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FOSTER-CARE RECEIVERSHIP REMAINS AN OPEN ISSUE IN THE *OLIVIA Y.* LAWSUIT; STATE AGREES NOT TO CONTEST NONCOMPLIANCE IN MOST RECENT PERIOD AND TO IMPLEMENT EXPERT RECOMMENDATIONS

OLIVIA Y. v. BRYANT, U.S. District Court Case No.3:04-CV-251-TSL-FKB

The judge in the federal court foster-care lawsuit *Olivia Y. v. Bryant* today approved an agreement, once again postponing court action on plaintiffs' request for the appointment of a receiver to take over the state foster-care system. In the agreement, the state acknowledged that it would "not contest a finding of noncompliance" for the most recent period, which ran through June 2015. The state also agreed to take on a number of additional commitments recommended by an expert consulting group as part of the pending contempt motion filed in March 2015.

Attorneys for the plaintiff foster children have agreed to postpone until October 17th their motion asking the federal court to appoint a receiver over the state foster-care system. However, the plaintiffs can move forward with that motion at any time after receiving an update on the state's progress, which will take place no later than July 15th.

The state is currently obligated to implement recommendations made by the expert group, Public Catalyst, within specified time periods, as a result of the contempt motion. Under this new interim agreement the state is also required to accept new caseload standards set by the expert group and to reduce the number of children in unlicensed facilities and homes at a rate and within time periods set by the expert group. According to a report by the court monitor prepared in December 2015, during the period ending June 2015 there were 697 children in such placements.



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The other areas in which the state is already directed to make measurable changes are in management, caseloads, increased salaries for workers and smartphones or computers for them, and the development of new placements. The expert group is responsible for providing technical assistance to the state and for reporting on whether the state is complying with the court-ordered requirements.

Within the next six months, the expert group will also conduct a second desk audit of the agency's caseloads and make determinations of how many children are in unlicensed foster homes and how many foster-care placements are available for children.

The agreement also provides that by October 1st the court monitor will complete an in-depth analysis of whether the state's screening and investigation of maltreatment of children in foster care comports with professional standards and with the requirements of the settlement agreement in the lawsuit.

"Mississippi has profound and unaddressed shortcomings in its foster-care system that have subjected far too many of its children to grievous harm," said Marcia Robinson Lowry, the executive director of A Better Childhood and the lead attorney for the plaintiff children. "Under the pressure of this contempt motion, the state has indicated that it may finally be committed to addressing these shortcomings. Right now, we are watching carefully to see whether the state can finally demonstrate that it can do so or whether we need to ask the federal court to act."

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A Better Childhood is a national nonprofit advocacy organization that uses the courts to reform dysfunctional child-welfare systems around the country. Marcia Robinson Lowry, A Better Childhood's executive director, has been lead counsel in the *Olivia Y. v. Bryant* lawsuit since the case was filed in 2004.



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