



## FINAL REPORT

### I. Case Summary

The National Center for Youth Law and co-counsel filed *D.S. v. DCYF* in January 2021 to ensure that the most vulnerable children in Washington’s foster care system are placed in safe, stable placements, with the services and supports they need for family reunification or another permanent placement. Washington’s Department of Children, Youth, and Families has sent many foster youth, especially youth with behavioral health and developmental disabilities, to restrictive and isolating facilities out of state. Many youth do not have long-term placements at all. They spend nights in so-called “placement exceptions,” such as hotels or state offices, instead of in foster homes or family placements.

The *D.S. v. DCYF* team has reached a settlement with the Defendants in this case, which has received preliminary approval from the Court. After the Plaintiffs filed a motion for a preliminary injunction and the Court indicated the motion would be granted, the parties agreed to the relief to be contained in the preliminary injunction in June 2021. This preliminary injunction required the defendants to submit a plan detailing how they would cease using hotels and offices for youth housing, limited the circumstances in which youth can be housed in offices overnight, and required the Defendants to increase their efforts to find appropriate placements for youth in exceptional placements. The case was certified as a class action in September of 2021. The parties continued to work with a mediator towards an agreeable settlement throughout the remainder of 2021 and into 2022, while simultaneously engaging in active discovery efforts.

After months of intensive work and meeting repeatedly with the mediator, the parties reached a Settlement Agreement in June 2022. The Agreement requires the creation of three new programs for foster youth in Washington: an Emerging Adulthood Housing Program for older youth who want to live independently, a Professional Therapeutic Foster Parenting Program, and a Statewide Hub Home Model Program. The Agreement also requires the Defendants to undertake a number of practice improvements, including revising licensing standards for group homes, establishing a Kinship Engagement Program, developing referral and transition protocols for youth exiting juvenile justice into the foster care system, and improvements to family group planning processes. Finally, the Agreement requires the Defendants to contract with a Stakeholder Facilitator to collect input from youth, families, and other interested parties that will inform the settlement’s implementation, and to evaluate system improvements.

Following a joint motion by the parties, the Court granted preliminary approval to the Settlement Agreement on June 24, 2022. Notice of the Settlement Agreement has been sent to class members, and they may submit objections or comments until August 12, 2022. On September 7, 2022, the Court will hold a fairness hearing to determine if the Settlement

Agreement should receive final approval. In the same hearing, the Court will consider the Plaintiffs' submission regarding attorney's fees.

## II. Significant Decisions

Order Granting in Part Plaintiffs' Motion for Preliminary Injunction (June 29, 2021)  
Stipulation and Order Regarding Definition of Class Action and Amendment to Scheduling Order (September 9, 2021)  
Order Granting Preliminary Approval of Class Action Settlement and Directing Notice to the Class (June 24, 2022)

## III. Anticipated Progress

In the next three months, Defendants will provide notice of the settlement to interested parties, according to the Notice Plan approved by the Court. Defendants will also begin to work with a Stakeholder Facilitator to collect input from youth, families, and other interested parties that will inform Defendants' draft Implementation Plan. On September 7, 2022, the Court will hold a fairness hearing to determine if the Settlement Agreement should receive final approval. In the same hearing, the Court will consider Plaintiff's submission for attorney's fees.

## IV. Media Coverage

King 5, *Agreement will lead to long-term solutions to problems with Washington's foster care system*, June 7, 2022, <https://www.king5.com/article/news/investigations/washington-foster-care-settlement/281-5afe4d3e-5071-44a0-b0f5-09b2f1a2d2d2>.

The Imprint, *Washington Settles Lawsuit Involving Foster Youth Left Sleeping in Offices and Hotels*, June 6, 2022, <https://imprintnews.org/child-welfare-2/washington-settles-child-welfare-lawsuit/65669>

## VI. Attorney Contact Information

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