

February 22, 2019

Ms. Mimi Laver  
ABA Center for Children and the Law  
Mark Hardin Award  
1050 Connecticut Ave., N.W. 4<sup>th</sup> Floor  
Washington, D.C. 20035

Re: Nomination of Bill Grimm for the 2019 Mark Hardin Award

Dear Ms. Laver:

I am writing to nominate Bill Grimm for the 2019 Mark Hardin Award for Child Welfare Legal Scholarship and Systems Change. I am happy to do so because Bill is so deserving of this award. He has worked on behalf of children in foster care for more than 40 years. His passion for his work on behalf of vulnerable children is an inspiration. His achievements have dramatically improved foster care services in states across the country, and his tireless efforts have improved the lives of tens of thousands of vulnerable youth nationwide. I can think of no person who deserves this prestigious award more than Bill Grimm.

### **Systems Change**

#### *Utah*

In 1993 Bill led a litigation team for the National Center for Youth Law (NCYL) in a lawsuit against the State of Utah. NCYL represented a class of approximately 10,000 abused and neglected children. At that time Utah had one of the worst foster care systems in the country. There were not nearly enough caseworkers; caseloads were enormous; and resources were woefully inadequate. Bill and his team negotiated a settlement with the Governor and then spent 14 long and difficult years ensuring compliance.

The foster care system in Utah is now a national model. The number of caseworkers has more than doubled; caseloads have been reduced to between 13 and 15 cases per worker; and there is now an effective caseworker training program. Utah has also developed a state-of-the-art data management system to measure system performance. The provision of health services for foster children is also considered a national model. By the time the case ended, the budget for the Utah Division of Child and Family Services had increased from \$50 million to more than \$151 million.

#### *Washington*

Bill became involved in the case of a private attorney in Washington State in 1999. The attorney was representing 13 foster children harmed by repeated moves from one foster home to another. Originally, money damages were sought for each of the children, but the children themselves said they wanted to ensure that other children would be spared similar treatment. Consequently, NCYL joined the case to seek injunctive relief as part of a class action on behalf of 3,500 foster children

who experienced multiple placements. One child we represented lived in 50 homes, including nine in a single year.

The case, *Braam v. State of Washington*, went all the way to the Washington Supreme Court, which upheld a lower court decision that the state's practice of repeatedly moving foster children from place to place, causing these children severe emotional harm, was unconstitutional. As a result of our efforts, the state is required to provide foster children with stable, safe, and appropriate placements; mental-health screening and treatment; and placement or visitation with siblings. Older children must receive support services to help prepare them for living independently. A number of abuses by the state were immediately eliminated, including housing children with other children or adults with a history of violence; or in Department of Social and Health Services administrative offices, where they were forced to sleep on chairs, or on the floor, for days at a time. The state invested about \$50 million in reform.

The *Braam* case is significant not only for the reform it brought to the system, but because it is one of the few cases in which a constitutional violation was found based solely on the psychological and emotional damage suffered by foster children who are moved repeatedly. The fact that Washington's practices were found unconstitutional, and that the state had to pay monetary damages to the children who brought the suit, sent a clear message to other states and cities with similar problems.

### *Arkansas*

Bill initiated a class action lawsuit on behalf of Arkansas' abused and neglected children. Children already injured by their own parents, or by others responsible for their care, were being mistreated and further abused after being taken into that state's care. Widespread press coverage of the case (including a segment on the PBS program *Frontline*) focused public attention on the problems. Moreover, then Governor Bill Clinton was a defendant who was beginning his successful run for President. Arkansas agreed to invest \$65 million to reform the system. That investment resulted in smaller caseloads for better-trained social workers, quicker responses to reports of abuse, increased adoptions, and dramatically improved health care for children in foster care.

Bill's litigation in Maryland, Arkansas, Utah, Washington, and in other states that space does not allow me to describe, are models of well-conceived, strategically planned lawsuits resulting in significant improvements in child welfare systems and have dramatically improved the lives of tens of thousands of children. In my opinion, Bill Grimm is the single most effective child welfare litigator in America.

### *Legislation*

In 2007, in an effort to get at the core, system problems that play a role in the deaths of children from abuse and neglect, Bill helped draft California Senate Bill 39, which mandates public access to child welfare agency files of children who die of abuse and neglect, files that have historically been kept secret. The goal is to determine what, if anything, could have been done to prevent that child's death and to prevent a future tragedy by making improvements to the system. The law has been

widely used in California, and advocates and journalists across the country have consulted Bill in their efforts to establish similar laws in their states.

Most recently, Bill has taken a leadership role in the national effort to adopt standards for appropriate use and monitoring of psychotropic medications for foster children. Tens of thousands of foster children of all ages are being medicated with psychotropic drugs in ways likely to harm them. His efforts in California have resulted in the adoption of numerous pieces of legislation which protect foster children from the deleterious effects of overmedication.

### **Legal Scholarship and Technical Assistance**

Bill has provided invaluable advice and support to many legal services attorneys and child advocates engaged in similar work. He has educated legal services lawyers and others on child welfare issues by providing trainings at legal conferences across the country, including the NLADA Annual Conference and NLADA Substantive Law Conference. He has also written many articles on child welfare and foster care for *Clearinghouse Review* and NCYL's quarterly law journal, *Youth Law News*.

What sets Bill apart from other public interest litigators is his ability to find the balance between fighting relentlessly for his clients and achieving what is realistic within the legal system. He always conceives and executes his litigation in the context of his clients' real lives. He never loses sight of the faces behind the numbers, and only seeks relief that will lead to tangible benefits for abused and neglected children. Even after years of high-profile impact litigation, Bill can still recite the stories of his juvenile clients in Maryland, as well as the children who have been named plaintiffs in his lawsuits. I know of no other advocate who has combined so effectively years of direct service with impact litigation experience to achieve significant advances for children.

Within the NCYL office, Bill is fondly known for his highly charged negotiations with defendants, his friendly and humble demeanor, and his great sense of humor. His devotion to clients and tireless energy are an inspiration to everyone in the office, as well as others who have the privilege to work with him. Bill has devoted more than 40 years working tirelessly on behalf of vulnerable children. The Mark Hardin Award would provide a formal and visible way to honor him. I hope he receives it.

Sincerely,

John. F. O'Toole  
Retired Director  
National Center for Youth Law