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LOUISIANA FOSTER CHILDREN SUE A STATE SYSTEM THAT IS IN A “DEATH SPIRAL”

Seeking broad changes, children ask for reform to end dysfunction in a system that violates their constitutional rights

BATON ROUGE, LA (April 10, 2024) — A class action lawsuit was filed today on behalf of more than 4,000 Louisiana foster children against the Louisiana Department of Children and Family Services (“DCFS”), DCFS Secretary David Matlock, and Louisiana Gov. Jeff Landry. The suit alleges that the state’s child welfare system, which the head of the agency claimed was in a “death spiral” and was “hemorrhaging employees” less than two months ago, is failing its most vulnerable children and desperately in need of systemic reform.

The 95-page complaint describes a child welfare system with far too few workers and far too few adequate placements for children, where children are routinely subjected to mental and physical harm. The complaint asserts that these problems, and the harm to Louisiana’s foster children, is well known to the state and has continued for at least the last 10 years, while the state has failed to take necessary action and continued to cut the DCFS budget. The complaint points to data that show overwhelming caseloads, high placement instability, lack of access to medical care, and rates of child death in the state 50% higher than the national average.

The stories of the children named in the lawsuit illustrate the problems. DCFS frequently moves children from place to place, children are harmed in many of the placements where they are kept, and often denied any education. Maltreatment in foster care is rife, and the state does not have the resources to investigate all the reports of maltreatment it receives, according to the lawsuit.

The lawsuit asks the courts to find that the Defendants’ actions and inactions violate federal statutory law and the U.S. Constitution, and seeks an order directing DCFS and Louisiana to, among other things:

- Keep children safe and unharmed while in foster care;
- Lower caseloads of individual workers to professional standards;
- Take necessary steps to ensure that foster care is the temporary system it was intended to be;

- Improve recruitment and retention practices of appropriately trained caseworkers;
- Ensure that children are only placed in homes or, in rare cases, other settings that can properly meet their needs;
- Develop a process to properly match children with appropriate and safe foster homes;
- Plan steps towards a permanent family for each child;
- Ensure that services recommended in the child’s case plans are actually provided;
- Ensure that older children are provided adequate transition planning and services; and
- Ensure that children with disabilities are provided with the services they need in their community.

A Better Childhood, national trial and litigation boutique Wheeler Trigg O’Donnell LLP, and Simon, Peragine, Smith & Redfearn, LLP worked for almost a year to collect the necessary information for the lawsuit and prepare the case for the court, which included speaking with hundreds of people in the state and reviewing all available information and reports.

“Foster children in Louisiana have essentially been abandoned by the state,” said Marcia Robinson Lowry, Executive Director of A Better Childhood, one of the organizations which has filed the lawsuit. “The stories we have heard in putting this case together are nothing less than tragic, and we hope the court will order the state to enact significant reforms. The constitution requires nothing less.”

“The State of Louisiana has failed to keep these children safe,” says [Kevin Homiak](#), Wheeler Trigg O’Donnell’s Pro Bono Committee Co-Chair. “Due to systemic issues, the state’s most vulnerable children are suffering. These children must be protected, not neglected.”

“We are working in partnership with A Better Childhood and stand firm in the quest to bring improvements to the foster care system in Louisiana,” said Robert L. Redfearn, Jr. who is leading the case for SPSR in Louisiana.

“The focus of this effort is to pave a better path for the children of our state who need critical changes in how the Department of Children and Family Services functions and is funded,” added Denise C. Puente, managing partner at SPSR.

Read the complaint [here](#).

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[A Better Childhood](#) is a national nonprofit advocacy organization that uses the courts to reform dysfunctional child welfare systems around the country.

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[Simon, Peragine, Smith & Redfearn, L.L.P.](#) (SPSR) based in New Orleans is one of Louisiana's preeminent law firms. Established in 1979, SPSR is a full service firm representing industry-leading clients throughout Louisiana and the Gulf Coast region.