

# Protection & Advocacy, Inc.

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## **Court Orders Community Mental Health Services for Thousands of California Foster Children**

On March 14, 2006, the federal district court in Los Angeles ordered the state of California to provide mental health services that will enable tens of thousands of foster children to avoid institutional care.

The order came in a three-year-old class action lawsuit known as *Katie A. v. Bonta*, which challenges the longstanding practice of confining abused and neglected children in costly hospitals and large group homes instead of providing mental health services that would enable them to stay in their own homes and communities.

“This order is a tremendous victory for California’s most vulnerable children and should lead to major restructuring of how mental health services are delivered to foster youth,” said Robert Newman, an attorney at the Western Center on Law & Poverty and lead counsel in the case.

“The big question is whether the Governor and the departments of health and social services will accept the challenge and rethink outdated policies,” said Melinda Bird, managing attorney of Protection & Advocacy, Inc., “or will they continue with business as usual, removing children needlessly from their homes and wasting money on services that often do not work.” The court set a 120-day time frame for the state to comply with its order.

More than 80,000 children are in foster care in California. Various studies find that from 70% to 84% of them experience a mental health problem. The state’s current approach to addressing their needs through institutional care is costly. For example, it is spending \$540 million each year to maintain 4,500 children in high-level group homes—placements that experts testified could be avoided by offering appropriate services in the community.

In his order granting a motion for preliminary injunction, Judge A Howard Matz found “substantial evidence” that the two key services he instructed the state to provide, wraparound services and therapeutic foster care (TFC), “actually save the State money, compared to alternatives involving institutionalization.” Adding these services to California’s Medi-Cal program will also bring in additional dollars because the federal government reimburses the state for about half of the cost.

Some California counties currently provide these services to some children, but fall far short of meeting the need. Nationally, almost half of state Medicaid programs cover TFC, and several Medicaid programs also cover wraparound services.

“If California meets this challenge, it will set an excellent example for the many other states that continue to neglect their foster children,” said Ira Burnim, legal director of the Bazelon Center for Mental Health Law, a national advocacy group. “The court heard from the leading experts in the field that wraparound and TFC, provided in a family setting, ‘can turn around a child’s negative trajectory and produce virtual miracles.’”

However, “without appropriate services, children with mental disabilities bounce between foster home placements and group homes,” said Patrick Gardner, deputy director of the National Center for Youth Law. “When their worsening mental condition renders them ‘unplaceable,’ they are abandoned to languish in institutions or pushed into the juvenile justice system.”

During 18 months in the foster care system, “Nancy,” a teenager, had shuttled through nine different residential placements and 11 psychiatric hospitalizations, including a group home six hours away from her mother. In one group home she was beaten by older girls and in another she ran away and was raped while wandering the streets. She continually attempted suicide but the local child welfare agency eventually told her mother that they could do nothing for Nancy and that the only way she would get the services she needed was through the probation department.

A consortium of state and national public interest groups represents the children, including Western Center on Law & Poverty, Protection & Advocacy, Bazelon Center for Mental Health Law, the National Center for Youth Law, and the American Civil Liberties Union of Southern California, along with the law firm of Heller Ehrman LLP.

**For more information:**

**The decision:** <http://www.bazelon.org/issues/children/incourt/KatieA/PI-order.pdf>

**Background and links to expert declarations, case examples, etc.:**

<http://www.bazelon.org/issues/children/incourt/KatieA/KatieA.htm>

**For additional interviews:**

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