NATIONAL CAMPAIGN TO **RESTORE CIVIL RIGHTS**

CHILDREN'S RIGHTS

Our ability to enforce our children's rights is being threatened. In many cases, people are being forced to use limited financial means to prove their rights are enforceable by court (including appealing incorrect decisions) before they are allowed to proceed with the facts of their cases and obtain justice for the violations of their rights.

The state of Florida has more than 15,000 foster children and its Department of Children and Families (DCF) has no place for many of them. By 2000, almost 20 percent of Florida's foster homes were too crowded and children were often placed for long periods in "temporary" holding facilities. The DCF was also known to rent motel rooms to serve as housing for its foster children.

In August 2000, Children's Rights-a national organization that ensures government child welfare systems follow the law-joined local Florida advocates in a federal class-action lawsuit against DCF to improve the foster system as a whole. The district court dismissed most of the claims before the case even made it to trial, because it believed that private individuals shouldn't be able to interfere with a state system already in place. The state's system allowed Florida's dependency court to decide where children would be placed on an individual basis. Children's Rights appealed the decision, but in May 2003, the 11th Circuit Court of Appeals affirmed the district court's dismissal. The court held that each foster child could only seek relief from the harms they are suffering through separate dependency court cases-that they couldn't sue as a group. Children's Rights tried to appeal the case to the Supreme Court, but the court refused to take the case. Florida's broken system of foster care still remains unfixed.

In Georgia, foster children brought a class-action suit against the governor and other state entities for violating federal laws that require certain standards when administering foster care programs. The state of Georgia argued that children had no "federal right" to enforce the Adoption Assistance Act and Medical Assistance Provisions of Medicaid.

In Missouri, a trade organization for foster care agencies sued the directors of the Missouri Department of Social Services for not complying with the Child Welfare Act through refusing to adequately reimburse the costs incurred by childcare agencies in the state. The State of Missouri argued that foster care providers had no "federal right" to the payments at issue and thus could not bring their complaint into court.

Though the courts in these last two cases ruled in favor of children-and disagreed with the states-courts are increasingly recognizing these kinds of arguments.

For more information on children's rights and the courts, please contact the National Campaign to Restore Civil Rights at: rollback@nylpi.org.

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