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DC KinCare Alliance and Ropes & Gray File Federal Lawsuit Challenging the District of Columbia's Illegal Practices that Deprive Abused and Neglected Children of Essential Financial Support and Services

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WASHINGTON, D.C. – DC KinCare Alliance and the law firm Ropes & Gray LLP have filed a federal lawsuit against the District of Columbia and the D.C. Child and Family Services Agency (CFSA) for violating the rights of multiple Plaintiffs under D.C. and federal laws.

The lawsuit was filed on behalf of six individual plaintiffs who are relative caregivers and the children they are raising. CFSA determined that the plaintiff children had been abused and/or neglected by their parents and would be in grave danger if they remained in their care. Rather than following the legally required removal and placement procedures, CFSA informally placed these children in the custody of the plaintiff relatives, without notifying the relatives of their legal rights and the option to become licensed kinship foster parents. By circumventing the formal processes, CFSA has shirked its responsibility to provide continuing benefits and services to help these children overcome their trauma and have better outcomes, including the opportunity to be safely reunified with their parents. CFSA has unlawfully avoided, and continues to avoid, its legal and financial responsibility to support these children and their relative caregivers.

“CFSA’s pervasive practice of diverting children to live with relatives, known as kinship diversion, deprives families of their legal rights and desperately needed economic resources, has a disproportionate discriminatory impact on poor African American women, children, and families, and sets them up to fail,” says Marla Spindel, Executive Director of DC KinCare Alliance. “Specifically, relatives who step up to care for children in crisis are already barely getting by and now must feed, house, clothe, and obtain services for these children with little or no financial help. This results in many of these families falling further into poverty, becoming homeless, and struggling to feed their children. Research shows that foster care payments likely play an important role in reducing the risk of poverty for foster children.”

Deputy Director of DC KinCare Alliance Stephanie McClellan adds that “CFSA officials try to portray kinship diversion as empowering families to make their own decisions when in reality they are depriving families of their legal rights and desperately needed economic resources. CFSA takes advantage of these families by deciding what is best for them without input, failing to inform them of their constitutional and human rights, and using coercive tactics to force decisions that serve CFSA rather than children and families.”

“The children who are removed from their parents and the caregivers who take them in are entitled to certain services and financial support under federal and D.C. law, regardless of their familial relationship,” says Samantha Badlam, litigation & enforcement counsel at Ropes & Gray. “Our goal is to ensure that our clients and all similarly situated children and caregivers begin receiving the support they are entitled to as soon as possible. CFSA’s current practice

subverts the formally established procedures and places children in need and their caregivers in impossible situations.”

The case filed on October 17, 2019, *K.H. et al v. District of Columbia et al*, seeks declaratory relief that kinship diversion is illegal, injunctive relief to prevent CFSA from engaging these unlawful practices, and damages for lost foster care payments and other injuries. The case was filed in the U.S. District Court for the District of Columbia. For a copy of the complaint, [click here](#).

ABOUT DC KINCARE ALLIANCE: Founded in 2017, DC KinCare Alliance supports the legal, financial, and related service needs of relative caregivers who step up to raise children in their extended families in times of crisis when the children’s parents are not able to care for them due to mental health and substance use disorders, incarceration, death, abuse and neglect, or deportation. DC KinCare Alliance is the only organization in DC focused solely on serving relative caregivers raising DC’s at-risk children. For more information, please visit www.dckincare.org or call 202-360-7106. Follow DC KinCare Alliance on Facebook or Twitter at @DCKinCare.

ABOUT ROPES & GRAY: Ropes & Gray is a preeminent global law firm with approximately 1,400 lawyers and legal professionals serving clients in major centers of business, finance, technology and government. The firm has offices in New York, Boston, Washington, D.C., Chicago, San Francisco, Silicon Valley, London, Hong Kong, Shanghai, Tokyo and Seoul, and has consistently been recognized for its leading practices in many areas, including private equity, M&A, finance, asset management, real estate, tax, antitrust, life sciences, health care, intellectual property, litigation & enforcement, privacy & cybersecurity, and business restructuring.

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