

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

**TO ALL CURRENT WASHINGTON FOSTER CHILDREN UNDER THE AGE OF 18  
WHO FIT THE DESCRIPTION BELOW:**

1. You have experienced **5 or more foster care placements** (and have changed foster homes at least once in the last year, see details below);
2. You have been referred for or are in **out-of-state group care** placements;
3. You have experienced a **hotel or office stay** in the past six months; or
4. You are awaiting a **Children’s Long-Term Inpatient Program (“CLIP”)** bed.

**If you are described above, or if you care for one or more children described above,  
please read this notice carefully.**

Para acceder a una versión de este aviso traducida en *español*, visite <https://www.dcyf.wa.gov/ds-settlement-agreement>;

Để xem bản dịch thông báo này bằng *tiếng Việt*, vui lòng truy cập <https://www.dcyf.wa.gov/ds-settlement-agreement>;

សម្រាប់ការបកប្រែនូវសេចក្តីជូនដំណឹងនេះជា *ភាសាខ្មែរ*, សូមចូលមើល <https://www.dcyf.wa.gov/ds-settlement-agreement>;

ສຳລັບການແປແຈ້ງການນີ້ເປັນ *ພາສາລາວ*, ກະລຸນາເຂົ້າເບິ່ງ <https://www.dcyf.wa.gov/ds-settlement-agreement>;

如需本通知的 *中文版*, 请访问 <https://www.dcyf.wa.gov/ds-settlement-agreement>;

Перевод этого уведомления на *русский язык* опубликован по адресу <https://www.dcyf.wa.gov/ds-settlement-agreement>;

*한국어*로 번역된 공지문은 <https://www.dcyf.wa.gov/ds-settlement-agreement> 를 방문하여 확인하실 수 있습니다;

Para sa pagsasalin ng notice na ito sa *Tagalog*, bumisita sa <https://www.dcyf.wa.gov/ds-settlement-agreement>;

Si aad ogeysiiskan ugu hesho *Af-Soomaali*, fadlan booqo <https://www.dcyf.wa.gov/ds-settlement-agreement>;

በ *አማርኛ* ዘይቤን ማሳወቂያ ትርጉም ለማግኘት፣ እባክዎ <https://www.dcyf.wa.gov/ds-settlement-agreement> ን ይጎብኙ.

You are a “class member” in a lawsuit called *D.S. et al., v. Washington State Department of Children, Youth, and Families, et al.*, Case No. 2:21-cv-00113. This lawsuit alleged: (1) The Department of Children, Youth, and Families is not giving foster children the services and supports they need; (2) Many foster children have had to move too many times, or have had to stay in hotels or out-of-state placements or CLIP facilities.

There is a proposed settlement that will end this lawsuit without a trial. Because you are a “class member,” your rights could be affected.

On September 7, 2022, there will be a court hearing before Judge Barbara Rothstein of the United States District Court for the Western District of Washington. Judge Rothstein will decide whether to approve the settlement. Judge Rothstein can only approve the proposed settlement if she finds it is fair, reasonable, and adequate.

**You may attend the Court hearing and tell the Judge any positive or negative comments.**

If you do not believe the settlement agreement should be approved, you may “object” and tell the Judge why. You may tell the Judge what you think by speaking or sending written comments. You are not, however, required to attend or make any comments.

**HEARING TIME: September 7, 2022, 1:00 PM**

**LOCATION: Courtroom 16A, Seattle Courthouse for the Western District of Washington, 700 Stewart St., Seattle, WA 98101**

**\*\*You can get more information and ask questions by following the directions below. Please do not call or contact Judge Rothstein or the Clerk of the Court about the Proposed Settlement.\*\***

### **Who Is Involved in This Lawsuit?**

In a class action lawsuit, one or more people sue on behalf of a group (called a “Class”) who have similar claims.

This case is brought on behalf of a class of all children under the age of 18 who are, or in the future will be, in the placement of the Washington State Department of Children, Youth, and Families due to a dependency proceeding (under Wash. Rev. Code § 13.34) and who fit one of the following:

1. have experienced 5 or more placements (and have either (a) changed foster homes at least once in the last year, or (b) been placed in a Qualified Residential Treatment Program (QRTP) for the past year or more);
2. have been referred for or are in out-of-state group care placements;
3. have experienced a hotel or office stay in the past six months; or
4. are awaiting a Children’s Long-Term Inpatient Program (“CLIP”) bed.

Disability Rights Washington (DRW) also sued as an organization. Together, the Class and Disability Rights Washington are called the “Plaintiffs.” The lawsuit is brought against the Washington State Department of Children, Youth, and Families and its Secretary. Together, they are called the “Defendants” or “DCYF.”

### **What is This Lawsuit About?**

This lawsuit is about whether DCYF is providing the Class the services and supports they need.

Plaintiffs claimed that without appropriate foster care services and supports, many foster children are separated from their immediate and extended families for longer than they should be. While they are separated from their families, foster children may also have to live in:

- out-of-state facilities,
- continuous one-night foster care stays, and/or
- hotel stays/government offices.

Plaintiffs said these practices violate the legal rights of children in the Class. The Defendants deny that they are violating the rights of children in the Class. The lawsuit asked the Court to require DCYF to make improvements. No individual class members will be paid any money as “damages.”

### **What Does the Settlement Agreement Do?**

Instead of going to trial, the Plaintiffs and Defendants have negotiated a “Settlement Agreement.” The parties have asked Judge Rothstein to approve the Settlement Agreement for the Class.

#### **This Notice is a summary of the Settlement Agreement:**

The Settlement Agreement is a plan for DCYF to improve its services. These improvements include the following trauma-informed, culturally responsive, and LGBTIQ+ affirming alternatives to out-of-state, hotel/office, and one-night foster care placements:

**Emerging Adulthood Housing Program:** DCYF will develop and implement an array of supported housing programs statewide for sixteen to twenty-year-old young people in foster care or extended foster care who qualify for the program and would prefer to live independently rather than in a family setting.

**Professional Therapeutic Foster Parenting:** DCYF will develop and implement a contract and licensing category for therapeutic foster parent professionals to care for children with developmental disabilities or behavioral health needs.

**Statewide Hub Home Model Program:** DCYF will develop and implement a statewide Hub Home Model (HHM) program for foster, extended, and chosen families supporting foster children.

In addition, DCYF will make practice improvements to help placements be more successful through the following activities:

**Revising Licensing Standards:** DCYF will amend licensing requirements for foster care placements to be more developmentally appropriate and flexible to meet the needs of individual youth.

**Stakeholder Engagement:** DCYF will hire a qualified Stakeholder Facilitator to solicit, collect, and report on stakeholder input regarding these improvement efforts:

**Kinship Engagement Unit:** DCYF will establish a statewide Kinship Engagement Unit (KEU) that includes a family finding model to identify and engage Class Members' extended family members and friends to support families in safely reunifying or staying together.

**Referrals and Transitions:** DCYF will develop referral and transition protocols that better support children and youth when changes in their lives are happening.

**Family Group Planning:** DCYF will amend their Shared Planning Meeting (SPM) and Family Team Decision Meeting (FTDM) policies and practices to better support the child and family's preferences and decisions.

**Group Care Placement:** DCYF will establish a more comprehensive evaluation process for determining whether it is appropriate and necessary to place a child in a group care facility.

**Implementation Plan:** DCYF will develop an Implementation Plan describing how it will fulfill its commitments, and when the new services will be available. The draft Plan will be publicly available for comment before it becomes final.

**Monitoring:** Kathleen Noonan will be appointed as a Monitor of DCYF's compliance with this Settlement Agreement. The Monitor will review DCYF's Implementation Plan, will review on an

ongoing basis data regarding DCYF's performance, and will submit annual public reports on DCYF's progress in implementing the terms of the Settlement Agreement.

**Ending the Settlement:** DCYF must continue to implement the Settlement Agreement until the Judge determines DCYF has made all of the agreed changes. As it makes its decision, the Judge will also consider whether:

- 90 % of eligible youth and children referred to or requesting the new services are served within 60 days of request or referral;
- Hotel/office and night-to-night foster care placements have been eliminated;
- The number of placements in out-of-state facilities is reduced to 10 or fewer, unless exceptions apply; and
- The number of children who have had more than five placements is sufficiently reduced.

The lawsuit does not request any money damages, so the **Settlement Agreement does not include payment of any money damages to any class members.** It only requires the changes summarized above.

The Settlement Agreement also provides Plaintiffs' lawyers an award of attorneys' fees and expenses, to be paid by Defendants. Plaintiffs will not ask for any payment from Plaintiff children and class members will not owe money, costs, or fees of any kind in connection with this lawsuit. The parties are currently negotiating an award of attorneys' fees and expenses. You can access Plaintiffs' filings about attorneys' fees and expenses on or after August 5, 2022 at the DRW website at <https://www.disabilityrightswa.org/cases/d-s-v-washington-state-department-of-children-youth-and-families> and/or the National Center for Youth Law website at <https://youthlaw.org/settlement-ds-v-washington-state-dcyf>.

Instead of going to trial to ask the Judge to decide in favor of either Plaintiffs or Defendants, DCYF and Plaintiffs have asked the Judge to approve the Settlement Agreement.

You have the right to review the entire Settlement Agreement. To get a copy of the Settlement Agreement, please follow the instructions below or visit the DRW website at <https://www.disabilityrightswa.org/cases/d-s-v-washington-state-department-of-children-youth-and-families> and/or the National Center for Youth Law website at <https://youthlaw.org/settlement-ds-v-washington-state-dcyf>.

**You also have the right to tell the Judge what you think about the Settlement Agreement to help the Judge decide whether to approve it.** You can do this by sending written comments, attending and/or testifying at the Final Approval Hearing, or both. Instructions on how to do this are below.

## **What are My Options?**

**Give Disability Rights Washington Your Comments to Share with the Court:** You can give comments to Disability Rights Washington (DRW) by email, letter, or phone. Your comments must be **received no later than** August 12, 2022, for the Court to consider it. Comments to DRW may be sent to any of the following:

By mail: Disability Rights Washington, 315 5th Ave. S., Suite 850, Seattle, WA 98104

By email: [DSSettlement@dr-wa.org](mailto:DSSettlement@dr-wa.org)

By phone: 206-324-1521 or 1-800-562-2702

You must sign your letter and also include your name and information about how to contact you (address, email, phone number, etc.). DRW will share your comments with DCYF's attorneys within 7 days of receipt, and with the Judge on or by August 22, 2022.

**Attend the Fairness Hearing:** There will be a hearing open to the public to decide if the Settlement Agreement is fair, reasonable, and adequate. The hearing will be at 1:00 P.M. on September 7, 2022, in Courtroom 16A of the Federal Courthouse located at 700 Stewart Street, Seattle, WA 98101.

You may attend and speak at the hearing to share your comments with the Judge. After the hearing, the Court will make a final decision about whether the agreement should be approved.

If the date, time, or location of the hearing changes, or if any other information about the hearing changes, the new information will be posted on the DRW website at <https://www.disabilityrightswa.org/cases/d-s-v-washington-state-department-of-children-youth-and-families> and/or the National Center for Youth Law website at <https://youthlaw.org/settlement-ds-v-washington-state-dcyf>. You will not be sent further notice of the change.

Unless the Judge decides to make an exception, the Judge will not consider any objections that are not made at or before the hearing as described above.

## **How Can I Get More Information Or Ask Questions?**

A copy of the Settlement Agreement and other useful information, including how to attend the hearing, is available at the DRW website at <https://www.disabilityrightswa.org/cases/d-s-v-washington-state-department-of-children-youth-and-families> and/or the National Center for Youth Law website at <https://youthlaw.org/settlement-ds-v-washington-state-dcyf>. You can also contact Disability Rights Washington directly with any questions or to request a copy of the Settlement Agreement by mail at: Disability Rights Washington, 315 5th Ave. S., Seattle, WA 98104, or by email or phone at: 1-800-562-2702 and [DSSettlement@dr-wa.org](mailto:DSSettlement@dr-wa.org).

### **\*\*Please do not call Judge Barbara Rothstein or the Clerk of the Court\*\***

*They will not be able to answer specific questions about the lawsuit or the Settlement Agreement. You may, however, review any non-sealed materials that have been filed with the Court by going to the Office of the Clerk of the U.S. District Court for the Western District of Washington at 700 Stewart Street, Seattle, WA 98101. The Clerk's Office counter is open weekdays 9:00 A.M. to 4:00 P.M., except Court holidays. You can also access the Court docket in this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://pacer.uscourts.gov/>. To review materials in the public record in this case, refer to Case No. 2:21-cv-00113.*