

## **For Immediate Release**

January 22, 2021

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## **Federal judge to approve transformative foster care settlement, reforms will move to implementation phase**

(January 22, 2021 – Kansas City, KS) – Today, a federal judge indicated he plans to approve the settlement agreement between attorneys representing the nearly 7,000 children in foster care and Kansas state officials. An order of approval is expected to be issued early next week. The settlement will bring transformative, structural change to Kansas’s broken child welfare system by ending extreme placement instability and ensuring children receive the mental health care they need. For years, children in foster care were traumatized by the system meant to protect them, lacking access to mental health resources and bouncing from home to home—some moving 20, 30, 40 or even 50 or 100 times.

“The settlement is the first step in ensuring children in foster care do not just survive the trauma they’ve experienced, but thrive,” Larry Rute, plaintiff co-counsel, said. “While it won’t happen immediately, these changes will help ensure children in foster care are treated with the dignity and respect they deserve and don’t become a statistic in the tragic foster care to prison pipeline, become homeless, or suffer from severe persistent mental illness.”

Today’s approval hearing was the final step before moving toward implementation of key practice reforms and benchmarks, which will begin immediately and are required to be met at specific intervals over the next three to four years. An independent neutral consultant will review, validate, and report on Defendants’ performance and progress in reaching the settlement obligations.

The settlement is the result of the class action *M.B. v. Howard* (originally *M.B. v. Colyer*) filed in November 2018. The plaintiff co-counsel team includes Kansas Appleseed Center for Law and Justice, Kansas City attorney and Child Welfare Law Specialist Lori Burns-Bucklew, the National Center for Youth Law, Children’s Rights, and the global law firm DLA Piper. Defendants in the settlement are Secretary Laura Howard of the Kansas Departments for Children and Families (DCF) and Aging and Disability Services (KDADS) and Secretary Dr. Lee A. Norman of the Kansas Department of Health and Environment (KDHE).

“All children in foster care have the right to a stable, caring home where their mental health care needs are met, and our settlement agreement finally moves Kansas in that direction,” Leecia Welch, plaintiff co-counsel and Senior Director at the National Center for Youth Law, said. “This lawsuit is not only a win for the children in foster care now, but a win for all children who will ever enter state care in Kansas.”

### **Key reforms**

The settlement requires structural changes and measurable outcomes, all directed to dramatically improve housing stability and mental health supports for children in DCF care:

- **Practice Improvements.** The settlement mandates 5 areas of practice changes that state agencies must “hit” for a 12-month period and then “hold” for another 12-month period in order to exit court oversight, as validated by a neutral expert. These include:
  - Ending the practice of housing children in unsuitable places like offices and hotels;
  - Ending the practice of night-to-night and short term placements;
  - Ensuring that placements are not overcrowded and do not exceed licensed capacity;
  - Ending housing-related delays in the provision of mental health services; and
  - Providing crisis intervention services for children throughout the state.

- **Outcomes.** The settlement mandates 5 measurable outcome improvements for children, phased in over 3-4 one-year periods. When state agencies “hit” the final target outcome after phasing it in, they must “hold” it for another 12 months in order to exit court oversight. These include:
  - Achieving a low average rate of placement (housing) moves, ultimately 4.4 moves or less per 1000 days in care;
  - Addressing mental health and behavioral health treatment needs for at least 90% of children;
  - Ensuring the current placement is stable for at least 90% of children;
  - Limiting placement changes to 1 move over 12 months for at least 90% of children; and
  - Providing an initial mental health and trauma screen within 30 days of entering state care for at least 90% of children.
- **Federal Court Enforceability.** If approved, the settlement is a fully enforceable federal court order that is binding on DCF, KDHE and KDADS and all current and future officials of these agencies.
- **Contract Oversight.** The settlement is binding whether performance is by the state agencies or any providers under contracts or other agreements with the state, and the obligations of the settlement will become a part of all contracts.
- **Neutral Expert Validating Performance.** The settlement appoints Judith Meltzer and the Center for the Study of Social Policy, a highly respected child welfare policy group, to independently validate the state’s performance.
- **New Community Accountability Structure.** The settlement requires a new independent advisory group, heavy on stakeholders outside of state agencies, such as providers, parents and youth. The group can make public recommendations for change and the state agencies must respond in writing to all recommendations.

To learn more about this suit, [click here](#).

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**About Kansas Appleseed:** Kansas Appleseed is a statewide organization that believes Kansans, working together, can build a state full of thriving, inclusive, and just communities. Kansas Appleseed conducts policy research and analysis and works with communities and partners to understand the root causes of problems and advocate for comprehensive solutions. For more information, please visit [www.kansasappleseed.org](http://www.kansasappleseed.org).

**About Lori Burns-Bucklew:** Lori Burns-Bucklew is a Kansas City attorney in private practice. She graduated from the University of Missouri-Kansas City School of Law and began practice in 1984. An accredited Child Welfare Law Specialist, she has represented children and youth as well as parents, grandparents, and other caregivers for children whose families are subjected to state intervention. She has served as class counsel in several civil rights class action matters on behalf of children in state care. She has trained hundreds of lawyers in the Kansas City Metropolitan region regarding child welfare law and children's issues.

**About National Center for Youth Law:** The National Center for Youth Law is a non-profit law firm that helps low-income children achieve their potential by transforming the public agencies that serve them. For more information, please visit [www.youthlaw.org](http://www.youthlaw.org).

**About Children’s Rights:** Every day, children are harmed in America’s broken child welfare, juvenile justice, education, and healthcare systems. Through relentless strategic advocacy and legal action, we hold governments accountable for keeping kids safe and healthy. Children’s Rights, a national non-profit organization, has made a lasting impact for hundreds of thousands of vulnerable children. For more information, please visit [www.childrensrights.org](http://www.childrensrights.org).

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