

Judge David L.

BAZELON CENTER
for Mental Health Law

NEWS

Court Asked to Require Los Angeles County to Comply with 2003 Foster Care Agreement

February 14, 2006—Lawyers representing children in Los Angeles County who are in or at risk of foster care today asked the federal district court to require county officials to fulfill a two-and-a-half-year-old agreement to provide the mental health services to keep kids at home or in the community and out of group care or locked treatment facilities. Approximately 40,000 children receive services from the county's foster care agency; 23,000 of them are in foster care placement outside of their homes.

The class action known as *Katie A. v. Bonta* was filed in July 2002 on behalf of 80,000 California children who are in foster care or at risk of removal from their families and who have unmet mental health needs.

In 2003, Los Angeles County settled its portion of the lawsuit, agreeing to close the notorious MaClaren Children's Center and develop appropriate services to address children's needs in their homes or in homelike settings in the community. However, in mid-2005 an expert panel named under the agreement found that the county had not yet even developed a plan to provide community services to the children in its foster care system—the nation's largest.

"The county has not come close to meeting the obligations to which it agreed," said Kim Lewis, an attorney at the Western Center on Law & Poverty, who filed today's motion. "The thousands of children who desperately need the services promised two-and-a-half years ago can wait no longer," she said.

"Without appropriate services, too many children bounce between foster placements and group homes until their worsening mental health renders them 'unplaceable' said Ira Burnim, legal director of the Washington DC-based Bazelon Center for Mental Health Law, co-counsel in the case. "Then they are abandoned to languish in institutions or fall into the juvenile justice system."

Among key objectives in the 2003 agreement are for children in the county's foster care system to receive individualized mental health services in their own home or the most homelike setting appropriate to their needs and, when they must be removed from home, to have stable placements.

Children in Los Angeles County's foster care are not receiving appropriate services "because their needs for those services are not being assessed," the plaintiffs' motion asserts. The county's plan to address the deficit in services "grossly underestimates" the need. Although studies show that between 50 and 85 percent of children in foster care require mental health treatment, the County "used the low end of the range" to estimate that only 11,500 children need mental health services and failed entirely to consider the needs of thousands more children who live at home "with trauma-linked behavior problems" that make them "unmanageable for inadequately trained and supported relatives and foster parents." These children

currently receive only about one hour a week of office-based counseling from a mental health professional who has between 30 to 35 clients, the motion points out.

In addition to underestimating the children's numbers and their needs, the county's plan fails in other critical aspects, the motion charges. Among other things, it:

- ignores the need for training to improve foster care, mental health and provider staff practice;
- includes inadequate funding and ignores opportunities to maximize federal funding;
- lacks operational detail needed to implement and evaluate the few promising approaches that are offered;
- has no method of identifying and tracking information about the number and needs of children to be served;
- does not address the need for a qualitative review of mental health services provided; and
- lacks criteria for measuring compliance with the 2003 agreement.

In its 2005 report, the expert panel, at the court's direction, proposed specific "corrective actions" for expanding mental health services, improving front-line practice, tracking children and their needs, and evaluating progress. The lawyers today urged the court to order the county to "immediately implement the corrective actions." They also asked the court to accept the panel's offer to develop an adequate plan for system reform.

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.