

Los Angeles County Ordered to Fix Plan to Serve Foster Children

November 21, 2006 -- In February 2006, the consortium of legal advocates representing foster children in Los Angeles County asked the district judge, in the county phase of the Katie A. class action lawsuit, to compel the county to comply with the settlement agreement its officials signed in 2003. The plaintiffs fell significantly short of what is required of it alleged that the county's implementation plan by the settlement agreement.

Ultimately, the county conceded that its implementation plan was inadequate in the most of the areas identified by the plaintiffs. The parties jointly submitted a proposed order. On November 21, 2006, the district court directed the county to revise its implementation plan, with input from the expert panel and the plaintiffs, to address the deficiencies and regularly report to the expert panel, plaintiffs and the court on progress in implementing the plan.

Highlights of the judge's order include:

1. The county's plan makes no provision for screening or the provision of mental health services to approximately 17,000 children who receive child welfare services from the Los Angeles County Department of Child and Family Services but who are not in out-of-home care (paragraphs 23-28).
2. The county plan makes no provision for the mental health needs of approximately 6,000 children who have been removed from their homes and placed with Foster Family Agencies ("FFAs") (paragraphs 29 and 35). The court credited the findings by the county's own expert, Dr. John Lyons, that there was "infrequent evidence of much actual treatment" for the children in FFAs beyond the regular social work visits to monitor their situations (paragraphs 32 and 34).
3. The county plan does not clearly describe how home- and community-based services will be provided to the approximately 1,800 foster children in congregate care (group homes), especially for children ages 12 and younger and children in the expensive and restrictive group homes (paragraphs 38 and 42). California pays between \$5,600 and \$6,370 per month for a child in the most restrictive and expensive group homes (paragraph 36).
4. The county plan does not clearly describe how it will provide intensive mental health services to the approximately 2,600 foster children living in D-rate homes (paragraphs 44 and 51). Foster parents are paid an enhanced monthly rate (the "D" rate) when they agree to accept into their homes children "with severe and persistent emotional and/or behavioral problems" (paragraph 43).
5. For the 23,000 foster children who are currently in out-of-home placements in Los Angeles County, the county has conducted no assessments or studies to determine what percentage need mental health

services (paragraphs 52 and 53). The county has simply assumed that only 50% of them may need some mental health service but the plaintiffs are concerned that their estimate may be low by as much as 35% or approximately 8,000 children (paragraphs 54 and 55).

6. The court ordered the county to provide two types of community-based mental health services — wraparound services and therapeutic foster care — to more children. Specifically, the court ordered the county to expand the number of wraparound slots by not fewer than 500 by June 30, 2008, and to provide not fewer than 300 therapeutic foster care slots by January 1, 2008 (paragraphs 84 and 90). “The County has determined that its wraparound services program is effective.” (paragraph 74)

A consortium of state and national public interest groups represents California children in both aspects of the Katie A. case, including the Western Center on Law & Poverty, the Bazelon Center for Mental Health Law, Protection & Advocacy, Inc. (the California P&A system), the National Center for Youth Law and the American Civil Liberties Union of Southern California, along with the law firm of Heller Ehrman White & McAuliffe, LLP.