



For Immediate Release :

December 31, 2018

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**MALTREATMENT IN FOSTER CARE REMAINS SERIOUS PROBLEM IN OKLAHOMA,
ACCORDING TO COURT MONITORS**

The three national experts (“Co-Neutrals”) who assess the progress being made by the Oklahoma child welfare system under the settlement agreement in the class-action foster care lawsuit *D.G. vs. Yarborough*, released their 11th report on New Years’ Eve. Among its major findings was the fact that the state had once again failed to make “good faith efforts” to protect children from being subject to maltreatment while in the state’s foster care custody.

The 11th Commentary, assessing whether the state had reached targeted outcomes set by the Co-Neutrals and agreed to by the state, shows some progress from the last Commentary in August 2018. At that time, the Co-Neutrals found nine areas of “lack of good faith progress,” while they only found five such areas this time. But the report continues to show major problems in several different areas, including lagging far behind in developing additional foster homes for children with special needs.

“If children are not safe in the foster care system,” said **Marcia Robinson Lowry**, Executive Director of A Better Childhood and co-lead counsel in *D.G. vs. Yarborough*, “that system is failing in its most fundamental duty to protect children.”

According to the Co-Neutrals, the state has failed to make good faith efforts in five of the target areas, the standard which the state is required to achieve under the settlement agreement, as compared to nine target areas in the last report. However, seven years into the settlement agreement, the state has still not achieved the target outcomes in almost any of the measures to which it has agreed, including such outcomes as:

- The number of nights children of different age groups remain in shelters;
- The development of a sufficient number of regular and specialized foster homes;



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- The maltreatment in care rates;
- The number of workers and supervisors employed by the state; and,
- Whether the state achieves permanency for children, as measured by a national standard.

The issue of maltreatment in care and the failure to develop an adequate number and range of “therapeutic” foster home for children with special needs have both been long-standing problems and have not yet been addressed adequately by the state during the most recent period, the Co-Neutrals noted in their report, finding a lack of “good faith progress” in those areas.

In commenting on the regular reviews they routinely conduct of children’s case records, the Co-Neutrals noted in their most recent report that “the quality and depth of these reviews has been an ongoing challenge for the department to improve, which has resulted in some children remaining in unsafe foster homes when there was information available to the department that, if taken into account, should have led to the removal of children from the homes.”

The report noted further, “This period, the Co-Neutrals’ review of substantiated maltreatment referrals continue to identify foster homes with concerning histories that were documented during the home approval process but were nonetheless approved to care for children in DHS custody.”

On the need to develop additional placements for children with special needs, the Co-Neutrals noted the state’s continuing failure to even come up with a plan to do so, now seven years into a settlement agreement that was only intended to take five years to implement. The duration of the agreement has been extended indefinitely by the parties.

“We are pleased with some of the state’s progress in certain areas but are deeply troubled by a combination of high rates of maltreatment in care, the state’s failure to act to develop additional placements for children with long-recognized needs for specialized placements, and the fact that the state’s rate of hiring additional workers has dropped to an unacceptable low point, putting children in further jeopardy,” said Ms. Lowry. “We are very troubled that the state currently has 271 unfilled vacancies for caseworkers, and a backlog of more than 550 abuse and neglect investigations that are overdue for completion. This seems like a situation that is approaching crisis proportions at a time when we should instead be celebrating achievements.”

Co-Lead Counsel, **Frederic Dorwart** of the law firm Frederic Dorwart, Lawyers in Tulsa, OK stated, “The failure to achieve so many target goals, even where the co-neutrals believe DHS is making the required effort, is as troubling as the failure of DHS to make the required efforts in such mission critical areas. It is evident that the efforts of the co-neutrals to drive progress is crucial.”

To interview Marcia Robinson Lowry or Frederic Dorwart and for a copy of the *Co-Neutral 11th Commentary, December 2018*, please contact Geoffrey Knox at 917-414-1749 or gknox@geoffreyknox.com.

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A Better Childhood, (ABC) is a national child welfare advocacy organization that represents foster children in dysfunctional child welfare systems. In Oklahoma, Executive Director Marcia Robinson Lowry is co-lead counsel along Frederic Dorwart of the law firm Frederic Dorwart, Lawyers in Tulsa, OK. Lowry is also lead counsel in foster care lawsuits in Minneapolis, MN, Mississippi, New Jersey, Texas, New York City, and the District of Columbia.



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