



DC KinCare Alliance  
1101 Connecticut Avenue, NW  
Suite 450  
Washington, DC 20036  
[www.dckincare.org](http://www.dckincare.org)

**DC KinCare Alliance and Ropes & Gray File Four  
Additional Federal Lawsuits Against District of Columbia**

*New suits challenge CFSA's ongoing, illegal and discriminatory practice of  
"Hidden Foster Care" also known as "Kinship Diversion"*

March 22, 2021

DC KinCare Alliance and Ropes & Gray LLP have filed four additional federal lawsuits against the District of Columbia and the D.C. Child and Family Services Agency (CFSA) for violating the rights of multiple low-income Black D.C. children and their relative caregivers under D.C. and federal laws during the COVID-19 public health emergency. The cases focus on CFSA's continuing circumvention of the law through a practice called hidden foster care or kinship diversion.

The cases filed in March 2021, [\*D.B. et al. v. District of Columbia et al.\*](#), [\*T.J. et al. v. District of Columbia et al.\*](#), [\*M.S. et al. v. District of Columbia et al.\*](#), and [\*S.S. et al. v. District of Columbia et al.\*](#), seek declaratory relief that hidden foster care or kinship diversion is illegal, injunctive relief to prevent CFSA from engaging in these unlawful practices, and damages for lost foster care payments and other injuries. The cases were filed in the U.S. District Court for the District of Columbia.

In these new matters, CFSA determined that the five plaintiff children were abused or neglected by their parents and could not stay safely in their parents' homes. Rather than following the legally required removal and placement procedures that protect the rights of at-risk children and their relative caregivers, CFSA violated the plaintiffs' rights by informally placing the children in the care of the relative caregivers, failing to give the relative caregivers the option to become licensed kinship foster parents and denying these families much needed benefits and services. By circumventing the law, CFSA shirked its legal and financial responsibility to help these children overcome their trauma and have better outcomes, including the opportunity for safe reunification with their parents and permanency with a relative caregiver if reunification is not possible.

The four lawsuits were filed on behalf of nine individual plaintiffs and are parallel lawsuits to two other lawsuits filed in [October 2019](#) and [March 2020](#) on behalf of 11 plaintiffs. In total, DC KinCare Alliance and Ropes & Gray have now filed six federal lawsuits on behalf of 20 plaintiffs who have been the victims of CFSA's illegal and discriminatory practices.

"With these latest suits, we are continuing our efforts in earnest to make sure CFSA ceases its unlawful practices and ensures that vulnerable children and their caregivers are afforded the services, benefits and processes they are entitled to as quickly as possible," says **Samantha Badlam**, litigation & enforcement counsel at Ropes & Gray.

"CFSA's illegal and discriminatory practices only serve to hurt DC's abused and neglected children and their families," says **Marla Spindel**, Executive Director of DC KinCare Alliance. "Rather than lifting up D.C. kinship families, who are predominantly low-income Black families, by providing them with the financial and other supports they need, CFSA treats them with disdain and washes their hands of them—which only serves to aggravate the toll that systemic racism has long taken on these families."

Deputy Director of DC KinCare Alliance **Stephanie McClellan** adds that “CFSA continues to take advantage of families who are in crisis 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. CFSA officials pretend that they are empowering families to make their own decisions when in reality they are depriving families of their legal rights and desperately needed economic resources. This is particularly egregious during the COVID-19 economic crisis and exacerbates existing income inequalities.”

Founded in 2017, DC KinCare Alliance supports the legal, financial, and related service needs of relative caregivers who step up to raise at-risk D.C. 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 or substance use disorders, incarceration, death, abuse and neglect, and/or deportation. DC KinCare Alliance is the only organization in D.C. focused solely on serving relative caregivers raising D.C.’s at-risk children. For more information, please visit [www.dckincare.org](http://www.dckincare.org).