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Advocacy Groups Fire Back After Oregon Officials Move To Dismiss Federal Foster Care Lawsuit

by **Lauren Dake** (</contributor/lauren-dake/>) [Follow](#) OPB Aug. 8, 2019 6:30 a.m.

Advocacy groups who filed a class-action lawsuit

(<https://www.opb.org/news/article/oregon-foster-care-system-dhs-lawsuit-a-better-childhood/>) against Oregon's Department of Human Services say the state can't be relied upon to fix the problems plaguing the system on its own.

The advocacy groups' most recent filing on Thursday is a response to the state's effort last month to dismiss the lawsuit.

The state has "demonstrated that it is a constitutionally inadequate parent to the most vulnerable children in its care," Thursday's filing from the advocacy groups read.

"At this point, given the history of what's happened to foster kids in Oregon, it's way too late for the state to say, 'Trust us,'" said Marcia Lowry, the executive director of A Better Childhood.

In April, A Better Childhood, a national advocacy group, and Disability Rights Oregon filed a lawsuit against the Oregon Department of Human Services, alleging the agency revictimizes children in its foster care system and has failed to address documented problems for at least a decade.

An attempt to reach a settlement failed earlier this summer. In response, the state and Gov. Kate Brown filed a motion in July, asserting the state is already in the midst of overhauling the state’s child welfare system and a federal judge should not oversee the state’s decisions when it comes to foster care.

The goal of Wyatt B. v. Brown is to transform the state’s child welfare system, the filers said previously in a statement, and hold DHS accountable for taking care of the state’s vulnerable children.

The advocacy groups also argue the state “continues to demonstrate that it cannot be trusted to assess its own performance.”

The lawsuit cites a report from Oregon Child Welfare that painted a rosy picture of a facility in Utah where most of Oregon’s out-of-state foster youth are housed (<https://www.opb.org/news/article/oregon-out-of-state-foster-youth-utah-red-rock-canyon-school/>).

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The state highlighted the youth’s ability to participate in yoga classes and how well they were progressing academically.

The state’s report stood in stark contrast to a much more damning picture revealed in an account from Utah’s Department of Human Services. The two reports were issued within one day of each other, on May 9 and 10 of this year.

The facility in St. George, Utah, is in the process of closing its doors amid reports of abuse.

The state cannot be trusted, the most recent filing reads, in part because its vision of adequate care is “constitutionally deficient.”

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“These systemic problems are compounded by the fact that the State’s Director of Child Welfare Programs resigned in June of this year and a permanent replacement has not been made,” the filing reads. “The ship is sailing in the wrong

direction and without a captain.”

A report from the state this year revealed the number of foster homes continues to decline and caseworker turnover remains high, the filing reads.

The lawsuit names Brown, Director of the Oregon Department of Human Services Fariborz Pakseresht, the director of Child Welfare and the Oregon Department of Human Services as defendants.

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