



For Immediate Release:
June 11, 2019

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MISSISSIPPI FAILS YET AGAIN TO PROTECT CHILDREN IN FOSTER CARE, RISKS COURT APPOINTING RECEIVER TO RUN CHILD WELFARE SYSTEM

The neutral monitor in the class-action foster care lawsuit *Olivia Y. vs. Bryant* today released a report documenting how far off Mississippi is in meeting requirements of an 11-year-old court order to reform a system supposed to protect the state's most vulnerable children.

The court order contains 113 obligations with which the state had agreed to comply, including critical measures ranging from investigating reports of children being maltreated in foster care to timely provision of medical treatment. The monitoring report by a court-appointed monitoring group, found Mississippi met only 37 of those 113 court-ordered requirements in 2018, the first year the state was being measured under a revised settlement agreement.

The monitor's report also found Mississippi knows very little about what is happening to the almost 5,000 children in its care. For 41 out of the 113 of the requirements in the court order, the state either reported having no data at all, or the monitoring group was unable to validate state information, citing coding errors and other widespread data problems.

"What this report tells us is that the state of Mississippi has essentially abandoned its foster children," said **Marcia Robinson Lowry**, executive director of A Better Childhood and co-lead counsel in *Olivia Y. vs. Bryant*. "We were optimistic about progress during 2015 and 2016, but since the new commissioner, Jess Dickinson, took office late in 2017, a very good management team has resigned and the state actually seems to be going backward."

The Mississippi Department of Child Protective Services (MDCPS) was required to add staff to meet 90% of court-ordered caseload standards, but compliance with that standard ranged from only 47-60% over each quarter in 2018. Commissioner Dickinson has acknowledged that he does not support



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the caseload standard, even though his predecessor agreed to it. A motion for contempt is already pending on that issue, but the monitoring team's report provides new information, identifies areas where there is a lack of any data at all, and also identifies other areas where it could not compile information. The judge had stayed further action on that motion for contempt until the issuance of this report.

Now that the report has been received, the parties can file motions requesting leave to supplement the pending contempt motion, which seeks the appointment of a receiver to take over Mississippi's foster care system. Plaintiffs plan to file that motion shortly.

Wayne Drinkwater, local co-counsel from Bradley Arant, stated, "This report shows enormous problems with the Mississippi child welfare system's data information system. The state made 113 separate promises about what it would do in 2018. After review, the court's monitor was able to confirm that the state had kept only 37 of those promises, and had not kept 35 others. For the remaining 41 promises, the monitor found that the state could not provide information that would even allow the monitor to determine *what* had happened. Obviously, it is impossible for a state to protect children if it can't even provide basic information on what is happening to those children. As the monitor said, the state's inability to know what is going on creates 'blind spots' that impair the state's ability to protect our children."

The monitoring group did provide information on the rate of maltreatment in foster care, which is also required to be reported to the federal government. That rate is more than three times the rate that was agreed to by defendants. In other areas relating to the safety of foster children, where quality controls were included in the Settlement Agreement, most of them were not followed, or followed only partially. For example:

- All maltreatment reports that are screened out are required to be reviewed by MDCPS, but only 62% of them were.
- All investigations of maltreatment are required to be reviewed by the state agency, but only 66% were.
- While court reviews were required for 80% of the children, MDCPS reported that these annual court reviews took place for only between 5% and 11% of the children.
- Although required to report data to the monitoring team, Mississippi did not provide any data at all with regard to such issues as matching children with special needs with appropriate homes, taking steps to avoid placement disruptions, conducting searches for missing parents, the appropriateness of case plans and compliance with federal law, follow-up on medical treatment, providing timely information about children's medical needs to foster parents or placement facilities, and ensuring that children are registered in school, and documenting children's education needs.



“We don’t know where the money allocated to Mississippi’s foster care system is going, but it is certainly not going to protect children, said Ms. Lowry. “It is now time for the federal court to act, and we will provide the documentation showing just how unsafe and unprotected Mississippi’s children are today.”

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A Better Childhood, (ABC) is a national child welfare advocacy organization that represents abused and neglected children in dysfunctional child welfare systems. ABC also represents children in child welfare lawsuits in Oregon, Minneapolis, MN, Mississippi, New Jersey, Oklahoma, Texas, New York City, and the District of Columbia.



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