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Federal Court Gives Go-Ahead for Plaintiff Children to Seek Take-Over of Mississippi Foster Care System

Olivia Y v. Governor Bryant, U.S. District Court Case No. 04-cv-251

Having received permission from the federal court, plaintiff children in the long-running foster care lawsuit, *Olivia Y. v. Bryant*, today filed an amended motion seeking to have the Mississippi foster care system found in contempt of court and ordered into federal receivership. The motion also seeks an evidentiary hearing.

The motion filed today adds to an earlier motion based on June findings of a court-appointed neutral monitor that the state is in compliance with only 35 of the 113 commitments in a settlement agreement in effect for two years. An earlier settlement agreement was previously in effect, though the state had also failed to comply with that one.

The newer agreement had provided that 2017 would be a year off from monitoring while the state built its capacity to achieve compliance with the court order, assisted by extensive technical assistance from the monitoring group, Public Catalyst. The monitors found that the state either did not provide information that it could validate, because of serious problems with both the state's computer system and the inability of the current administration to follow "business rules" in the coding and use of the computer system, or because it simply did not produce the necessary data.

"The children of Mississippi have waited long enough to receive the benefits of a constitutional foster care system," said Marcia Robinson Lowry, executive director of A Better Childhood and lead attorney for the children. "This continuing, blatant disregard for a federal court order, entered to protect Mississippi's most vulnerable children, has to end now."



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Plaintiffs needed permission from the federal judge before filing the motion, because the judge had stayed all proceedings until the monitoring group issued its report. The judge granted that permission to proceed with the contempt motion and request for a federal takeover on Tuesday.

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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 Oregon, Indiana, Minneapolis, MN, Oklahoma, New Jersey, Texas, New York City, and the District of Columbia.