

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

August 5, 2024

Ropes & Gray LLP and DC KinCare Alliance have filed two 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 D.C. children and their relative caregivers under federal and D.C. laws. 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 July 2024, [*J.R. et al. v. District of Columbia et al.*](#) and [*Y.A.L. et al. v. District of Columbia et al.*](#), seek a declaration 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 and are parallel to six other lawsuits filed in October 2019, March 2020, and March 2021. Ropes & Gray and DC KinCare Alliance have now filed eight federal lawsuits on behalf of 24 plaintiffs who have been the victims of CFSA's illegal and discriminatory practices.

Across these cases, CFSA has determined that the 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 or permanency with a relative caregiver if reunification is not possible.

The two new lawsuits follow the District Court's January 2024 ruling on Defendants' motion to dismiss, permitting certain of Plaintiffs' federal and D.C. claims to proceed.

"For the past five years, we have continually pursued action to ensure CFSA ceases its unlawful practice of kinship diversion and provides vulnerable children and their caregivers the services, benefits and processes they are entitled to," says Samantha Badlam, litigation & enforcement partner at Ropes & Gray.

"Unfortunately, CFSA has continued to brazenly engage in these illegal practices that harm D.C. children and families in order to reduce its own caseloads and place the burden of ensuring the safety of children on the backs of kinship caregivers," says DC KinCare Alliance Executive Director Marla Spindel. "CFSA claims these practices keep families together when, in reality,

they coerce a separation of children from their parents without any support or services to help stabilize the children in the kinship home.

DC KinCare Alliance Deputy Director Stephanie McClellan added, “Both of the caregivers in these cases had served as foster parents for many DC children over the years, but D.C. denied both of them the right to be kinship foster parents to these children in these cases. Let’s not forget that the foster care subsidy is intended to help pay for the care of children who cannot stay in their parental homes; here D.C. arranged for the children to live with someone other than their parents but did not provide any support for the placements.”

About DC KinCare Alliance

Founded in 2017, DC KinCare Alliance is a legal services organization whose mission is to support 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. In its seven-year history, DC KinCare Alliance has served more than 1,000 relative caregivers raising over 1,000 vulnerable DC children in over 1,000 legal matters. In 2024, DC KinCare Alliance was designated an Exemplary Kinship Practice by the National Grandfamilies & Kinship Support Network. For more information, please visit www.dckincare.org.

About Ropes & Gray

Ropes & Gray, a preeminent global law firm, has been ranked in the top three on *The American Lawyer*’s prestigious “A-List” for seven years and is ranked #1 on *Law.com International*’s “A-List” in the U.K.—rankings that honor the “Best of the Best” firms. The firm has approximately 1,500 lawyers and legal professionals serving clients in major centers of business, finance, technology and government in Boston, Chicago, Dublin, Hong Kong, London, Los Angeles, New York, San Francisco, Seoul, Shanghai, Silicon Valley, Singapore, Tokyo and Washington, D.C. The firm has consistently been recognized for its leading practices in many areas, including asset management, private equity, M&A, finance, real estate, tax, antitrust, life sciences, health care, intellectual property, litigation & enforcement, privacy & cybersecurity, and business restructuring.

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