v. Ridge*** Settlement Agreement in the United States District Court for the Eastern District of Pennsylvania, Civil Action No. 90-2343, February 1999
Rhode Island	***Office of the Child Advocate v. Lindgren*** Second Amended Consent Decree, United States District Court for the District of Rhode Island, C.A. No. 86-0723 L, October 24, 1989
South Carolina	No record of any past or current settlements or consent decrees
South Dakota	No record of any past or current settlements or consent decrees
Tennessee	***Brian A. v. Sundquist*** Settlement Agreement, in the United States District Court for the Middle District of Tennessee, Nashville Division, Civil Action No. 3-00-0445 (Judge Campbell, Magistrate Brown), July 27, 2001; Stipulated Modification of Settlement Agreement, July 27, 2001
Texas	No record of past or current settlements or consent decrees
Utah	***David C. v. Leavitt*** Settlement Agreement in the United States District Court District of Utah, Central Division, Case No. 93-C-206W, August 29, 1994
Vermont	No record of any past or current settlements or consent decrees
Virginia	No record of any past or current settlements or consent decrees
Washington	***Braam v. DSHS*** Final Settlement Agreement, July 31, 2004
West Virginia	***Gibson v. Ginsberg*** Amended Consent Decree, in the United States District Court for the Southern District ____, Civil Action Number 78-2375, June 8, 1984
Wisconsin	***Jeanine B. v. McCallum*** Modified Settlement Agreement, in the United States District Court for the Eastern District of Wisconsin, Civil Action No. 93-C-0547, December 2002
Wyoming	No record of any past or current settlements or consent decrees

*consent decree information provided by the 2000 and 2004 National Center for Youth Law, Foster Care Reform Litigation Dockets

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This following analysis of 35 consent decrees, settlements, and court orders that we were able to obtain and analyze includes key issues chosen by the ABA Center on Children and the Law and the Child Welfare League of America. Many of the decrees go into detail about other important child welfare matters which we did not examine (see Footnote 7 in Introduction, above).

Protective Services

- **Reporting of Child Maltreatment**

Decrees from six states have specifically addressed the issue of reporting child abuse or neglect. Three of the states, Connecticut, District of Columbia, and New Jersey, agreed to establish a statewide hotline to accept and process reports of child abuse or neglect. Of these, only Connecticut did not agree to specifically make the hotline a 24 hour system, but they did agree that it would be toll-free. In Marisol v. Pataki, New York agreed to review and evaluate its policy of accepting calls regarding educational neglect and domestic violence. Through this review and evaluation process, New York also promised to clarify to State Central Register personnel the policy on accepting reports.

Through its consent decree, Tennessee agreed to adequately staff its system for receiving, screening and investigating reports and to ensure that all reports are investigated within established time periods. Utah agreed to inform persons making the report of the agency's decision not to accept or investigate it and to document both the nature of the report and the reasons for not accepting it.

- **Intake**

Four decrees have addressed how child welfare systems perform intake, deciding how to screen which cases to investigate. Arkansas's Angela R. mandated that the agency maintain an around the clock, statewide intake process for accepting complaints of child maltreatment. The other three decrees, Kansas's Sheila A. v. Finney, New York's Marisol v. Pataki and Utah's David C. v. Leavitt, all mentioned intake in the context of assuring that bona fide reports were not screened out inappropriately.

- **Investigation**

Thirteen consent decrees have addressed the way in which investigations of child maltreatment are performed. Four of the decrees mentioned the timeliness of the investigations and the immediacy of the attention required. In the Colorado agreement, an emphasis was placed on guaranteeing that the worker sees and talks with the child as soon as reasonably possible. Four decrees required the agency to promulgate comprehensive guidelines and regulations which conformed to state law and social service manuals. Eric L. v. Morton, in New Hampshire, required the investigating agency to determine whether the alleged perpetrator is already listed as a perpetrator in the state's Central Registry. In New Jersey, Charlie and Nadine v. McGreevey required that the categories of investigation decisions be substantiated or unfounded only.

- **Assessments**

Sixteen decrees have addressed the process of assessing an allegation of child maltreatment or a family's needs, situation or services required. Arkansas, New Hampshire, New Jersey, Rhode Island, Pennsylvania, Utah, Tennessee and New York were required to develop policy and processes for screening and assessing an allegation

of child maltreatment for each complaint and to assess the level of risk to the subject child and placement needs. In New York, the evaluations were to be conducted to determine the specific service needs of the child and the level of care and the specific type of programs required. Tennessee's Brian A. v. Sundquist required that the assessment include a medical evaluation, and if indicated a psychological evaluation. Higgins v. Saenz mandated that California DSS establish a policy requiring counties to conduct a home assessment of relatives who have expressed an interest in having the child placed with them. In Bohler v. Anderson, the parties agreed that children at risk for out-of-home foster care and child welfare services must be assessed for appropriate placement and other services. They also agreed that the need for a standard assessment procedure was recognized by the legislature.

Connecticut's Juan F. v. Rell required the agency to establish a regional resource group to determine the information to be compiled for purposes of assessment of services. LaShawn A. v. Dixon required the agency in Washington D.C. to develop policies and procedures to conduct risk assessment and to assure that child protective services investigations and decisions are based on a full and systematic analysis of a family's situation and the factors placing a child at risk. In Georgia, Kenny A. v. Perdue has required an assessment of the child within 24 hours of the child's 72-hour hearing. B.H. v. McDonald required the agency to perform initial social assessments and risk assessments and investigations of families that are subject of pending abuse or neglect reports. Kansas's Sheila A. v. Finney required the Department to complete a family based assessment when a report alleging that a child appears to be in need of services is accepted. Finally, in Wisconsin, Jeanine B. v. Doyle required that the department develop special diagnostic/assessment centers for children over 12 years of age who need further assessment in order to determine the appropriate placement.

- **Removal**

Five decrees have addressed the removal process. Arkansas's Angela R. recognized that there are situations when a child cannot safely remain at home and must be removed from his/her family. Norman v. Suter stated that the agency "shall not remove any child...because of living circumstances of the family, or lack of provision for the child's substance needs." The only exception that Norman v. Suter made is if the circumstances or conditions of the child are such that continuing in his place of residence presents an imminent danger or unless the agency has made reasonable efforts to prevent or eliminate the need for removal of the child. New York's Nicholson v. Williams focused solely on the policy of New York City's agency to remove children from mothers who were victims of domestic violence because as victims they "engaged in domestic violence." The injunction, in relevant part, "prohibited ACS from carrying out ex parte removals solely because the mother is the victim of domestic violence." Utah's David C. v. Leavitt has required an investigator, within 30 days of the report of abuse or neglect, to arrange for the removal of the child from the home if it is not safe for him or her to remain there. In West Virginia, temporary removal of a child by judicial authorization was permitted under the due process clause of the 14th Amendment only when imminent

danger to the child's physical well-being exists and there is an adequate basis in the record for determining such danger.

- **Reasonable Efforts**

Eight decrees have required reasonable efforts to be made and documented to avoid the need for placement of a child. Specific reasonable efforts provisions included, for example, Norman v. Suter's provision of hard services such as assistance in locating and securing housing, temporary shelter, cash assistance, in kind services including food or clothing, child care, emergency caretakers or advocacy with public and community agencies.

- **Placement (Appropriateness/Necessity and Least Restrictive)**

Twelve decrees have addressed the appropriateness and/or necessity of placement and the assurance that when placement is necessary or appropriate that it is the least restrictive placement possible. The decrees from Alabama, Arkansas, Colorado, Hawaii, Michigan, New York, and North Carolina have required that services and placement be provided in the least restrictive, most normalized environment that is appropriate to the child's strengths and needs. They consider a family-like setting which meets the individual needs of children as the least restrictive. California's Katie A. listed as an objective of the agreement that members of the class shall be afforded stability in their placements, while Booream v. Orange County sought to ensure that any child under the age of six years is placed in a family-like setting when immediate removal is necessary and no appropriate relative is available.

Michigan's Committee to End Racism in Michigan's Child Care System v. Mansour listed a set of factors to be evaluated in selecting a placement that is in the child's best interests which includes the physical and emotional needs of the child, the child's racial, ethnic and cultural identity, heritage and background, religious preferences, the least restrictive setting, and the continuity and stability of the child's placement. Charlie and Nadine v. McGreevey required that the state of New Jersey create a placement unit in every local office to facilitate the placement process. In New York, under the Marisol v. Guiliani case, an advisory panel was required to examine and make recommendations on the appropriateness of placements in certain cases by conducting a de novo case review of the child's placement and of the child's needs within 10 days after the child's evaluation is completed. The Ohio agency must issue policy materials and instructions regarding the appropriateness of and necessity for the foster care placement of a child under Roe v. Staples.

- **Prevention**

Five decrees have mentioned the provision of preventive services. They all have required that the respective agencies make efforts to assess family needs in order to prevent removal of the child.

- **Family Preservation**

The decrees from four states have sought to ensure that all families determined to be appropriate for family preservation services receive them. None of them have specified what family preservation services should be made available.

- **Voluntary Services**

Five decrees have required that the defendants provide the option for voluntary services to provide information, advice, limited case management and access to other services for families who have been the subject of a report of neglect/abuse that has not been founded, but for whom services are required.

- **Reducing Re-Entry Rates**

Six decrees have addressed a child's re-entry into care. Two of the decrees, Georgia's Kenny A. and Tennessee's Brian A. v. Sundquist have mentioned that only a specific percentage, 8.6 and 8 respectfully, of all foster children entering custody shall have re-entered care within 12 months after discharge. The other four have specific goals of reducing the percentage of child

- **Sensitivity to Race/Ethnicity**

Six decrees have addressed sensitivity to race and ethnicity. Kenny A. v. Perdue in Georgia and Brian A. v. Sundquist in Tennessee both declared that race, ethnicity and religion shall not be the basis for a delay or denial in placement of a child. Michigan's Committee to End Racism in Michigan's Child Care System v. Mansour has prevented a child from being removed from a foster home solely on the ground that the foster child is of a different race than the foster parent. Two decrees from New York, Marisol v. Guiliani and Wilder v. Bernstein, have required that the agency follow practices and policies that ensure that religion does not play a role in access to programs and that children in placement have the right to be free from the imposition of religious practices and the right to practice their own religion while in placement. Lastly, Alabama's R.C. v. Hornsby, stated that the "system of care" to be created shall be sensitive to cultural differences and the special needs of minority ethnic and racial groups.

- **Promoting Family Reunification**

Four decrees have specifically addressed family reunification. Utah's David C. v. Leavitt has required that home visits, collateral contacts to monitor progress and case management be made available to all families. Wisconsin's Jeanine B. v. Doyle has mandated that specific percentages of children be reunified with parents or caretakers within 12 months of entry into care. New Mexico's Joseph and Josephine A. v. Bolson stated that reasonable time guidelines and efforts shall be implemented to return a child who has a permanency goal of returning home. Illinois's Norman v. Suter commanded the agency to establish reasonable time guidelines within which workers should return

children home in cases where problems with living circumstances are preventing family reunification.

Out of Home Placement

Thirteen decrees have addressed the placement of children in general. They have mentioned development and implementation of policies and procedures governing the process for placing children in placements, notifying foster parents of their rights and duties and services available to them, and conducting needs assessments based on the standards for placement. Illinois's B.H. v. McDonald required that all placement decisions be made consistent with the best interests and special needs of the child. Under Hill v. Erickson, all class members in Illinois should be placed with their children unless separate placement is necessary for the safety or treatment of either the class member or the child. Michigan's Committee to End Racism in Michigan's Child Care System v. Mansour focused on the placement of children in "short-term" foster family placements which may be made for 45 days and without regard to the "best interest" criteria defined in the decree. In New York, under both Marisol v. Guiliani and Wilder v. Bernstein, children shall be placed on a first-come first-served basis in the best available agency program that is appropriate for the child's needs, regardless of the child's race or religion. Increasing the capacity to provide residential and outreach services to adolescents was a key point of Rhode Island's Office of the Child Advocate v. Lindgren. Tennessee's Brian A. v. Sundquist stated that no child in DCS physical or legal custody in foster care shall be placed in a jail, correctional or detention facility unless such child has been charged with a delinquency charge or unless otherwise placed or ordered by the court.

- **Enhancing Foster Care Standards**

Seven decrees have addressed standards foster parents must meet. Angela R., in Arkansas, said that foster parents shall have the skills and training sufficient to deal with the child's special needs. Under Kenny A. v. Perdue, Georgia is required to develop and maintain uniform standards, which shall comply with federal law, for the approval and re-approval of all foster and pre-adoptive families with whom class members may be placed. Prior to licensure of a foster family in Missouri, the licensing worker shall interview each member of the family, conduct home visits, interview at least three references, review the child abuse registry and police records, assess the foster parents and their children's physical and mental health, obtain a verification of employment or of adequate financial income, assess the prospective foster parents' willingness to work with the child's natural parents and their attitudes towards discipline. In West Virginia, Gibson v. Ginsberg stated that foster homes must meet standards of the agency which assure adequate food, clothing and shelter.

- **Support and Supervision of Foster Parents**

Six decrees have addressed support, monitoring and supervision of foster parents. Appropriate steps shall be taken, in Georgia, to ensure that foster parents receive adequate supports including uniform and appropriate pre-service training and can contact the agency to receive information 24 hours a day, 7 days a week. In Arkansas, foster parents are considered a team member working with other child welfare professionals for the family and as such there shall be a genuine partnership and feeling of cooperation among foster parents and agency staff.

- **Licensing of Foster Homes**

Decrees from twelve states have addressed licensing of foster homes. They have required evaluation and re-evaluation of each foster home's continued ability to care for children. They also have specified that the agencies shall develop, review and revise standards and establish procedures for approval of both foster families and unlicensed foster family homes of relative caregivers. Sheila A. v. Finney from Kansas mandated that no child in custody shall be in a placement that is unlicensed. Connecticut's Juan F. v. Rell created a Family Training and Support unit to establish plans for orientation, training and licensing of foster parents within 90 days of the approval of the decree. In Utah, immediate steps were to be taken to ensure the quality and safety of all out of home placements, including licensing evaluations.

- **Licensing of Group Homes**

Four decrees have addressed licensing of group homes. Jones-Mason v. Anderson from California has a goal of ensuring the prompt enactment of well-drafted regulations regarding licensure standards for group homes. Missouri's G.L. v. Stangler was concerned with homes being licensed specifically for emergency foster care. The other two decrees required annual monitoring and improving of licensing standards.

- **Foster Parent Training**

Seventeen decrees have required that foster parents be appropriately trained to meet nationally accepted standards and to minimize placement disruptions before children are placed with them. In Washington D.C. this includes a minimum of 15 hours of training prior to having a child placed in their home; while in Indiana the minimum shall be 20 hours of pre-service training prior to licensure and 10 hours of annual in-service training in order to retain licensure. In Arkansas, pre-service training includes a minimum of 30 hours of training. In New Hampshire, under Eric L. v. Morton, a unified and comprehensive 21 hour pre-service training was required to be developed with a curriculum that includes instruction in child development, family systems and separation and attachment. Under Aristotle P. v. McDonald the training in Illinois was to include elements on the importance of sibling relationships, the requirements of the decree, and the various subsidies and fees implemented to facilitate sibling visitation. In Missouri, all foster parents had to receive special training in parenting skills needed to raise a foster

child in order to lessen the likelihood of abuse or neglect of foster children and to reduce foster children's frequency of movement.

- **Adequate Numbers of Qualified Foster/Adoptive Homes**

Sixteen decrees have addressed recruiting and retaining adequate numbers of qualified foster and adoptive homes to ensure that all children are placed in the least restrictive, most family-like setting that meets their individual needs. They have required the agencies to conduct formal assessments of statewide and regional placement needs and to develop plans setting forth the actions they will take to increase the number of foster homes and other placements needed. In California, Booream v. Orange County has sought to expand efforts to recruit and maintain a range of family-like settings to specifically care for children under the age of six. Other decrees have required the maintenance of accurate and current information necessary to identify available placements. New Jersey's Charlie and Nadine v. McGreevey has specified that at least 1000 new resource families need to be recruited by June 2005 and more thereafter.

- **Provision of Respite Care**

Only three decrees have addressed respite care. They all have required that respite care shall be included in the services offered to foster parents. Arizona's J.K. v. Eden sought to ensure that respite care was not only a service offered to foster parents, but that it was covered as a behavioral health service for children

- **Improved Responses to Alleged Abuse/Neglect in Care**

Ten decrees have addressed the way agencies must respond to alleged abuse and neglect of a child while in care. All required that such complaints be investigated in a timely manner. In Arkansas, such complaints were required to be assessed by specially trained staff organizationally placed and supervised apart from the staff who place children in out-of-home settings or who study or approve those settings. Illinois's B.H. v. McDonald required prompt notice of the report and the outcome to the parent of the alleged abuse or neglect victim and all agency caseworkers responsible for the alleged victim. Charlie and Nadine v. McGreevey has listed decreasing the incidence of abuse and neglect of children in out-of-home care as an outcome to be measured in New Jersey, as did Jeanine B. v. Doyle for Wisconsin. In Utah, investigations of reports of abuse or neglect of children in foster care and other out-of-home placements were required to be conducted by law enforcement personnel who were required to report investigation findings to the agency director within 30 days.

- **Reducing Overcrowding in Foster Homes**

Colorado, Washington, D.C., Georgia, Missouri, Tennessee, and West Virginia's decrees all have addressed overcrowding in foster homes. The decrees included specific numbers which constitute overcrowding in an out-of-home placement. In Colorado,

under the Colorado Lawyers Committee v. the State of Colorado agreement, no child was to be placed in a foster home if that placement would result in more than four foster children in that foster home or a total of eight children or more than two children under two years of age. In Washington, D.C., Tennessee and Georgia, a child could not be placed in a home if that placement resulted in more than three foster children or a total of six children including the foster family's natural children. Missouri capped the number of children in a foster home at six, including the foster parents' children, making an exception for foster children sibling groups.

- **Enhancing Adoptive/Foster Care Matching**

The matching of adoptive or foster care families to the needs of the child being placed has been addressed by six decrees. These six decrees mandated the state to carefully match children and foster families to ensure that the foster family is able to meet the child's needs. In Angela R., the parties agreed that placements shall be chosen to match as closely as possible the child's ethnicity and culture. Connecticut, under Juan F. v. Rell, gave consideration to placing a child in a pre-adoptive home of the same racial, cultural, ethnic or lingual background. In Washington D.C., under LaShawn A. v. Dixon, the agency was required to have continuous and complete access to information sufficient to assure a careful and appropriate match between a child's individual needs and a placement with the resources to meet those needs. Wilder v. Bernstein allowed the agency in New York to take a child's race and religion into account in matching the child with a foster family, provided that such factors were not to be the only ones considered.

- **Adequacy of Reimbursement Rates**

Eleven decrees have addressed foster care reimbursement rates. All eleven have compelled agencies to review rates and implement changes to provide each foster parent with an appropriate rate of reimbursement. Some, such as The Colorado Lawyers Committee v. the State of Colorado, required that the rates for providers be increased by specific percentages (3%) as a cost of living adjustment. Tennessee and Wisconsin's decrees have required that rates at a minimum meet USDA standards and be adjusted annually to be no lower than USDA standards for the cost of raising children within the region.

- **Support of Relative Placements**

The consideration of relatives as placement resources has been addressed in twelve decrees. California's Booream v. Orange County listed the protocol developed by the agency for completing emergency relative placements. Other decrees focused on the importance of placing a child, so long as it is in his or her best interest, with their relatives. Under LaShawn A. v. Dixon, Washington, D.C. was required to place children with relatives wherever possible and appropriate. Some decrees, such as Missouri's G.L. v. Stangler, have mentioned specifically that relative foster homes shall be licensed or approved in the same manner as non-relative placements. New Jersey and Washington

have been required under Charlie and Nadine v. McGreevey and Braam v. DSHS respectively, to increase the number of children who are appropriately placed with relatives.

- **Residential Facility Placement**

Thirteen decrees have addressed group home, institution or facility placement. They have said that institution or facility placement shall not be used unless it is the least restrictive, most normalized placement appropriate to the strengths and needs of the child. In Katie A. from California, the county agreed to surrender its license to a particular large institution and not operate it for the residential care of children and youth under the age of 18. In Booream v. Orange County, Kenny A. v. Perdue, Brian A. v. Sundquist and LaShawn A. v. Dixon the defendants agreed that children under the age of six would not be placed in a group care setting or facility unless specific conditions existed. In Colorado, the parties agreed that no child under 6 shall be placed in a group or residential care setting. Decreasing the proportion of children in out-of-home care placed in congregate settings was a measurable outcome in Charlie and Nadine v. McGreevey. In New York, audits of licensed congregate care facilities were to be conducted as frequently as practicable to review compliance with applicable regulations and policies.

- **Placing Siblings Together**

Thirteen decrees have addressed the issue of sibling placement. All have supported siblings being placed together so long as it is not detrimental to their best interests. When no shared sibling placement is available in a family-like setting in California, the defendants were required to continue efforts to facilitate sibling contact under Booream v. Orange County. Under Aristotle P. v. McDonald in Illinois, the agency agreed to adopt written rules providing that siblings be placed together. There was also a focus on sibling visitation and contact, if siblings cannot be placed together.

- **Proximity to Biological Family**

The decrees from Alabama, Arkansas, Connecticut, Washington D.C., Georgia, New Hampshire, New Jersey, Tennessee and Utah have stressed the importance of choosing placements to keep the child in close proximity to the child's biological family. Georgia's Kenny A. v. Perdue and Tennessee's Brian A. v. Sundquist have listed specific distances from their homes, 50 miles and 75 miles respectively, within which a child should be placed.

- **Reduction in Number of Placements**

Ten decrees have sought to minimize the number of placements children in care experience. Reduction in the number of placements was an outcome to be measured in Alabama, Georgia, New Jersey and Wisconsin. In Illinois, under B.H. v. McDonald, Utah, under David C. v. Leavitt, and Washington, under Braam v. DSHS, if a child was to be placed more than a set number of times in a specific period of time, special reviews

of the case were required to be performed and the agency was required to identify the factors which contributed to multiple placements, including casework practices and characteristics of children and shelter care providers. In Arkansas, changes in placement were to be made only after notification of the foster child, foster parent, guardian ad litem, the child's birth parent and the court having jurisdiction over the child.

- **Reduction in Length of Time in Care**

Two decrees, Charlie and Nadine v. McGreevey from New Jersey and Brain A. v. Sundquist from Tennessee have addressed the length of time a child spends in care. In both it was included as an outcome to be measured regularly. In New Jersey, length of time in care included decreased length of time in care with a goal of reunification or adoption. In Tennessee, the decree specifically required that at least 60% of children in placement shall have been in placement for two years or less by the end of the first reporting period.

- **Minimizing Disrupted Placements**

Disruption of placements has been mentioned in four decrees. All four have sought to reduce the number of disrupted placements (both foster care and adoptive) as an outcome to be measured in determining the success of the decree.

- **Improving Use of Contract Agencies**

Six decrees have had elements concerning private agencies with whom the state agencies contract. In Connecticut, under Juan F. v. Rell, the agency was required to establish and staff a Contracts Unit to compile and review existing and future contracts to ensure compliance with the decree. New Jersey's Charlie and Nadine v. McGreevey and Illinois' Burgos v. Suter clarified that contract agencies were also subject to the provisions of the settlement agreement. Georgia's Kenny A. v. Perdue and Tennessee's Brian A. v. Sundquist have mandated that the respective departments shall only contract for placements or services with licensed contractors or subcontractors. Finally, Wilder v. Bernstein required that all agencies with which New York City contracted submit quarterly reports with identifiable information including the race and religion of all children whose placement in the agency's program(s) originated with the physical appearance of the child and/or parent at the agency.

- **Ending Inappropriate Punishment of Foster Children**

Two decrees, Georgia's Kenny A. v. Perdue and Missouri's G.L. v. Stangler, have mentioned punishment of foster children. Both have required that the use of inappropriate or corporal punishment be prohibited.

Services

Twenty decrees have addressed provision of services. The parties to these decrees have agreed that children shall have access to a comprehensive array of services consistent with good child welfare and mental health practice and the requirements of federal and state law that address their physical, emotional, social and educational needs as these needs are identified. In Arkansas, services not only need to be provided to the children, but also to birth, foster and adoptive families in order to prevent placement disruptions. In Connecticut, under Emily J. v. Rell, and in Tennessee, under Brian A. v. Sundquist, community-based services programs were to be identified to supplement such services and programs already in existence.

- **Promoting Parent-Child Visitation**

Parent-child visitation has been addressed in thirteen decrees. Arkansas recognized that connections between a child and his or her birth family are critically important to the child's growth, development and well-being especially during out-of-home placement. To this end, caseworkers were required to ensure that families and children have reasonable opportunities for personal visits, communication by telephone and involvement in life events. In Alabama, Kansas, Ohio and Colorado, visitation was to be specified in the child's case plan and made available. In Maryland and Tennessee, in all cases in which the goal is to return a foster child to his or her biological home, reasonable efforts shall be made to facilitate visitation between parent and child.

- **Education**

The provision of educational services including special education services was addressed in fifteen decrees. A goal of R.C. v. Hornsby was to enable class members to achieve success in school and to be integrated to the maximum extent feasible into normalized school settings and activities. Flexible funds in the amount of $100,000 per year were made available by Emily J. v. Rell in Connecticut to help class members achieve educational success. In some decrees, the defendants agreed to assist class members in enrolling or obtaining appropriate schooling and recognize their responsibility to provide a free public education as guaranteed by law. The parties in Washington's Braam v. DSHS agreed to complete and implement agreements with school districts, addressing transportation issues for children transferring schools upon placement or moving between placements. In Maryland, within five working days of being placed in non-emergency foster care, a child of school age shall be attending school and receiving special education services as needed.

- **Medical Care**

Providing children with necessary and appropriate medical care was addressed in sixteen decrees. R.C. v. Hornsby expresses that children have the right to be free of excessive medication; while Brian A. v. Sundquist stated that psychotropic medication shall not be used as a method of discipline or control for any child. Arkansas agreed to

develop and monitor agency health policies and procedures which include completion of initial health care screening for every child and collection of health history information for every child. In Colorado the parties agreed that all children shall receive an appropriate medical screening as soon as is reasonably possible after entering physical custody. In Washington, D.C., Maryland and Illinois the initial medical screening was required to occur within twenty four hours of entering the agency's physical custody; in Georgia, the initial health screening and dental screening is to occur within ten days of placement. Under Juan F. v. Rell, Connecticut's agency was required to maintain a health care program for foster children that at a minimum provides for an initial physical examination by a physician or nurse practitioner within 72 hours of placement and requires foster parents to follow up with a well-visit. In Maryland, New Jersey, Utah and Missouri, the defendants agreed to develop and maintain a medical care system to provide comprehensive health care services to foster children.

- **Mental Health Care**

Twelve decrees have addressed needed improvements in the provision of mental health services to children. A goal of California's Katie A. was that members of the class promptly receive necessary, individualized mental health services in their own home, a family setting or the most homelike setting appropriate to their needs. In Georgia, all children four and older are to receive a mental health screening within thirty days of placement. In Connecticut, under Juan F. v. Rell, and in Illinois, under B.H. v. McDonald, all case and treatment plans for children were required to have, where appropriate, mental health care to address the child's mental health needs. In Utah, the agency agreed to conduct a statewide survey of existing resources for children with mental health problems and to collect data indicating the extent of unmet needs for such assessment, treatment and placement resources.

- **Substance Abuse Care**

Six decrees have made provisions to better ensure services to address substance abuse problems. In Arizona and New Jersey, the defendants agreed to develop a plan for the expansion of substance abuse treatment services for children and families. Colorado agreed to provide non-residential alcohol or other substance abuse treatment services within the child's home county.

- **Treatment**

Seven decrees have sought to ensure that children receive the treatment services they need. If the initial health screening, in Arkansas, indicated that treatment or further evaluation is needed, the agency was required to ensure that such treatment or evaluation was promptly provided. New Jersey agreed to increase treatment services to children in need and Utah's agency was given the responsibility to provide proper care to children in its custody in a timely manner.

- **Independent Living**

Preparing children for independent living has been addressed in nine decrees. Arkansas has had to ensure that children fourteen or older for whom the goal is not reunification are provided with instruction for development of independent living skills including health care, securing and maintaining housing, purchasing and preparing food, purchasing and caring for clothing, securing transportation, managing money, obtaining and maintaining employment and accessing community resources. Assessments have been required to be conducted and plans formulated for independent living for children sixteen or older in Connecticut, Utah and New Hampshire. In Washington, support services have been required to be offered to foster youth until age twenty-one.

- **Housing**

Three decrees have addressed assistance to families in finding and securing adequate, safe and affordable housing. Illinois's Norman v. Suter has required the operation of a cash assistance program for class members to provide up to $800 to a family in any calendar year for the purpose of paying initial rent, security deposit, utility connection charges, utility deposits, furniture and other items necessary to retain or regain custody of children.

Adoption

Twelve decrees have addressed adoption. In Colorado, and in Illinois under B.H. v. McDonald, the decrees mandated a review of all adoption policies, procedures and protocols and to establish clear, specific and mandatory time frames in order to reduce delays in identifying children for adoption, achieving termination of parental rights, identifying and approving adoptive families and finalizing adoptions. Increasing the number of appropriate adoptive homes and beginning the process of freeing a child for adoption and seeking and securing an adoptive placement in a timely manner were issues resolved in Washington, D.C., Connecticut and Kansas. New Mexico, in Joseph and Josephine A. v. Bolson, agreed to independently contract with at least two expert consultants to staff at least two Adoption Resource Teams (ART). The purpose of the ART teams was to bring accountability, attention, available resources and stability to the issue of moving children through their individual barriers to adoption and speeding the adoption process. New Jersey was required to phase out its adoption resource centers, keeping the same caseworkers on the case even after permanency goals are changed to adoption and bringing the Adoption Specialists to the local offices. In Georgia, Maryland, New Hampshire and Tennessee, for all children for whom adoption has been identified as the goal, adoptive homes were to be identified, whether they be in current foster placements or with new families, and termination of parental rights shall be pursued in a timely fashion.

- **Non-Discriminatory Adoption Practices**

Only two decrees have addressed establishment of non-discriminatory adoption practices. They both have required the development and implementation of programs to ensure that the criteria established by the agencies are applied in a non-discriminatory manner.

- **Timely Adoption**

Nine decrees have sought to ensure that adoptions are achieved in a timely manner. In Connecticut, plans for adoption were required to be commenced within ten working days of the decision to plan for adoption. In Washington, D.C., cases were to be referred to the agency's adoption branch within five days of the child's permanency goal becoming adoption. Under Joseph and Josephine A. v. Bolson, the defendants were given a goal of placing 40% of children with a goal of adoption in pre-adoptive homes. In Tennessee, the process of freeing a child for adoption and seeking and securing an adoptive placement was required to begin as soon as the child's permanency goal becomes adoption.

- **Subsidized Guardianship/Adoption**

Three decrees have addressed subsidized guardianship or subsidized adoption. They have required that potential adoptive families be advised of the availability of subsidies. They also have set out the criteria by which a family may qualify for subsidized programs.

- **Post-Adoption Services**

Four decrees have addressed provision of post-adoption services. All four have required that the respective agencies develop and implement systems of post-adoptive placement services to stabilize and maintain adoptive placements.

Case Planning

Case planning was addressed in sixteen decrees. R.C. v. Hornsby stated that class members, their parents and foster parents shall be involved in the planning of service, and Angela R. asserted that an adequate case plan is one developed with the involvement of the birth parents, the child, and the foster parents if the child is in foster care. Angela R. also said that all case plans must include the goal for the child and family, a description of the problems or conditions which necessitated the opening of the case or the removal of the child from the home, and the specific actions to be taken by the parents, the child and the caseworker to eliminate or correct the identified problems or conditions and the period during which these actions are to be taken. Under LaShawn A. v. Dixon, the agency agreed to develop and implement policies and procedures to establish a planning process that seeks to work intensively with the child's parents to allow the child to

remain at home, but in those instances in which removal from the home is necessary, would work intensively with the child's parents to return the child home or assure the child an alternative appropriate permanent placement. In Illinois, under B.H. v. McDonald, the agency has been required to ensure that a written case plan is developed for all children within 30 days after entering temporary custody. In Washington and Tennessee, the defendants agreed to maintain and update policies and procedures that will establish a planning process for all foster children in agency custody.

- **Permanency**

Twelve decrees have specifically addressed permanency planning. Alabama's system of care was required to promote permanency in class members' living situations. In Colorado the choice of a permanency goal for every child was required to be based on the individual needs and best interests of that child. In Illinois, under B.H. v. McDonald, all case plans for children had to include at least the permanency goal for the child and the reason for selection of the goal, the target date for achievement of the permanency goal and the reason for the target date. To fulfill the objective of the agreement, the County Defendants, under Katie A. in California, agreed to enhance permanency planning.

- **Permanency Goal Updating**

Only two decrees have addressed permanency goal review procedures. Washington D.C.'s LaShawn A. v. Dixon required the child's worker and supervisor to review a child's permanency goal and to change it if it is not appropriate. Kansas's Sheila A. v. Finney mandated that case plans be periodically reviewed and updated at least every 180 days.

- **Case Review**

Fourteen decrees have addressed the issue of case review. In Arkansas, Colorado and Georgia, the status of each child was required to be reviewed at least once every six months, with conferences between the caseworkers and his or her supervisor no less frequently than 90 days. In Illinois, under B.H. v. McDonald, administrative case reviews were to assure that each case was managed in conformity with department policies and procedures. In Utah, each child's administrative review was required to include a review of his or her placement history and a requirement that all children in custody receive case reviews within six months of coming into custody and every six months thereafter. In Connecticut, the administrative case review was required to review the implementation of objectives set forth in the treatment plan, the progress being made in reducing or eliminating problems related to returning a child home or to a relative's home, compliance with the visitation plan, the progress being made in a child's adoption plan, including the availability of an adoptive home, and the services being provided.

- **Case Plan Goals**

Seven decrees have addressed the goals set in the child or families' case plan. In Alabama, the defendants were required to vigorously seek to achieve goals of return home. Colorado's and Washington, D.C.'s decrees listed six goals that a case plan shall include: remain at home, return home, adoption, legal custody with permanent substitute caretakers, continued foster care or independent living. In Connecticut, under Juan F. v. Rell, when it was determined that a child cannot return home, the goal of the child's treatment plan was to be changed to adoption, except in specific circumstances.

Caseworkers

Two decrees have addressed caseworker issues in general. Alabama's R.C. v. Hornsby required that services shall be provided by competent staff adequately trained and supervised and who have appropriate caseloads. The competence of staff was to be deemed adequate when the state was in compliance with the standards set forth in the decree. In Illinois, under B.H. v. McDonald, the agency was required to establish and maintain a case management system which clearly designated the roles of caseworkers and supervisory staff, clearly designated the respective responsibilities of private agencies and DCFS and identified a caseworker or case manager with the training competence and authority to carry out agency policies and procedures and the terms of the Decree.

- **Caseloads**

The caseloads of child welfare agency workers was addressed in fourteen decrees. Arkansas, Connecticut, Illinois, Indiana, Maryland, Washington, D.C. and Wisconsin set specific maximum numbers of cases that workers could have ongoing at one time. Those numbers ranged from nine to forty depending on the type of worker and the type of case. In Washington, D.C., for the purposes of the agreement, caseload limits included any case not closed or transferred to another worker. In Georgia, the agency agreed to phase in a reduction in its caseloads in Fulton and DeKalb counties for its CPS investigators, ongoing case managers, placement case managers, and adoption case managers over a two year period. In Missouri, the defendants were required to prohibit excessive caseloads which prevent workers from providing adequate services to children and natural parents and from providing appropriate supervision and support of foster parents.

- **Staffing**

Twelve decrees have addressed staffing of statewide child welfare agencies. In Colorado, at the time of the agreement, the total number of child welfare professional staff was to be increased by 390 net additional professional staff in addition to staffing required for caseload growth over the next three fiscal years. Under Juan F. v. Rell, Connecticut agreed that the agency's monitoring panel would establish a ratio of supervisors to social workers to be implemented. In Utah, by July 1, 1995, the agency

was required to complete a study of caseworkers' and supervisors' caseloads and staffing patterns and fully implement the recommendations of this study by the end of 1996.

- **Qualifications**

Six decrees have addressed qualifications that applicants must have to be hired as staff at child welfare agencies. In Connecticut, preference in hiring caseworkers was to be given to those with a Bachelors Degree in social work or a human services field, or a Masters Degree in social work or child welfare. In Washington D.C., all persons hired as caseworkers were required to have a Masters Degree in Social Work. In Tennessee, the state agreed to develop and implement stipends and other incentives to support graduate work that provides reasonable steps to enable the state to hire and retain case managers with undergraduate and graduate degrees in social work and relevant and related fields

- **Training**

Training of caseworkers was also a significant issue addressed in twenty-five decrees. In Arizona, defendants agreed to develop and implement a statewide training program. In Arkansas, training was to promote family-centered casework, supervision and management practices. All workers in Colorado, after court approval of the agreement, were to meet the merit system requirements and have adequate and appropriate training to perform their assigned responsibilities. Connecticut, under Juan F. v. Rell, and Washington, D.C., under LaShawn A. v. Dixon, were to establish a Training Academy to provide pre-service training that meets nationally accepted standards for new workers, supervisors, nonclerical support staff and other persons. All of the decrees sought to adequately train personnel in order to enhance the services provided to children and their families.

- **Visits with Child**

Fourteen decrees have set guidelines for caseworker visitation with children, both in and out of care. All required regular visitation in order to keep open communication with the child and assess the quality of care being provided to the child. Many required that caseworkers visit privately with the child to aid in assessing the quality of care being provided. Many decrees also set out that caseworkers shall document the date of each visit and summarize the results of each visit in the child's case record.

- **Recruitment and Retention**

Five decrees have addressed recruitment and retention of staff for child welfare systems. Colorado and Connecticut both agreed to develop plans to recruit, hire, retain and promote appropriately qualified workers. Charlie and Nadine v. McGreevey required the immediate review of the agency's hiring process with the standards and format set forth in the decree. Angela R. stated that Arkansas's agency was to develop and implement targeted recruitment plans for those areas of the state with the highest vacancy rates and enhance the ability to attract qualified applicants through its educational stipend

program for undergraduate and graduate social work students and provide incentives to tenured staff through the continuation of the educational assistance and staff development programs for experienced staff. Under Jeanine B. v. Doyle, the agency was required to report semi-annually on case manager turnover rates per case management site.

- **Supplies**

Connecticut's Juan F. v. Rell and New Jersey's Charlie and Nadine v. McGreevey both sought to ensure that the agencies procure needed supplies such as automobiles, computers, cell phones, office space and other equipment needed by current and new workers.

- **Supervision**

Eight decrees have addressed supervision of staff. Indiana's B.M. v. Richardson and Tennessee's Brian A. v. Sundquist have directed the respective agencies to have no less than one supervisor for every seven child welfare caseworkers. In Missouri, under G.L. v. Stangler, a supervisor was required to review the social service worker's records on a monthly basis to ensure proper supervision and to assist in identifying and rectifying any problems; while in West Virginia, under Gibson v. Ginsberg, staff was required to have the social service supervisor review all protective cases within each area office regularly. New Hampshire's Eric L. v. Morton has required a minimum of weekly supervision. The Juan F. v. Rell decree has stated that the regional administrator of Children's Protective Services and designated staff must supervise regional personnel. In Utah, no less than every three months, supervisors have been required to receive comparative data concerning each protective services caseworker's compliance with priorities and timeliness.

Judicial and Legal Issues

Only four decrees have addressed judicial and legal issues in general. In Alabama, class members were accorded the right of access to counsel and the courts. In Connecticut, the Department was required to develop procedures to complete Probate Court studies within the timeframes specified by state law. Judicial training programs were required to be developed under Washington D.C.'s LaShawn A. v. Dixon. In Wisconsin, under Jeanine B. v. Doyle, the defendants were required to negotiate with the Milwaukee County District Attorney to ensure adequate legal representation for the prosecution of TPR petitions consistent with ASFA.

- **Timeliness**

New Hampshire, Pennsylvania and Wisconsin's decrees have addressed timeliness of judicial proceedings. In New Hampshire, under Eric L. v. Morton, the agency's Legal Counsel was required to meet with the Administrative Judge of the Probate Court and the supervising judges of the Family Division to discuss any problems,

obstacles and delays in the expeditious processing of petitions for termination of parental rights or for adoptions brought by the agency. In Pennsylvania, under Baby Neal v. Ridge, petitions to change the permanency goal and terminate parental rights were required to be filed within a reasonable time period of an administrative decision that this change is appropriate. Under Jeanine B. v. Doyle, Wisconsin's compliance with the federal requirement for a judicial or administrative permanency plan review every six months and at least one judicial permanency plan review hearing were required to be reported on in semi-annual monitoring reports.

- **Parent's Opportunity to be Heard**

West Virginia is the only state in which a decree has addressed a parent's opportunity to be heard in court. The decree recognized that the failure to provide a preliminary pretaking hearing upon reasonable notice so as to afford the parent and child a prior opportunity to be heard was violative of the due process clause of the 14th Amendment.

- **Children's Legal Representation**

Only three states have addressed legal representation of children. A legal advocate was required to be appointed to represent a child in agency custody admitted as an in-patient to any facility for the mentally ill or developmentally disabled in Illinois under In Re Lee. In Washington, under Braam v. DSHS, notification was required to be given to a child's representative prior to placement moves except in the case of emergencies. In Kenny A. V. Perdue the judge ruled that children had the right to legal representation under a state statute and the Georgia Constitution, including lawyers that have manageable caseloads that would permit them to adequately represent their child clients. At the time of this publication the parties were negotiated a settlement of these issues.

- **Procedural Safeguards**

Only Ohio and West Virginia have addressed how children and parents can complain or express dissatisfaction regarding the provision of child protective services. Roe v. Staples has required that procedural safeguards be afforded to children and their parents with respect to decisions on placement or visitation changes. Gibson v. Ginsberg required that children and parents and their counsel in West Virginia be informed of their rights to appeal decisions.

Resource Development

Three decrees have addressed new resource development in general. Under LaShawn A. v. Dixon, a Resource Development Office responsible for needs assessment and resource development had to be created and maintained by the Washington D.C. agency. Maryland, under L.J. v. Massinga, was required to prepare a handbook describing the rights and responsibilities of foster children, biological parents and foster parents. Similar to Washington D.C., Tennessee's Brian A. v. Sundquist required the agency to establish and maintain a resource management unit to be responsible for training staff on placement issues.

- **Policy Development**

Seven degrees have addressed development of policies and procedures to ensure guidance and uniformity in the operations of programs and services. In Illinois, under Norman v. Suter, and in New Hampshire, under Eric L. v. Morton, the defendants were to provide the plaintiffs' counsel drafts of all new policies, procedures, programs, rules, regulations and notices for implementation of the provision of the consent order.

- **Information Systems**

The creation and maintenance of information systems to provide timely and accurate data was addressed in seventeen decrees. Many required the defendants to conform to federal governmental requirements for record keeping by developing a unitary computerized information system that will record and report information sufficient to permit agency workers to achieve compliance with the decree.

- **Financial Resource Enhancement**

Seven decrees have addressed how the defendants are to finance the changes necessary for compliance with the agreement. In Colorado, Tennessee and Georgia, the state agreed to use its best efforts to obtain and maximize additional federal funding and to access all available sources of additional federal funding. In other decrees, states agreed to designate specific amounts of money to support the elements agreed to in the consent orders.

- **Use of Resource Assessment Tools**

Five decrees have mentioned the creation of assessment tools or instruments to identify the needs, resources and gaps in services available to protect children and preserve families and to deal with issues consistent with provisions of the consent orders.

- **Use of Quality Assurance Mechanisms**

Eleven decrees have addressed effective compliance through quality assurance systems. Connecticut's Juan F. v. Rell required the creation of a Quality Assurance

Division to develop and implement procedures to ensure effective review and evaluation of programs, contracts and records. Under Emily J. v. Rell, Connecticut was required to prepare a quality assurance plan, utilizing outcome measures to assess the efficacy of the services provided in the agreement. Washington, D.C., Georgia, Illinois, Tennessee and New Jersey all agreed to establish and maintain quality assurance teams or units to conduct periodic reviews of case records, to ensure that defendants are meeting the requirements of federal law, and to monitor compliance with policy and the terms of the consent decrees.

Part 2: State-by-State Summaries of Child Welfare Class Action Litigation

The following is a list of child welfare cases resulting in consent decrees, settlement agreements, or significant litigation over the past ten years, and summaries of those cases and settlements.

Those states that are still involved in active consent decrees, settlement agreements, or pending litigation are identified by shading (i.e. State).

For all cases, we include, when available, the date the lawsuit was filed, the court in which the suit was filed, the date the settlement agreement or consent decree was entered, the status of the settlement or decree, the contacts for the case, and summaries of each case.

Our "Contacts" list attorneys for the plaintiffs and the defendants (i.e. Plaintiff/ Defendant), usually listed on the agreements or decrees themselves. These contacts also include the organizations with whom we made direct contact with when receiving information about the case and/or from whom we received the settlement agreement or consent decree.

Most of the cases listed are federal court cases. However, those cases filed in state court where significant consent decrees or settlement agreements resulted, such as those in California, we also chose to include and are identified by "* *State Court Case.*"

Alabama	***R.C. v. Walley*** **Date filed:** November 15, 1988 **Court filed:** United States District Court, Middle District of Alabama **Date of Consent Decree:** December 11, 1991 **Status:** current consent decree **Contact:** Bazelon Center for Mental Health Law/ Legal Dept., Alabama Dept. of Human Resources **Summary:** A class action lawsuit was filed against the Alabama Department of Human Resources (DHR) over concerns about the inappropriate treatment given to R.C. and other children in foster care. The suit alleged that DHR had failed to maintain systems to ensure emotionally disturbed or behaviorally disordered foster children were adequately provided for when placed in the foster system.[i] Plaintiff lawyers claimed that child welfare authorities failed to provide appropriate treatment to R.C., an emotionally disturbed child, causing his condition to deteriorate. R.C., like hundreds of other foster children, had been placed in multiple foster homes rather than being provided a stable environment. In 1991, the District Court issued a consent decree that called for dramatic changes in the way child welfare authorities serve children with special mental health needs and their families. The settlement prompted statewide reform of the child welfare system, implementing a unique collaborative county-by-county model and dramatically improving the care of children in foster care and reducing their time in the system.[ii]
Alaska	No record of any past or current settlements or consent decrees

Arizona	***J.K. v. Eden*** **Year filed:** 1991 **Court filed:** United States District Court, District of Arizona **Date of Settlement Agreement:** March 2001 **Status:** current settlement agreement **Contact:** Bazelon Center for Mental Health Law/Attorney General **Summary:** This lawsuit challenged Arizona's failure to provide mental health services to children in the state's Medicaid program. Under the settlement agreement, the state of Arizona agreed to make a fundamental shift in the way it treats children and families. As a result of the settlement, an innovative approach involving the entire family and community in a child's treatment will be expanded statewide.[iii] While the agreement impacts the services provided by the state's mental health system, approximately 40% of the children in the class are also in the foster care system. Monitoring of the settlement agreement is ongoing.
Arkansas	***Angela R. v Huckabee* a.k.a. *Angela R. v. Clinton*** **Date Filed**: July 3, 1991 **Court filed:** United States District Court, Eastern District of Arkansas **Date of Consent Decree:** February 27, 1992 **Status:** expired 2001. Advisory groups still meet **Contact:** National Center for Youth Law/Division of Children and Family Services, Ark. Dept. of Human Services **Summary:** *Angela R.* was filed in response to several identified problems in the Division of Children and Families Services (DCFS) of the Arkansas Department of Human Services (DHS), including the understaffing and inadequate training of caseworkers, insufficient numbers of foster homes and other placement facilities, inadequate support of foster parents, inadequate services to prevent foster care placement and to reunify families, poor medical, dental, and mental health care for foster children, and numerous internal administrative deficiencies. The two parties agreed to develop a settlement and, after an extensive process, produced the "Arkansas Child Welfare Reform Document." This document required substantial increases in foster care board rates and in the number of therapeutic foster homes, initial health screenings of all foster children within 72 hours, maximum caseload standards of 15 for abuse/neglect investigations, in home family services cases, out of home placement cases, statewide availability of basic prevention and reunification services by January 1993, and initiation of all child abuse/neglect investigations within 72 hours (24 for extreme cases).[iv] A consent decree was established in 1994 and was renewed in 1999 and 2001. Although it expired in 2001, DCFS still makes quarterly presentations to the executive and legislative branches concerning its service maintenance, and an advisory committee monitoring DCFS also meets quarterly.[v]

California	***Mark A. v. Wilson*** **Date Filed:** January 8, 1998 **Court filed:** United States District Court, Eastern District of California **Date of Stipulated Judgment:** November 1, 1999 **Status:** current stipulation **Contact:** Youth Law Center/Deputy Attorney General **Summary:** The suit alleged that California was requiring parents to provide extensive financial data before being able to be considered for the federally funded Adoption Assistance Program (AAP), while federal law expressly prohibited the use of any income eligibility tests. As a result of the state's requirements, many families were discouraged from applying and were unable to provide adoptive homes. The complaint also claimed that the California Department of Social Services was arbitrarily terminating AAP support to families without its agreement, a direct violation of federal law which states that an Adoption Assistance Agreement can only be modified by the consent of the family. The case was eventually settled, and the Youth Law Center co-sponsored legislation to implement the settlement, with the state also recently issuing new regulations.[vi] ***Katie A. et al. v. Diana Bonta et. al*** **Date filed:** July 18, 2002 **Court filed:** United States District Court, Central District of California, Western Division **Date of Settlement Agreement:** March 2003 **Status:** Current settlement agreement; active litigation against state agencies **Contact:** Bazelon Center for Mental Health Law/Office of the County Counsel **Summary:** The *Katie A.* class action suit was filed against the county and state health, social services and mental health agencies, alleging their failures to accurately assess, place and provide services to children with mental health needs in their care. According to the complaint, children identified as having emotional or behavioral impairments were receiving few services and being placed in multiple foster homes, many ending up in institutions due to their worsened conditions. The plaintiffs reached a settlement agreement with Los Angeles County in March 2003, in which the county agreed to implement a number of changes in its foster care system. Under the agreement, the county is required to close the 150-bed MacLaren Children's Center, and to offer intensive, comprehensive and specialized care to children with mental, behavioral or emotional disorders. The settlement, affecting approximately 30,000 children, also mandates the county to meet several standards concerning the assessment, service provision and accountability practices of the agency. A six-member advisory panel has been monitoring the county's implementation of the agreement's terms. According to the Bazelon Center for Mental Health Law, in July 2005, the panel was preparing to file a report finding the county out of compliance with the agreement. Litigation with the state agencies, not part of the agreement, is still on going.[vii] ***Higgins v. Saenz*** **State Court Case* **Date filed:** October 24, 2002 **Court filed:** Superior Court of the State of California, County of San Francisco **Date of Settlement Agreement:** October 31, 2002 **Status:** current consent decree **Contact:** Youth Law Center/Deputy Attorney General

	Summary: This suit challenged the alleged failure of the state Department of Social Services to enforce federal regulations requiring states to license foster homes of relatives that care for youth to ensure that the homes meet health and safety requirements. Because the state had failed to require counties to fully investigate relatives' homes and to help relatives meet licensing requirements, the suit alleged that some children were living in substandard and dangerous conditions. In addition, federal regulators were withholding more than $6 million a month in reimbursements to families because the state agency had not demonstrated that they met the same standards as non-relative homes. The settlement requires uniform, statewide standards for foster parents who are related to the children in
Colorado	**Settlement Agreement:** *****Developed from task force recommendations, not litigation* **Date filed:** June 20, 1994 **Status:** Settlement Agreement dismissed **Contact:** Dr. Skip Barber, Colorado Care Management/Division of Child Welfare Services (Colorado) **Summary:** This settlement is unique in that the parties were never involved in a lawsuit with each other, but rather agreed to settle in order to avoid litigation. In 1992, a task force developed by the Colorado Lawyers Committee (CLC) found that Colorado's Division of Child Welfare Services had "serious deficiencies," was understaffed and under-funded, and thus unable to provide the necessary services to abused and neglected children. After also finding justification for a class action against the state and counties based on these claims, the state, counties and CLC agreed to a settlement reforming virtually all areas of Colorado's child welfare services. Included in the agreement are mandates that child welfare professional staff increase statewide and receive proper training. The agreement also requires the state and counties to properly investigate abuse and neglect reports, to maintain adequate case plans assuring parental involvement and visitation when appropriate, to provide adequate services such as mental health, out-of-home placement and family preservation to children, and to provide other necessary services to children in placement and foster families.[viii]
Connecticut	***Juan F. v. Rell*** **Date filed:** December 19, 1989 **Court filed:** United States District Court, District of Connecticut **Date of Consent Decree:** January 7, 1991 **Status:** current consent decree **Contact:** Children's Rights/Assistant Attorney General **Summary:** Connecticut's Department of Children and Families (DCF) was found to be routinely putting children at risk for harm. The agency failed to provide appropriate placements and basic services for foster children and failed to adequately investigate reports of abuse and neglect. There was inadequate training of caseworkers, and DCF lacked the ability to track basic data on children in its care. The lawsuit resulted in a comprehensive consent decree in 1991, covering all areas of policy, management, procedures, and operation of the department's child protective services.[ix] ***Emily J. v. Weicker*** **Date filed:** October 25, 1993 **Court filed:** United States District Court, District of Connecticut **Date of Consent Decree:** Feb 6, 1997 **Status:** current consent decree **Contact:** Center for Children's Advocacy, University of Connecticut School of Law/ Assistant Attorney General **Summary:** This lawsuit was filed in response to over 3,000 children annually being locked up pre trial in overcrowded detention centers, without receiving appropriate mental health and

	education services or recreational opportunities. Because many of these children had run away from child welfare programs, or were abused and neglected and ended up in detention centers due to no alternative placement availability, this suit represented one of the first that addressed children within both the child welfare and juvenile justice systems. Brought against the Judicial Department, the Department of Children and Families, and three city education departments, the lawsuit resulted in a consent decree approved by the federal court. In addition to traditional remedies applied to conditions-of-confinement cases, the decree requires DCF to receive a daily population list from the detention centers and work with attorneys and probation officers to seek alternative placements to incarceration. The state also committed in the decree to substantially expand alternatives to confinement.[x] A revised agreement was recently issued, and is currently being monitored.[xi]
Delaware	*No record of any past or current settlements or consent decrees*
District of Columbia	***LaShawn A. v. Williams* a.k.a. *LaShawn A. v. Dixon*** **Date filed:** June 20, 1989 **Court filed:** United States District Court, District of the District of Columbia **Date of General Receivership:** May 22, 1995 **Status:** receivership ended January 2003 **Contact:** Children's Rights/Office of Corporation Counsel **Summary:** In June 1989, Children's Rights initiated an extensive reform effort by filing a class-action suit in federal court alleging DHS's failure to comply with the federal Adoption Assistance and Child Welfare Act, the U.S. Constitution, and various local statutes. The suit alleged that DC's child welfare system failed to have appropriate worker caseloads, services, foster home conditions and adoption placements. In 1991, it was determined that DHS had violated the plaintiff children's rights. Unfortunately, DHS made only minimal progress between 1991 and 1995, prompting the court to impose a receivership on DHS**.** Since the beginning of the receivership, the District has established a program of legal assistance for potential adoptive parents unable to pay for legal counsel. There has also been an increase in the number of adoptions. In 2003, over 300 adoptions were finalized, compared with 86 in 1995.[xii]
Florida	***M.E. v. Bush*** **Date filed:** April 16, 1990 **Year of Settlement Agreement:** 2001 **Status:** settlement agreement dismissed **Contact:** Holland & Knight/Office of the Attorney General **Summary:** This suit was filed due to the Department of Children and Families alleged failure to provide children in state custody with necessary therapeutic services. After entering into a stipulation staying litigation pending the state's compliance with certain conditions, and two further amended complaints being filed, the parties settled in 2001. Included in the settlement agreement were mandates that the state conduct a baseline survey of children in need of mental health services, and requirements that appropriate services be provided based upon children's needs. After full compliance with the terms of the settlement, the parties agreed to exit the agreement.[xiii] ***Ward v. Kearney*** **Date filed:** October 20, 1998 **Court filed:** United States District Court, Southern District of Florida **Year of Settlement Agreement:** 2000 **Status:** settlement agreement dismissed **Contact:** Youth Law Center/Office of the Attorney General **Summary:** This class action lawsuit was filed due to the overcrowded conditions of Broward County, Florida's foster homes, shelters and other residential facilities. It alleged that the

	children were not being screened properly to determine if they posed a risk to other children and placements were not being regularly monitored. As a result, children in state custody were allegedly subjected to serious physical, sexual and emotional abuse and neglect. At the time, Broward County's foster care caseloads were substantially higher than the nationally recommended standard, and turnover had been as high as 80% during one twelve-month period. In 2000, the parties entered into a settlement agreement, which has now been dismissed. [xiv]
Georgia	***Kenny A. v. Perdue*** **Date filed:** June 6, 2002 **Court filed:** United States District Court for the Northern District of Georgia, Atlanta Division **Date of Consent Decree:** July 5, 2005 **Status:** Pending court approval as of August 2005 **Contact:** Children's Rights/Chief Legal Officer, Georgia Dept. of Human Resources **Summary:** Children's Rights filed a lawsuit charging that Georgia's Department of Family and Children Services (DFCS) in Fulton and DeKalb Counties was placing children at risk by operating an overburdened and poorly managed child welfare system. Among many systemic problems alleged in the complaint, children are placed wherever there is a bed or a slot and not according to individual needs. Social workers have extremely high caseloads that prevent them from monitoring the safety of children in foster care. Children face further maltreatment while in state custody at a high rate. Foster children spend unnecessarily long periods of time in state custody without opportunities to be safely returned home or to be adopted. Foster children are also denied adequate representation of legal counsel at all major stages of their child welfare experience because the caseloads of assigned lawyers are so large that adequate legal representation is impossible. On February 7, 2005, the Federal District Court in the Kenny A. case ruled, for the first time ever in the nation, that abused children have a constitutional and statutory right to an attorney, and to adequate legal representation, at every major stage of their experience in state custody.[xv] A proposed consent decree has been issued, and the parties are currently awaiting final approval. In a court order, reported at 356 F.Supp. 1353 (N.D.Ga. 2005), the court found that children in Georgia have both a statutory and state constitutional right to court-appointed lawyers, including effective assistance of counsel with manageable caseloads. A settlement of he legal representation of children aspects of this case were being negotiated as this publication was completed. ***J.J. v. Ledbetter*** **Date filed:** May 12, 1980 **Court filed:** United States District Court, Southern District of Georgia **Date of Court Orders:** August 1984, September 1984, January 1985 **Status:** unknown **Contact:** Georgia Legal Services Program/Assistant Attorney General **Summary:** This statewide class action suit was filed on behalf of birth parents whose children were placed in temporary custody with the Georgia Department of Human Resources. The parents claimed that they were denied access to their protective services case files and to fair hearings to review changes in or denials of services or visitation. For some of the issues, the parties reached a settlement in the case, "Services to Birth Parents of Children in Protective Services or Foster Care," which included provisions concerning visitation, case plans, reunification services, and access to records. After a first order denying the motion, a second order was entered in September 1984 that allowed parents' rights to fair hearings to be included in the settlement, and a third order set forth requirements for case plans and reviews. As of January 2000, plaintiffs were still monitoring state compliance with the court orders.[xvi]
Hawaii	***Jennifer Felix v. Cayetano*** **Date filed:** July 27, 1994

	Court filed: United State District Court for the District of Hawaii **Date of Consent Decree:** August 3, 2000 **Status:** Consent decree expired June 2005 **Contact:** Alston, Hunt, Floyd & Ing/Attorney General **Summary:** This class action suit was filed on behalf of children and adolescents with disabilities who are eligible for and in need of education and mental health services. The suit alleged that the defendants failed to provide the necessary and required educational and mental health services to class members. The settlement agreement reached by the parties sought to ensure that children in the class received a free appropriate public education and a system of care that includes a continuum of services, placements and programs. Included in the agreement was the requirement for the Health and Education Departments to coordinate the IEP and other relevant plans of a student in foster care with their foster care individual service plans.[xvii]
Idaho	***Oglala Sioux Tribe et. al v. Harris*** ** State Court Case* **Date filed:** March 7, 1994 **Court filed:** District Court of the Second Judicial District of the State of Idaho, In and For the County of Nez Perce **Date of Settlement Agreement:** July 11, 1995 **Status:** settlement agreement expired **Contact:** Idaho Legal Aid Services/Deputy Attorney General, Dept. of Health and Welfare (Idaho) **Summary:** This class action suit was filed on behalf of Indian tribes and Indian parents and relatives of children in state care against Idaho for its noncompliance with the Indian Child Welfare Act. The plaintiffs alleged that the state's child welfare agency was in violation of various provisions of ICWA, such as not giving notice to tribes of cases involving Indian children, placement preference for Indian foster parents, and preventive and reunification services for Indian families. In July 1995, the parties entered into a settlement agreement, in which the state of Idaho agreed to establish rules and regulations incorporating ICWA requirements, to provide ICWA training to staff, to prepare a pamphlet on ICWA, and to ensure third party monitoring of the state's compliance with ICWA.[xviii]
Illinois	***B.H. v. McDonald*** **Date filed:** June 29, 1988 **Court filed:** United States District Court for the Northern District of Illinois, Eastern Division **Date consent decree entered:** December 20, 1991 **Status:** current consent decree **Contact:** American Civil Liberties Union/Skadden, Arps, Slate, Meagher & Flom **Summary:** This lawsuit was filed on behalf of all children removed from their parents and placed in the custody of DCFS. Plaintiffs alleged that while in DCFS custody, the children failed to receive safe and stable placements, in which children were placed in violent and overcrowded shelters and subjected to abuse and neglect in foster home placements. DCFS also allegedly failed to provide adequate medical and mental health care, education, clothing and food, and the appropriate services to prevent unnecessary removals from their families. In 1991, the parties entered into a consent decree that mandates a wide series of reforms regarding standards of care. Specific provisions in the decree provide standards for the placement of children, permanency planning, mental health, education, health care, protective services, initial assessments of children, adequate food/shelter/clothing, caseload ratios, information systems, licensing, training, and quality assurance. After several modifications of the decree, monitoring of the state's compliance with the terms of the consent decree is ongoing.[xix] ***Aristotle P. v. McDonald***

Date filed: September 5, 1988
Court filed: United States District Court, Northern District of Illinois Eastern Division
Date Consent Decree entered: March 11, 1994
Status: Current Consent Decree
Contact: Office of the Cook County Public Guardian/Office of the Illinois Attorney General – Child Welfare Litigation Bureau
Summary: The lawsuit was filed against the Illinois Department of Children and Family Services for their alleged practice of placing children in the custody of DCFS apart from their brothers and sisters and not providing reasonable visitation with their siblings. The parties entered into a consent decree, which requires that DCFS make a diligent search to place siblings together whenever possible, and when such placement is not possible, and that regular visits and frequent contact between the siblings be facilitated. Although DCFS has made progress in complying with the decree, not all of the terms have been met. For example, in 2002, only 33% of sibling groups had visits in compliance with the decree. In 2004, the parties agreed to extend the decree in regards to sibling visitation, until March 11, 2006.[xx]

Bates v. McDonald
Date filed: November 20, 1984
Court filed: United States District Court for the Northern District of Illinois, Eastern Division
Date agreed order entered: April 3, 1986
Status: current agreement
Contact: Bruce Boyer, Loyola University Chicago School of Law Child Law Center/ Office of the Illinois Attorney General
Summary: This suit was filed to address the DCFS policy of providing only one hour per month of visitation for parents and children in custody whose service plan established a goal of returning to their parents. The parties entered into an agreed order, requiring DCFS to facilitate weekly visits between parents and children whose permanency goal is to return home, as well as establishing timelines and requiring the provision of related statistical information. As a result of the decree, DCFS implemented a number of policies and procedure concerning visitation. No recent activity to date on the class action.[xxi]

Norman v. Suter
Date filed: May 18, 1990 (preliminary injunction order filed)
Court filed: United States District Court for the Northern District of Illinois, Eastern Division
Date consent decree entered: March 28, 1991
Status: current consent decree
Contact: Laurene Heybach, Law Project of the Chicago Coalition for the Homeless/Skadden, Arps, Slate, Meagher and Flom
Summary: This class action was filed on behalf of parents who had lost or were at risk of losing custody of their children based on the finding by DCFS that the parents could not provide "adequate living circumstances" for them. The parties entered into a consent order which bars DCFS from removing children from their parents solely because of poverty or homelessness, and from refusing to return children home for the same reasons. The consent decree also requires DCFS to provide housing, temporary shelter, cash assistance, food, clothing, childcare, emergency caretakers, and advocacy with public and community agencies. Monitoring of the state's compliance with the order is ongoing.[xxii]

Burgos v. Suter
Date filed: November 20, 1975
Court filed: United States District Court for the Northern District of Illinois, Eastern Division
Date Consent Decree filed: January 14, 1977
Status: current consent decree
Contact: MALDEF/Assistant Attorney General

	Summary: This lawsuit alleged that Puerto Rican parents and children in the custody of DCFS were being discriminated against based on their national origin and race. The consent decree mandates that DCFS provide appropriate social services in Spanish to Spanish-speaking clients, that DCFS hire bilingual employees in certain areas and positions and to place Spanish-speaking children with Spanish-speaking foster parents. Monitoring of the state's compliance with the terms of the decree is still ongoing.[xxiii] ***Katie I. v. Kimbrough*** **Date filed:** December 20, 1989 (class certified) **Court filed:** United States District Court for the Northern District of Illinois, Eastern Division **Status:** current consent decree **Contact:** Office of the Public Guardian **Summary:** This class action suit was filed against Chicago's Board of Education and school district for failing to provide an adequate education to children in state custody. The complaint alleged that children placed in shelters, group homes or residential institutions were automatically labeled as behavior disordered by the school district and segregated from other students. This consent decree requires DCFS to provide the Board of Education with notification and appropriate identification of wards in shelter care, to enable educational enrollment and to verify the immunization records of wards in shelter care. Monitoring of the decree is ongoing.[xxiv] ***Hill v. Erickson*** ** State Court Case* **Date filed:** November 15, 1988 **Court filed:** Circuit Court of Cook County, Illinois **Date consent decree filed:** January 3, 1994 **Status:** current consent decree **Contact:** Laurene Heybach, Law Project of the Chicago Coalition for the Homeless/Assistant Attorney General **Summary:** This suit was filed on behalf of pregnant and parenting minors in the custody of DCFS, alleging that they were inappropriately placed in shelters, mental health facilities, and other temporary settings away from their children, and without receiving appropriate treatment and services for adolescent or expectant parents. The consent decree agreed upon by the parties requires that DCFS provide adequate placements and other services for agency wards who are pregnant or parenting. Included in the decree was the creation of a Teen Parent Coordinator position to carry out many of the terms of the decree. Monitoring of the state's compliance is on-going.[xxv] ***In re Lee/Wesley*** ** State Court Case* **Date filed:** August, 1971 **Court filed:** Circuit Court of Cook County, Illinois; County Dept – Juvenile Division **Date order filed:** April 7, 1981 **Status:** current consent decree **Contact:** Office of the Public Guardian **Summary:** This lawsuit was filed to insure that "adequate mental health, mental retardation and advocacy services" were provided to dependent children in need of such services. Under the order, the guardian is required to notify the Guardianship and Advocacy Commission within 24 hours of admission of a Cook County ward to a mental health or drug dependency facility. DCFS is also barred from holding dependent children in psychiatric facilities longer than medically necessary.[xxvi]
Indiana	***B.M. v. Richardson*** **Date filed:** October 1989

	Court filed: United States District Court for the Southern District of Indiana, Indianapolis Division **Date of Consent Decree:** July 31, 1992 **Status:** current consent decree **Contact:** Indiana Civil Liberties Union/Deputy Attorney General (Indiana) **Summary:** This class action was filed on behalf of the wards of the Marion County (Indiana) Department of Public Welfare (DPW) and their parents due to the child welfare workers' alleged failures to provide minimal services to children and families in family separation and child placement services. In 1992, a settlement agreement between the parties was approved, addressing caseload, investigation, and performance standards for caseworkers, training programs for supervisors and caseworkers, and recruitment, supervision and retention for foster families. In 1999, the plaintiffs filed for contempt based on their dissatisfaction with defendants' compliance. Since then, monitoring of defendants' compliance is ongoing.[xxvii]
Iowa	No record of any past or current settlements or consent decrees
Kansas	***Sheila A. v Finney*** ** State Court Case* **Date filed**: September 1, 1990 **Court filed**: District Court of Shawnee County, Kansas **Date of Settlement Agreement:** May 12, 1993 **Status**: settlement agreement dismissed **Contact**: Children's Rights/Department of Social and Rehabilitation Services (SRS) (Kansas) **Summary:** The *Sheila A.* settlement agreement was reached as a result of charges that SRS was not adequately caring for abused children. The settlement, reached in June 1993, mandated comprehensive changes in the Kansas Child Welfare System.[xxviii] To better reach the settlement outcomes, SRS and the Kansas legislature decided to privatize their child welfare services in 1996. As a result, children now receive services within 4 hours of referral, out-of-home placements average 13 months (compared to the national average of 24 months), aftercare is available to all children for 12 months, crisis support is available to families 24 hours a day, 7 days a week, and 86% of children are placed either with a relative or in a family foster home.[xxix]
Kentucky	No record of any past or current settlements or consent decrees
Louisiana	***Del A. v. Edwards*** *** Litigation resulting in decision for defendants* **Date filed:** February 25, 1986 **Court filed:** United States District Court, Eastern District of Louisiana **Status:** decision for defendants **Contact:** Children's Rights/Office of General Counsel **Summary:** This lawsuit was filed on behalf of thousands of children in foster care or at risk of being placed in foster care in Louisiana. The suit alleged that the state was failing to make "reasonable efforts" to prevent family separations, to provide children with adequate case plans and reviews, and to maintain a reliable information system tracking the number of children in foster care and their placements. Trial began in 1989, and after unsuccessful settlement negotiations and court-ordered changes in services to the plaintiffs involved in the class action, the court ruled for the defendants. However, the defendants did admit to the violations presented at trial, and the statechild welfare system improved as a result of the case. An extensive reform plan funded by the legislature was developed to implement both policy and procedural changes, and more staff was hired to oversee these changes.[xxx]
Maine	No record of any past or current settlements or consent decrees
Maryland	***L.J. v. Massinga*** **Date filed:** December 8, 1984

	Court filed: United States District Court, District of Maryland **Date of Consent Decree:** September 27, 1988 **Status:** current consent decree **Contact:** Baltimore Legal Aid Bureau/Assistant Attorney General **Summary:** In this lawsuit filed on behalf of foster children in Baltimore, an injunction was first obtained requiring improvements in health care provision, foster home licensing and monitoring, and notification of children's attorneys whenever abuse or neglect was suspected in a foster home. Following the injunction, the parties entered into a consent decree, providing for different caseload standards, additional training for caseworkers and foster parents, more frequent visits to foster homes, recruitment of additional foster homes and the development of other placement resources such as therapeutic foster homes and increased health services. Through the monitoring process, the Baltimore Legal Aid Bureau has been able to negotiate a major modification to the decree, extending many of the protections in the original decree to foster children placed with relatives.[xxxi]
Massachusetts	***MacFarland v. Dukakis*** ** *Litigation resulting in preliminary injunction and dismissal* **Date filed**: August 22, 1978 **Court filed:** United States District Court, District of Massachusetts **Status and Outcome:** preliminary injunction ordered, case later dismissed **Contact:** Greater Boston Legal Services/Assistant Attorney General **Summary:** This class action was filed to address alleged problems in the Massachusetts child welfare system, including the unnecessary removal of children from their biological families, frequent moves to different placements, inadequate supervision of children, and delays in returning children from foster care. A preliminary injunction was granted by the District Court ordering the state to provide foster children with case plans and periodic reviews and social workers with adequate caseload sizes. As the NCYL Foster Care Reform Litigation Docket notes, this case is of particular legal significance because of "the court's recognition that the AACWA [Adoption Assistance and Child Welfare Act of 1980] creates individual rights which may be enforced by private parties such as foster children and their families." The court also for the first time in a foster care case mandated the state to implement certain specific remedies to address violations. Plaintiffs filed an amended complaint alleging that the state still failed to put forth reasonable efforts to provide the required services, but the case was dismissed on May 18, 1993 after parties presented arguments concerning the impact of the Supreme Court decision in the *Suter v. Artist M.* case, which was decided during discovery of this case.[xxxii]
Michigan	***Committee to End Racism in Michigan's Child Care System v. Mansour*** **Date filed**: Sept 23, 1985 **Court Filed:** United States District Court, Eastern District of Michigan **Date of Consent Decree:** March 17, 1986 **Status:** consent decree expired **Contact:** ACLU Fund of Michigan/Clary, Nantz, Wood, Hoffius **Summary:** This lawsuit challenged the Michigan Department of Social Services' practice of placing children in foster and adoptive homes based on race-conscious criteria. DSS's policy at the time allowed children to be removed from foster placements on racial grounds alone. A consent decree, approved in 1986, required the state to use a "best interest" standard when placing children in foster care, with the exception of "short term" placements. Under this standard, race would be one factor among several used when determining a child's placement. The decree also specifically stated that a child could not be removed from a "successful" placement solely because of race, and set out guidelines to control adoption placements and the use of racial criteria. As a result of the decree, the adoption rate in Michigan has risen and transracial adoption problems have ended.[xxxiii]

Minnesota	***Budreau v. Hennepin County Welfare Board*** * *State Court Case* **Date Filed:** October 6, 1994 **Court filed:** Minnesota District Court, 4th District **Date of Settlement Agreement:** February 16, 1996 **Status:** agreement dismissed **Contact:** Legal Aid Society of Minneapolis/Assistant Hennepin County Attorneys **Summary:** This class action suit addressed Hennepin County's alleged failure to properly investigate abuse and neglect reports and provide protective services to children who began living with a relative after the alleged abuse began, and to assist relatives in receiving foster care benefits. The parties entered into a settlement agreement in 1996, requiring the Hennepin County child protection agency to more adequately assess abuse/neglect reports, to provide information to relatives concerning their rights and responsibilities as a relative care provider, to notify relatives of their rights to request a review of the accuracy of foster care payments received, and to apply for benefits not received. Under the settlement, the Minnesota Department of Human Services was also required to establish notice and hearing procedures in foster care cases statewide.[xxxiv]
Mississippi	***Olivia Y. v. Barbour*** ** *Pending litigation* **Date filed:** March 30, 2004 **Court filed:** United States District Court for the Southern District of Mississippi **Status:** Trial Scheduled for February 2006 **Contact:** Children's Rights **Summary:** This federal civil rights lawsuit charges that the Mississippi Division of Family and Children's Services (DFCS) has placed thousands of children under its care in danger and at risk of harm, and has left many thousands more in abusive and neglectful homes. The lawsuit seeks to stop ongoing alleged violations of children's rights and to ensure that DFCS adequately cares for and protects the state's children. The case is now proceeding as a class action on behalf of the nearly 3,000 foster children who are currently dependent on DFCS for their care and protection. The lawsuit asserts that for more than a decade, the state has been aware of its failure to serve these children who depend on DFCS for their basic safety and most fundamental needs, and has failed to provide the leadership, support and resources necessary to protect and care for them.[xxxv] Trial is scheduled for February 2006.
Missouri	***G.L. v. Stangler*** **Date filed:** March 28, 1977 **Court filed:** United States District Court for the Western District of Missouri, Western Division **Date of Consent Decree:** March 21, 1983 **Status:** Current consent decree **Contact:** Children's Rights/Assistant Attorney General **Summary:** Legal Aid of Western Missouri filed suit against the state of Missouri because of serious inadequacies within Kansas City's foster care system. In 1983, the parties entered a settlement as a legally enforceable, court-ordered consent decree. In 1985, the court ordered the creation of an independent monitor. However, according to Children's Rights, significant reforms came about only after a 1992 contempt finding after full trial on the issue of non-compliance, which jeopardized the State Commissioner's job, forcing him to address the foster care system's severe under-performance. Since the state was found in contempt of the consent decree in 1992, improvements have been made in the Jackson County foster care system.[xxxvi]
Montana	No record of any past or current settlements or consent decrees
Nebraska	No record of any past or current settlements or consent decrees

Nevada	No record of any past or current settlements or consent decrees
New Hampshire	***Eric L. v. Bird*** **Year filed:** 1991 **Court filed:** United States District Court, District of New Hampshire **Date of Settlement Agreement:** June 1997 **Status:** Extension of settlement pending **Contact:** Disabilities Rights Center/Assistant Attorneys General **Summary:** This federal class-action lawsuit was filed on behalf of "Eric L." and other children in foster care in New Hampshire. The federal court found that the state failed to respond promptly to reports of child abuse, to provide services to keep families together, to provide safe and stable placements for children who cannot live at home, and provide proper care and services and stable appropriate placements to children with disabilities. The settlement agreement included requirements that child protection staff receive more training, and that the department would hire another foster care recruitment worker.[xxxvii] After the agreement expired in January 2004, the plaintiffs sought continued enforcement, arguing that the state had still not complied with the agreement. The parties are currently in the discovery stages of the new claim, and the determination of whether the decree will be extended is still pending.[xxxviii] ***James O. v. Marston*** **Date filed:** January 17, 1986 **Court filed:** United States District Court for the District of New Hampshire **Date of Consent Decree:** August 23, 1991 **Status:** consent decree dismissed **Contact:** Disabilities Rights Center/Office of the Attorney General **Summary:** This lawsuit was filed on behalf of all children in the foster care system in need of special education services. The New Hampshire Department of Education and the Division for Children and Youth Services (DCYS) failed to take adequate steps to ensure that students in the custody of the state who were in need of special education services were receiving such services. Students in foster care were allegedly attending school without any IEP's or other academic guidance, and some students were receiving no educational services at all. The consent decree required the New Hampshire Division for Children and Youth Services (DCYS) and the school districts to ensure that children in foster care (and other state institutions) were attending school, evaluate students' academic progress, implement students' IEPs, and ensuring proper placement of that student. In December 2000, the court approved a continuation of the consent decree, which has now been dismissed. As a result of the decree, all students in need of special education services have IEPs that are being implemented, and those students that weren't getting any education are now in school. Judges have become more aware of the unique needs of dependent children in need of special education services, and thus have made the decision making process of a child's placement much more inclusive, involving the school district as well as DCYS.[xxxix]
New Jersey	***Charlie and Nadine H. v. Codey*** **Date filed:** August 4, 1999 **Court filed:** United States District Court, District of New Jersey **Date of Settlement Agreement:** June 23, 2003 **Status:** Current settlement agreement **Contact:** Children's Rights/Wolf Block Schorr & Solis-Cohen **Summary:** In this lawsuit, children in the custody of New Jersey whose goal is adoption were found to be abused in foster care at a rate of twelve times the federal norm. The settlement agreed upon required the Department of Youth and Family Services to create a reform plan. One of the outcome measures that the Settlement Agreement's reforms will be measured against is reducing the number of adoptive and pre- adoptive placements that disrupt.[xl]

	Baby Sparrow v. Waldman **Date filed:** August 1996 **Court filed:** United States District Court, District of New Jersey **Date of Settlement Agreement:** December 23, 1996 **Status:** settlement dismissed **Contact:** Gibbons, Del Deo, Dolan, Griffinger and Vecchione/ Deputy Attorney General **Summary:** This lawsuit was filed in response to New Jersey's alleged failure to properly care for and place boarder babies after they are medically ready for hospital discharge. A settlement order was issued as a result.[xli]
New Mexico	***Joseph and Josephine A. v. Bolson*** **Date filed:** July 25, 1980 **Court filed:** United States District Court, District of New Mexico **Date of Consent Decree:** September 23, 1983 **Status:** consent decree dismissed **Contact:** Children's Rights/Attorney General's Office **Summary:** This lawsuit challenged that officials of New Mexico's Children, Youth, and Families Department (CYFD) were making virtually no effort to place children in foster care with permanent families. At the time of filing, CYFD had no effective procedures to ensure that children were freed for adoption in a timely manner and matched appropriately with adoptive homes. The parties entered into a consent decree in 1983, but by 1998, the state still had not complied with the terms of the decree. The parties then entered into a court-ordered "stipulated exit plan," setting specific benchmarks that must be met before the decree would be dismissed. The state still, however, was not meeting these standards. For example, in 1999, only 40% of those referred to adoption recruitment services actually received the services. In 2003, a new court-ordered agreement was reached with new CYFD leadership. The agreement called for CYFD to use an innovative, hands on approach that paired outside expert consultants with CYFD caseworkers on every case where a child's permanency goal was adoption. These Adoption Resource Teams (ARTs) would meet on each case every 60 days until the child had a permanent home. As a result of these teams, the number of children successfully moved out of foster care to permanent homes dramatically increased, and in 2005, the state successfully exited the decree.[xlii]
New York	***Marisol v. Pataki; Marisol v. Guiliani*** **Date filed:** December 13, 1995 **Court filed:** United States District Court, Southern District of New York **Date of Settlement Agreements: March** 1999 **Status:** City settlement agreement ended; State settlement agreement still active **Contact:** Children's Rights/New York City Corporation Counsel **Summary:** This lawsuit was filed on behalf of over 100,000 children under the jurisdiction of the New York State Office of Children and Family Services (OCFS) and New York City's Administration for Children Services (ACS), and sought to reform all aspects of the city's child welfare system. The suit alleged that both OCFS and ACS failed to care for and protect children in custody or at risk of being in custody. In 1999, the parties reached settlements. The settlement with the City created an Advisory Panel of child welfare experts to help turn ACS around. The settlement with the State required OCFS to implement a statewide child welfare data management system and to exercise oversight responsibility toward ACS. The City settlement agreement expired in 2001, with ACS having achieved lower caseloads, obtained funding for additional placements, sharply increased staff training, improved data management system, and reconfigured foster care services along neighborhood lines. The State settlement agreement is still in effect as to the state's computer information system. Children's Rights continues to monitor the state's progress in implementing the system.[xliii]

Freeman v. Scoppetta
Date filed: 1998
Court filed: United States District Court, Southern District of New York
Date of Settlement Agreement: November 5, 1999
Status: unknown
Contact: Welfare Law Center/Attorney General of the State of New York
Summary: This suit was filed against the New York City Administration for Children's Services on behalf of foster parents, alleging that their rights to fair hearings involving foster care benefits were being violated. The parties reached a settlement agreement in 1999 that attempts to remedy the state's failure to schedule hearings and issue decisions in a timely manner.[xliv]

Jesse E. v. NYCDSS
Date filed: November 13, 1990
Court filed: United States District Court, Southern District of New York
Date of Settlement Agreement: April 19, 1993
Status: settlement dismissed in 1999
Contact: Corporation Counsel of the City of New York
Summary: This class action suit challenged the practices of New York City's Department of Social Services to unnecessarily separate siblings in foster care. The parties reached a settlement in 1993 that required the city to place siblings together in foster care, unless such placements jeopardized the health, safety or welfare of the siblings. The agreement also ensured that those siblings who were separated would be placed in close geographic proximity from each other and allowed regular visitation and communication with each other. If emergency situations require the siblings to be separated, the agreement ensured that such siblings would be reunited within thirty days. According to the NCYL 2000 Child Welfare Litigation docket, the agreement remained active through 1999.[xlv]

Wilder v. Bernstein
Date filed: filed June 14, 1973
Court filed: United States District Court, Southern District of New York
Date of Settlement Agreement: December 1985
Status: settlement expired
Contact: Children's Rights/Corporation Counsel for the City of New York
Summary: This class action was filed in response to the city's alleged practices of matching foster care children with foster parents using race and religion as sole factors, while also allowing religiously affiliated child care agencies to administer foster care services using public funds. A settlement agreement was reached in 1986 that eliminated these discriminating practices, while also implementing widespread reforms for the foster care system. The terms of the agreement included the city's requirement to institute proper evaluation and placement procedures, a system for assessing the quality of outside agencies, and access to family planning and abortion services for foster children. In 1994, with the city still not in full compliance, the court authorized that the 21,000 children living in kinship placements in the city also be protected under the Wilder settlement. In 1998, although the city still remained out of compliance in certain areas of the agreement, the terms of the Wilder consent decree were incorporated into the *Marisol v. Giuliani* agreement. The Wilder obligations continue to be monitored by an advisory panel as part of the overall Marisol settlement.[xlvi]

Nicholson v. Williams
Date filed: June 28, 2002 (preliminary injunction filed)
Court filed: United States District Court, Eastern District of New York
Date of Settlement: December 17, 2004
Status: injunction scheduled to be dismissed September 1, 2005

	Contact: Center for Battered Women's Legal Services/Corporation Counsel for the City of New York **Summary**: This suit involved the New York City's Administration for Children's Services (ACS) and their practices regarding cases involving domestic violence. After a preliminary injunction was issued, the court ruled that the city cannot remove a child from a home solely because he/she was a witness to domestic violence. Based on this ruling, a stipulation and order of settlement was issued mandating that ACS comply with the court's decision in its practices. Withstanding the city's continued compliance, the settlement is scheduled to be dismissed on September 1, 2005.[xlvii]
North Carolina	***Willie M. et. al. v. Hunt*** **Date filed:** 1979 **Court filed:** United States District Court for the Western District of North Carolina **Date of Settlement Agreement:** September 2, 1980 **Status:** settlement dismissed in 1998 **Contact:** Carolina Legal Assistance/Attorney General **Summary:** The class action was filed in response to the lack of treatment alternatives for youth with serious emotional disturbances exhibiting violent behavior. Most of the children affected by the lawsuit were adjudicated through the juvenile justice or child welfare systems. The consent decree resulting from the case required that children with such mental health needs receive comprehensive services. While the Department of Social Services was not a defendant in the case, it was affected by the decree in its mandates that children's assessments, plans, and placements be determined through a holistic perspective, involving all agencies from which a child may need services. The case inspired innovative approaches to children's mental health service delivery and assessment, building a system of care satisfactory enough for the state to reach compliance with the terms of the decree, and thus its dismissal in 1998.[xlviii]
North Dakota	*No record of any past or current settlements or consent decrees*
Ohio	***Roe v. Staples*** **Date filed:** October 20, 1983 **Court filed:** United States District Court for the Southern District of Ohio, Western Division **Date of Consent Decree:** August 26, 1986 **Status:** current consent decree **Contact:** Legal Aid Society of Cincinnati/Office of Legal Services; Ohio Dept. of Job and Family Services **Summary:** This class action was filed against the Hamilton County Department of Human Services (HCDHS) and the Ohio Department of Human Services (ODHS) for alleged failure to ensure that children in foster care and their parents were receiving proper pre-removal and prompt reunification services under the Adoption Assistance and Child Welfare Act and the Fourteenth Amendment. The parties entered into a consent decree in 1986 that required HCDHS to develop a timely written case plan for each child, to have procedural protections for parents in the event of changes in placement or visitation, to provide various preventive and reunification services to children and families, and to conduct a comprehensive needs assessment of the agency. A separate consent decree with ODHS was entered, which included extending the benefits of the Hamilton County settlement statewide. An expert panel currently oversees the state defendants, and although the decree has been modified, monitoring is still ongoing.[xlix] As a result of the decree, in which only two main issues are still outstanding, the Ohio Child Protection Oversight and Evaluation Quality Assurance System was implemented, both closely related to findings in the state's Child and Family Services Review
Oklahoma	No record of any past or current settlements or consent decrees
Oregon	No record of any past or current settlements or consent decrees
Pennsylvania	***Anderson v. Houstoun***

	Year filed: 2000 **Date of Settlement:** March 2005 **Status:** Current Settlement **Contact:** Juvenile Law Center, Pennsylvania Civil Liberties Union **Summary:** This class action lawsuit was filed against Pennsylvania and six counties in efforts to require all child welfare agencies to pay equal foster-care placement rates to relatives. Settled in March 2005, the agreement makes clear the obligation of county children and youth agencies to treat kinship caregivers like all other foster parents. The agreement also requires a notice to be provided to all kinship caregivers that states their rights to receive benefits under state and federal law. The agencies will also conduct an audit of their files to identify kinship caregivers currently caring for "adjudicated dependent children" but not receiving foster care benefits.[l] ***Baby Neal v. Ridge*** **Date filed:** April 1990 **Court filed:** United States District Court, Eastern District of Pennsylvania **Date settlement agreements entered:** February 1, 1999 **Status:** settlement agreements dismissed **Contact:** Juvenile Law Center/Montgomery, McCracken, Walter and Rhoads **Summary:** This suit was filed on behalf of children in Philadelphia's foster care system, alleging that the state had failed to provide the children with basic services. After several motions from both parties dealing with class certification, the plaintiffs entered into their settlement agreements in 1999 with the Commonwealth of Pennsylvania, the Presiding Judge of Philadelphia's Court of Common Pleas, and Philadelphia's Department of Human Services. Under the agreements, the city is required to produce several reports on a quarterly basis, including reports on case planning, and critical and unusual incident reports. The agreement with the city also allows plaintiffs to conduct reviews of case records. The family court is also required to produce periodic reports.[li] ***T.M. v. City of Philadelphia*** **Date filed:** May 23,1989 **Court filed:** United States District Court, Eastern District of Pennsylvania **Date of consent order:** April 1, 1990 **Status:** consent decree dismissed **Contact:** Juvenile Law Center/City of Philadelphia Law Dept. **Summary:** This class action suit was filed in response to the state's alleged failure to appoint counsel to children in state court dependency proceedings. The parties entered into a consent order in April 1990. Agreeing that almost half of the 10,000 children in Philadelphia's dependency proceedings were not represented by counsel, the defendants under the consent order were required to ensure that all children in dependency proceedings have legal representation. The consent order was set to expire in April 1996 so that the process of appointing counsel could be properly established, and as of January 1998, the defendants had in fact achieved full compliance with the order's terms.[lii]
Rhode Island	***Office of the Child Advocate v. Lindgren*** **Year filed:** 1988 **Court filed:** United States District Court for the District of Rhode Island **Date of Amended Consent Decree:** October 24, 1989 **Status:** Current Consent Decree **Contact:** Rhode Island Office of the Child Advocate/Dept. of Children, Youth and Families **Summary**: The Office of the Child Advocate sued Rhode Island's Department of Children, Youth and Families (DCYF), claiming their placement of children in its custody on a night-to-night basis violated the children's rights to be free from harm and enjoy equal protection of the

	laws. The parties entered into a consent decree in 1988, asserting that night-to-night placement would only be used in emergency situations. A Second Amended Consent Decree was entered in August 2001. After complaints that DCYF was not complying with the decree, and DCYF's attempts to vacate the decree, the Federal District Court on January 7, 2004 held that the decree is "alive and well." Since then, very few children have been placed in night-to-night placement by DCYF.[liii]
South Carolina	No record of any past or current settlements or consent decrees
South Dakota	No record of any past or current settlements or consent decrees
Tennessee	***Brian A. v. Sundquist*** **Date filed:** May 10, 2000 **Court filed:** United States District Court for the Middle District of Tennessee, Nashville Division **Date of Settlement:** July 27, 2001 **Status:** Current Settlement **Contact:** Children's Rights/Attorney General **Summary:** According to Children's Rights, for years the Tennessee Department of Children's Services (DCS) routinely housed children in emergency shelters and other temporary holding facilities for upwards of six months because the state had nowhere else to put them. Children in the system were also placed in multiple and often inappropriate foster homes and DCS made little effort to provide them with an education, return them to their parents, or place them for adoption. Children's Rights partnered with attorneys across the state in May 2000 to file a suit on behalf of the over 9,000 children then in DCS custody. Intense negotiations produced a court enforceable settlement agreement in August 2001. This agreement mandates sweeping reforms on Tennessee's child welfare system. After DCS's failures to comply with the agreement, DCS, in accordance with a Court-approved stipulation with the plaintiffs, has worked with Children's Rights attorneys and a committee composed of five national child welfare experts to develop a comprehensive and detailed implementation plan. The result has been DCS's "Path to Excellence" Implementation Plan, which was formally approved in August 2004. The plan identifies the concrete steps that DCS will take to come into compliance with the Settlement Agreement. Plaintiffs are continuing to monitor DCS's performance under both the Settlement Agreement and the implementation plan.[liv]
Texas	No record of past or current settlements or consent decrees
Utah	***David C. v. Leavitt*** **Date filed:** February 25, 1993 **Court filed:** United States District Court, District of Utah **Date of Consent Decree:** August 29, 1994 **Status:** Current Consent Decree **Contact:** National Center on Youth Law/Office of the Attorney General (Utah) **Summary:** Brought on behalf of all foster children and children reported abused or neglected in Utah, the complaint addressed almost all aspects of the state's child welfare and foster care system, including abuse and neglect investigations and child protective services, quality and safety of out-of-home placement, health care and mental health care for foster children, caseloads and staff training, and case planning, case review, and permanency planning. The parties negotiated a comprehensive settlement providing for reform in every aspect of Utah's child welfare system. Monitoring of the state's compliance and negotiations to modify the agreement to assure compliance are still ongoing.[lv]
Vermont	No record of any past or current settlements or consent decrees
Virginia	No record of any past or current settlements or consent decrees
Washington	***Braam v. DSHS*** ** State Court Case*

	Date filed: November 3, 1998 **Court filed:** Whatcom County Superior Court **Date of Settlement Agreement:** July 31, 2004 **Status:** Current Consent Decree **Contact:** National Center for Youth Law **Summary:** This case was originally brought by thirteen current and former foster children for injuries suffered as a result of the state agency's practice of shuttling them from one foster home to another. In March 2000, plaintiffs added claims on behalf of the class of foster children who had been moved to three or more placements while in the state's custody. The plaintiffs alleged that federal statutes require that whenever a foster child's placement is changed, that the child be afforded procedural safeguards and that the child's case plan be amended to reflect the reasons for that change and how the new placement meets the needs of the child. After a jury finding for the plaintiffs and appeals resulting in remand to the trial court, a comprehensive settlement was reached in July 2004. As a result of the agreement, a five person panel, including a former public child welfare administrator and a children's mental health expert, will have the authority to set professional standards for the day-to-day practices of the agency and to create specific actions the agency must take to improve children's mental health and services to adolescents.[lvi]
West Virginia	***Gibson v. Ginsberg*** **Year filed:** Late 1970's **Court filed:** United States District Court for the Southern District of West Virginia **Date of Amended Consent Decree:** June 8, 1984 **Status:** Current Consent Decree **Contact:** Office of the Attorney General, State of West Virginia **Summary:** Filed in federal court, this class action lawsuit alleged that the Department of Child Protective Services did not explore alternatives to the removal of children alleged to be abused or neglected. The consent decree addresses casework practices in child abuse and neglect cases and specifies the circumstances in which children may be removed from their homes. As a result of the decree, the Department may purchase services for families in which their child is unsafe and will be removed from the home only if a particular service is not obtained, or if their child has been removed will be returned home if a particular service is obtained. These "Gibson payments" are restricted to those Child Protective Service cases that will be opened for ongoing services. Most of the provisions of the decree have now been incorporated into the state's official child protective services policy.[lvii] ***Sanders v. Weston*** **Date filed:** March 1992 **Court filed:** United States District Court, Southern District of West Virginia **Date of consent order:** August 16, 1993 **Status:** consent decree dismissed **Contact:** National Health Law Program/Office of the Attorney General **Summary:** This suit was filed due to the alleged failure of West Virginia's Department of Health and Human Resources (DHHR) to inform and provide Medicaid-eligible foster children and parents with the necessary medical services available to them. The parties entered into a consent order requiring DHHR to ensure that such children were getting services afforded to them under EPSDT (Early and Periodic Screening, Diagnostic and Treatment) regulations. Plaintiffs closely monitored DHHR's implementation of the compliance plan, and today the consent order is no longer active.[lviii]
Wisconsin	***Jeanine B. v. McCallum*** **Date filed:** June 1, 1993; Supplemental Complaints filed on June 2, 1999 and December 1, 2000

	Court filed: United States District Court, Eastern District of Wisconsin **Date of Settlement Agreement:** December 2, 2002 **Status:** Current Settlement Agreement **Contact:** Children's Rights/Assistant Attorney General **Summary:** This lawsuit was filed to address high social workers' caseloads, unavailable but necessary child services, low adoption placements, and high rates of abuse and neglect throughout Milwaukee's child welfare system. Responding to the pending litigation, the State took over the previously county-run child welfare system. However, when the State failed to deliver promised reforms, Children's Rights filed a supplemental complaint against the State. The parties reached a settlement, and in December 2002, the court approved a settlement agreement that sets performance targets for the Bureau of Milwaukee Child Welfare. The State is issuing public reports every six months on its progress in reaching the stipulated goals. The system has improved in numerous ways, including caseloads that previously exceeded 100 children per social worker dropping to an average of less than 20 children per social worker. Currently, however, Children's Rights is demanding that the State address an annual caseworker turnover rate of 55% that is jeopardizing much of the recent progress.[lix]
Wyoming	No record of any past or current settlements or consent decrees

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REFERENCES

[i] Alabama Department of Human Resources, *R.C. Consent Decree*. http://www.dhr.state.al.us/page.asp?pageid=245.

[ii] Bazelon Center for Mental Health Law. http://www.bazelon.org/issues/children/publications/rc/index.htm

[iii] Bazelon Center for Mental Health Law, 2003. http://www.bazelon.org/newsroom/1-31-03arizona.htm

[iv] Matthews, Martha. "Stunning Victory for Arkansas Children," *Youth Law News*, 2. Mar/April 1992.

[v] "Decade Long DHS Court Case Comes to a Close," www.arkansas.gov/dhs/nrelease/AngelaR.htm; Personal communication with Paul Kelly, Senior Policy Analyst, Arkansas Advocates for Children.

[vi] Youth Law Center, *What We Do – Child Welfare Case: Mark A. v. Wilson*. http://www.ylc.org/ylc_cmvw.htm.

[vii] Bazelon Center for Mental Health Law. http://bazelon.org/newsroom/3-17-03katiea.htm; Correspondence with Bazelon Center.

[viii] Settlement Agreement Between the State of Colorado…. and the Plaintiffs in Civil Action No.94-M-1417. June 20, 1994. Source: Division of Child Welfare Services, Colorado Office of Children, Youth and Family Services

[ix] Children's Rights, 2005. http://childrensrights.org/Legal/Juan_Rowland.htm

[x] National Center for Youth Law, *Foster Care Reform Litigation Docket*, 2000.

[xi] Correspondence, Center for Children's Advocacy, University of Connecticut School of Law.

[xii] Children's Rights, 2005. http://childrensrights.org/Legal/LaShawn_Williams.htm

[xiii] National Center for Youth Law, *Foster Care Reform Litigation Docket*, 2000; Correspondence, Steve Hanlon, Holland & Knight.

[xiv] Youth Law Center, *What We Do-Child Welfare Case: Ward v. Kearney*; National Center for Youth Law, *Foster Care Litigation Docket* 2000.

[xv] Children's Rights, 2005. http://childrensrights.org?Legal/Kenny_Perdue.htm

[xvi] National Center for Youth Law, *Foster Care Reform Litigation Docket*, 2000.

[xvii] Jennifer Felix v. Cayetano, Revised Consent Decree, Civil No. 93-00367 DAE.

[xviii] National Center for Youth Law, *Foster Care Reform Litigation Docket*, 2000.

[xix] B.H. v. McDonald, Restated Consent Decree. No. 88 C 5599; Illinois Department of Children and Families, *Human Services Plan: FY 2002-2003*. http://www.state.il.us/DCFS/docs?HSPlan2002.pdf; *Overview of Illinois Child Welfare System*. http://dcfswebresource.prairienet.org/bp/child_protective_services/homepage.phtml.

[xx] Aristotle P. v. Samuels, Parties Joint Report to the Court and Joint Motion for Entry of an Agreed Order Regarding the Consent Decree. No. 88 C 7919; Illinois Department of Children and Families, *Human Services Plan: FY 2002-2003*. http://www.state.il.us/DCFS/docs?HSPlan2002.pdf; *Overview of Illinois Child Welfare System*. http://dcfswebresource.prairienet.org/bp/child_protective_services/homepage.phtml.

[xxi] Bates v. Johnson, Agreed Order, No. 84 C 10054; Illinois Department of Children and Families, *Human Services Plan: FY 2002-2003*. http://www.state.il.us/DCFS/docs?HSPlan2002.pdf; *Overview of Illinois Child Welfare System*. http://dcfswebresource.prairienet.org/bp/child_protective_services/homepage.phtml; Bruce Boyer, Loyola University Chicago School of Law Child Law Center.

[xxii] Norman v. Suter, Consent Order, No. 89 C 1624; Illinois Department of Children and Families, *Human Services Plan: FY 2002-2003*. http://www.state.il.us/DCFS/docs?HSPlan2002.pdf; *Overview of Illinois Child Welfare System*. http://dcfswebresource.prairienet.org/bp/child_protective_services/homepage.phtml.

[xxiii] Burgos v. McDonald, Consent Decree, No. 75 C 3974; Illinois Department of Children and Families, *Human Services Plan: FY 2002-2003*. http://www.state.il.us/DCFS/docs?HSPlan2002.pdf; *Overview of Illinois Child Welfare System* http://dcfswebresource.prairienet.org/bp/child_protective_services/homepage.phtml; Jorge Sanchez, MALDEF.

[xxiv] Katie I. et. al. v. Kimbrough, Consent Decree, No. 89 C 8584; Illinois Department of Children and Families, *Human Services Plan: FY 2002-2003*. http://www.state.il.us/DCFS/docs?HSPlan2002.pdf; *Overview of Illinois Child Welfare System*. http://dcfswebresource.prairienet.org/bp/child_protective_services/homepage.phtml.

[xxv] Hill v. Erickson, Consent Decree, No. 88 CO 296; Illinois Department of Children and Families, *Human Services Plan: FY 2002-2003*. http://www.state.il.us/DCFS/docs?HSPlan2002.pdf; *Overview of Illinois Child Welfare System*. http://dcfswebresource.prairienet.org/bp/child_protective_services/homepage.phtml.

[xxvi] In re Lee, Wesley, Memorandum Opinion and Order, Final Agreed Order Nos. 68 J(D) 1362, 68 J (D) 6383, 68 J 15850 (05); Illinois Department of Children and Families, *Human Services Plan: FY 2002-2003*. http://www.state.il.us/DCFS/docs?HSPlan2002.pdf; *Overview of Illinois Child Welfare System*. http://dcfswebresource.prairienet.org/bp/child_protective_services/homepage.phtml.

[xxvii] National Center for Youth Law, *Foster Care Reform Litigation Docket*, 2000; B.M. et al. v. Richardson, Civil Action No. IP 89-1054-C.

[xxviii] National Center for Youth Law, *Foster Care Reform Litigation Docket*, 2000.

[xxix] Kansas Children's Service League, *Policy Statement: Child Welfare*.

[xxx] National Center for Youth Law, *Foster Care Reform Litigation Docket*, 2000.

[xxxi] Bill Grimm, Angela R. Is Latest Chapter in Systemic Child Welfare Litigation. XII Youth Law News 2, Mar/Apr. 1992.

[xxxii] National Center for Youth Law, *Foster Care Reform Litigation Docket*, 2000.

[xxxiii] National Center for Youth Law, *Foster Care Reform Litigation Docket*, 2000.
[xxxiv] National Center for Youth Law, *Foster Care Reform Litigation Docket*, 2000.
[xxxv] Children's Rights, 2005. http://childrensrights.org/Legal/Olivia_Barbour.htm
[xxxvi] Children's Rights, 2005. http://childrensrights.org/Legal/GL_Stangler.htm
[xxxvii] InterNet Bankruptcy Library, *Class Action Reporter – New Hampshire*. http://bankrupt.com/CAR-_Public/020924.mbx.
[xxxviii] Ronald Lospennato, Disability Rights Center.
[xxxix] James O. v. Marston, Consent Decree, Civil Action No: 86-6-S; Ronald Lospennato, Disability Rights Center.
[xl] Children's Rights, 2005. http://childrensrights.org/Legal/Charlie_Nadine.htm
[xli] National Center on Youth Law, *Foster Care Reform Litigation Docket*, 2000.
[xlii] Children's Rights, 2005. http://childrensrights.org/Legal/Joseph_Bolson.htm.
[xliii] Children's Rights, 2005.http://childrensrights.org/Legal/Marisol_Pataki.htm; National Center for Youth Law, *Foster Care Reform Litigation Docket*, 2000.
[xliv] National Center for Youth Law, *Foster Care Reform Litigation Docket*, 2000.
[xlv] National Center for Youth Law, *Foster Care Reform Litigation Docket*, 2000.
[xlvi] National Center for Youth Law, *Foster Care Reform Litigation Docket*, 2000.
[xlvii] Nicholson v. Williams, Stipulation & Order of Settlement, 00 CV 2229 (JBW) (CLP); Jill Zuccardy, Center for Battered Women's Legal Services.
[xlviii] Bazelon Center for Mental Health Law, *Litigation Strategies to Prevent Custody Relinquishment*. http://www.bazelon.org/issues/children/custody/litigation.htm;, Dodge, Kenneth A. *Willie M.: A Legacy of Legal, Social and Policy Change on Behalf of Children*, Center for Child and Family Policy.
[xlix] National Center for Youth Law, *Foster Care Reform Litigation Docket*, 2000; Randy Lewis, Office of Legal Services, Ohio Department of Job and Family Services.
[l] Juvenile Law Center, JLC/ACLU Case Paves Way for Relatives to Receive Foster Care Payments. http://www.jlc.org/kinship.php
[li] National Center for Youth Law, *Foster Care Reform Litigation Docket*, 2000.
[lii] National Center for Youth Law, *Foster Care Reform Litigation Docket*, 2000.
[liii] Office of the Child Advocate v. Lindgren (2004 WL 35546); Office of the Child Advocate, *What's New*. http://www.child-advocate.ri.gov/WhatsNew.htm.
[liv] Children's Rights, 2005. http://childrensrights.org/Legal/Brian_Sundquist.htm
[lv] National Center for Youth Law, *Litigation Docket*. December 2004. www.youthlaw.org.
[lvi] National Center for Youth Law, *Litigation Docket*. December 2002. www.youthlaw.org.
[lvii] Child Protective Services, West Virginia Department of Health and Human Services, *Child Protective Services Policy*. June 14, 2004. http://www.wvdhhr.org/bcf/children_adult/cps/policy.asp.
[lviii] National Center for Youth Law, *Foster Care Reform Litigation Docket*, 2000; Jane Perkins, National Health Law Program.
[lix] Children's Rights, 2005. http://childrensrights.org/Legal/Jeanine_Thompson.htm