

Judge David L.

BAZELON CENTER

for Mental Health Law

NEWS

Suit Against Nation's Largest Child Welfare System Settled with Commitment to Reform

Los Angeles County Agrees to Close Abusive Institution and Provide Family-Based Services to Foster Children with Mental Disabilities

Washington DC, March 17—Los Angeles County, California, settled a class action lawsuit last week by agreeing to transform its foster care system—the nation's largest—from one that exemplifies the failures of child welfare in the United States into a network of services designed to address the needs of and promote stability for the many children with emotional or psychiatric disorders in or at risk of foster care.

"This is a big win for children in foster care with mental or emotional disorders," said Ira Burnim, legal director at the Bazelon Center for Mental Health Law, one of the advocacy groups that filed the suit. "It is our hope that other troubled child welfare systems in the country may also recognize the problems in their systems and get serious about fixing them."

The suit, known as *Katie A. v. Bonta*, charged that the child welfare agency failed to assess mental health needs among the 50,000 foster children in its care and that, once children with emotional and behavioral impairments were identified, they received few services. Instead, they bounced between foster placements and group homes until their worsening disabilities made them "unplaceable" and they were consigned to institutions.

Under the settlement, the county will immediately close the MacLaren Children's Center, a 150-bed children's shelter that has been rocked with scandal. It has agreed to offer intensive, family-based "wraparound" care to children with mental, behavioral or emotional disorders, using flexible funding to pay for a wide range of services that are individually designed to meet the needs of each child and family.

"This settlement exemplifies how dedicated advocates and responsible public officials can—but all too often don't—form a partnership for needed system reform," continued Burnim. "Its successful implementation will transform a system that has turned a blind eye to thousands of children with disabilities into one that offers youngsters the help they need to live with their families, stay in school and have the opportunity to grow up as healthy and independent adults."

Based on national estimates that between 60 and 85 percent of children in foster care have significant mental health problems, the settlement affects at least 30,000 Los Angeles youngsters.

The settlement commits the county to meet a set of objectives for children who are in or at risk of entering foster care, including:

- identifying children's mental health needs and promptly providing individualized services to them as necessary, either in their own home, in a family setting or in the most homelike setting appropriate to their needs;
- providing care and services to prevent children's removal from their families or, when removal is necessary, to meet children's needs for safety, permanence and stability in their placement and facilitate reunification with their family; and
- ensuring that the care and services foster children receive are consistent with good child welfare and mental health practice and requirements of federal and state law.

A six-member advisory panel of experts in child welfare will monitor the county's compliance with the agreement and implementation of the reform. Several members of the panel were instrumental in developing and implementing a groundbreaking settlement that used similar principles to reform child-serving systems in Alabama and Arizona.

The Katie A. litigation was filed in July 2002 against the county and the state health, social services and mental health agencies by the Western Center on Law and Poverty, Center for Law in the Public Interest, the Bazelon Center for Mental Health Law, the Youth Law Center, Protection & Advocacy, Inc., the law firm of Heller Ehrman White & McAuliffe, LLP and the American Civil Liberties Union of Southern California.

The county immediately entered into negotiations and the agreement was announced on March 13 by the Los Angeles County Board of Supervisors. The state agencies are not part of the settlement and the suit against them will go forward.

"The road to reform may be a long one for the child welfare system, but we're confident that at least now Los Angeles is headed in the right direction," concluded Burnim.