OKLAHOMA DHS FAILS TO MEET KEY REQUIREMENTS
OF FOSTER CARE SETTLEMENT AGREEMENT

Defendants have not developed therapeutic foster homes, are not operating in “Good Faith”

The latest report on the Department of Human Services’ progress toward reaching the benchmarks in the settlement agreement between the state and the plaintiff children has been issued by the experts responsible for monitoring the agreement and has found that the state has still not developed enough new foster homes for children in need of specialized services.

Commentary 13, was issued by the experts, called Co-Neutrals, who are charged with reporting on the state’s progress under the Settlement Agreement in the long-running D.G. v. Yarbrough lawsuit. Commentary 13 finds that the state has still not developed the additional therapeutic foster homes that are needed by the children in foster care in Oklahoma and has not made “good faith efforts” to do so. The report chronicles a series of meetings, discussions and futile efforts to develop these new homes. As a result, other efforts to keep children out of shelters, to maintain placement stability for these children, and to find them permanent placements have also not met the requirements of the Settlement Agreement.

Attorneys for plaintiffs noted in a letter to the Co-Neutrals, and sent to the state, that there are 23 agreed Target Outcomes which the state has not met, including nine Target Outcomes where the state has not even achieved “sustained, positive trending.” Lawyers for the children, in their letter, noted that “We think all of these areas are serious areas of non-compliance, despite some efforts being made by the state, even if the Co-Neutrals have not made an absence of good faith finding.”

Marcia Lowry, one of the attorneys for plaintiffs, stated, “Since this agreement has been in effect for eight years, and its duration has been extended, we think that the state should certainly be meeting the goals it set eight years ago, or something is seriously wrong with how the state is going about this.”

Fred Dorwart, Oklahoma counsel for the plaintiffs commented “We appreciate the renewed efforts the state is making, but these agreed targets are reasonable, were agreed by the state at the outset, and the state should have met them by this point in time.”

Lawyers for the children will be meeting with the new commissioner of the Department of Human Services in Oklahoma City on Thursday.

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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.