



Excerpts from the Court Rulings in the Federal Class Action Suit Regarding Texas Foster Children

On December 17, 2015, the U.S. District Court for the Southern District of Texas, Corpus Christi Division, found that **"Texas's foster care system is broken"** and violates the children's "constitutional right to be free of an unreasonable risk of harm caused by the State." The Court's order details the experiences of 17 children who were the class representatives for the 12,000 foster children in Texas who have been removed from their families and placed in the care of the State. The Court concluded that **"rape, abuse, psychotropic medication, and instability are the norm"** for Texas foster children, **"who almost uniformly leave State custody more damaged than when they entered."**

"Their experiences . . . paint a similar picture: children often enter foster care at the Basic service level, are **assigned a carousel of overburdened caseworkers, suffer abuse and neglect that is rarely confirmed or treated, are shuttled between placements**— often inappropriate for their needs—throughout the State, are migrated through schools at a rate that makes academic achievement impossible, are **medicated with psychotropic drugs, and then age out of foster care at the Intense service level, damaged, institutionalized, and unable to succeed as adults.**"

"Years of abuse, neglect, and shuttling between inappropriate placements across the State has created a population that cannot contribute to society, and proves a continued strain on the government through welfare, incarceration, or otherwise. Although some foster children are able to overcome these obstacles, they should not have to."

Historically, once abused children enter the Permanent Managing Conservatorship of the State ("PMC"), they lose their court-appointed attorney. Without independent legal representation, these children have no legally effective "voice" in court, and the abuses described above are allowed to ravage an overburdened and underfunded system.

The Court recognizes that attorneys are an important and necessary part of the solution and holds that these children **"are constitutionally entitled to representation of counsel at each stage of their legal proceedings and at every court hearing."** and that procedures should be in place for "the appointment of an attorney *ad litem* for each PMC . . .".

In the January 2018 Final Order, the Court ruled: "Because the State of Texas has failed to rectify long-standing problems with its foster-care system despite decades of awareness and extensive reports and recommendations by internal and external authorities, this Court concludes that "unless directed otherwise by some authority, the studies and testing will continue, no remediation will occur and the dangerous condition[s] will continue to exist."

The findings in the case highlight the *urgent* need for TLC's services, and confirm what TLC recognized years ago - - that attorneys have to step in to protect these children. Attorneys are the ones who can protect the children, but only if the attorneys are well trained and effective. TLC has successfully implemented the important work of equipping attorneys for effective advocacy and provides an innovative platform of interactive resources and access to expertise to promote the best legal representation for *all* children in the State's foster care system.