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## **Federal Judge Rules for Children, Grants Class Action Status in Foster Care Lawsuit**

(*Eugene, Oregon, August 17, 2022*) – A federal district court in Oregon [ruled today](#) that a lawsuit filed by A Better Childhood, a national child advocacy organization, Disability Rights Oregon, and Davis Wright Tremaine on behalf of foster children in the Oregon child welfare system will proceed as a class action lawsuit. The lawsuit, *Wyatt B. v. Brown*, was filed in April 2019, against the Oregon Department of Human Services (ODHS) Office of Child Welfare, Oregon Governor Kate Brown, and other state officials. This decision means that the lawsuit will now move forward on behalf of all children in the foster care system.

The lawsuit alleges the state fails to create a safe foster care system and that children in the Oregon system are not protected from harm while in foster care. It cites many instances of children moving from placement to placement, of placements in which children are maltreated, and of children for whom the foster care system fails to provide necessary services.

In addition to having the class certified on behalf of all children in the foster care system, the court also granted plaintiffs' motion to certify subclasses consisting of children with disabilities, children who are sexual or gender minorities, and older children who are aging out of foster care.

Federal Judge Ann Aiken, who oversees the case, noted that the state defended the motion for class certification by asserting that the foster care system had improved, but the court noted the many reports showing continuing and long-standing problems. "[T]he lack of sufficient appropriate placements is a recurring feature of both internal and external audits and reviews of the Oregon foster care system," and "high caseloads and staff turnover, with the attendant problems of overwork and inadequate training, are a recurring feature of the audits and reviews of DHS," the judge said in her decision.

Lawyers for the class of children certified by the court are proceeding with fact-gathering and readying the case for trial.

"The state has simply failed to address the overwhelming needs of its most vulnerable children and however much the state wants to hide these facts, we will bring them out. Foster care is supposed to help kids, not make them worse, but that is exactly what foster care in Oregon is doing," said Marcia Robinson Lowry, executive director of A Better Childhood. "It is past time for the state to act."

"We know that every child needs a stable home environment where their potential can be nurtured. For at least half of the thousands of children in Oregon's foster care system who experience a disability, the current system does not meet their needs, so they are being bounced around from institution to institution and home to home," said Tom Stenson, Deputy Legal Director of Disability Rights Oregon. "Children with disabilities deserve real homes where their needs are met, not refurbished jail cells, hotel rooms, and homeless shelters."

Responding to requests from local advocates to investigate Oregon's child welfare system, lawyers for the legal organizations have conducted extensive research and interviews with numerous people involved in every aspect of the state's foster care system. They consistently identified failings that point to the need for a lawsuit to force reform of DHS and protect children in its care.

*A Better Childhood is a national nonprofit child advocacy organization that uses the courts to reform dysfunctional child welfare systems around the country.*

*Disability Rights Oregon upholds the civil rights of people with disabilities to live, work, and engage in the community. The nonprofit works to transform systems, policies, and practices to give more people the opportunity to reach their full potential. For more than 40 years, the organization has served as Oregon's Protection & Advocacy system.*

*Davis Wright Tremaine LLP is a nationally recognized AmLaw 100 law firm with a long history of effective legal advocacy in support of civil rights. The firm's Portland litigation team is known as one of the city's best and has had particular success in litigating against government entities.*

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