



SUMMER 2007

INSIDE Children's Rights

Settlement Agreement Brings Mississippi Closer to Child Welfare Reform, Bypassing May Trial

In May, a federal court in Jackson approved the settlement agreement reached by the state of Mississippi and Children's Rights and local co-counsel to reform the state's child welfare system and resolve the liability phase of the federal class action lawsuit, *Olivia Y. v. Barbour*. Mississippi does not contest that it has violated the constitutional rights of approximately 3,500 children in its custody, and has agreed to move the case immediately into the remedial stage to determine how to fix its broken child welfare system.

Mississippi has until October to work with Children's Rights and outside experts to create a detailed reform plan. If plaintiffs' lawyers determine that the plan is adequate, it will be submitted to the court to become a binding court order. If plaintiffs' lawyers determine that the plan is insufficient to reform the system, the District Court will decide what relief should be granted after a hearing scheduled to begin on December 3, 2007.

"Now that Mississippi has stopped defending its failures, it's time for the state to take the urgently needed steps to reform the system, so that it will provide for and protect

the children entrusted into state custody," said Marcia Robinson Lowry, founder and executive director of Children's Rights.

Children's Rights and co-counsel filed the federal class action suit in 2004 on behalf of the children in Mississippi Department of Human Services custody. The suit charges Mississippi with failing to provide legally required safety, protection and basic health care services to thousands of abused and neglected children in state custody, while denying them the opportunity for a permanent, loving home. Long-standing problems identified in the suit include dangerously overburdened and untrained caseworkers, a shortage of safe foster homes and a lack of basic health services.

"The decision by the state not to contest the unconstitutionality of its system will allow the court to implement an effective remedial plan for Mississippi's abused and neglected children," said Wayne Drinkwater, a partner at Bradley Arant Rose & White in Jackson, Mississippi.

Children's Rights' co-counsel include Wayne Drinkwater and Melody McAnally of Bradley Arant Rose & White LLP; Stephen Leech; and John Lang, John Piskora and Christian D. Carbone of Loeb & Loeb LLP.

To learn more about this case, visit www.childrensrights.org/MISS.

Michigan Case to Move Forward - Motion to Dismiss Denied

Judge Affirms Children's Rights' Ability to Bring Class Action Suit to Reform State Foster Care System

In April, the federal court in the Eastern District of Michigan rejected Michigan's attempt to dismiss Children's Rights' class action lawsuit on behalf of 19,000 children in state foster care. The lawsuit, filed in August 2006 with Michigan-based law firm Dykema Gossett, aims to reform the state's child welfare system, asserting that the safety and well-being of children in state foster care custody are being jeopardized by a lack of management and resources. Settlement negotiations between Michigan and Children's Rights had earlier broken down. Discovery in the lawsuit is now proceeding.

"This ruling means that Michigan's children will have their day in court," said Susan Lambiase, associate director of Children's Rights.

"It is unfortunate that Michigan tried to cast aside the lawsuit, rather than fix a system that everyone knows to be seriously broken," said Sara Bartosz, Children's Rights staff attorney and lead attorney on the case. "It is time for the state to live up to its legal obligations to foster children."

To learn more about this case, visit www.childrensrights.org/MICH.



CHILDREN'S RIGHTS ATTORNEYS ELISSA GELBER, SARA BARTOSZ AND SUSAN LAMBIASE PREPARE BEFORE COURT IN MICHIGAN



FORMER MISSISSIPPI FOSTER CHILD JAMES RANDALL "RANDY" ROEBUCK. SEE PAGE 6 FOR RANDY'S STORY.

from the Executive Director

They're on to us.

At a recent court hearing, counsel for the state accused Children's Rights of working to reform child welfare systems in state after state. And, he said, we were often successful, because so many state systems are in need of reform.



MARCIA ROBINSON LOWRY

Since we bring these lawsuits so often, the state lawyer argued, we ought to be able to do them with hardly any effort, on a wholesale basis – and thus the state shouldn't have to reimburse too much for our time (as federal law mandates) when, after years of wrangling and defending the indefensible, the state finally concedes that children's rights are being violated, and court-ordered reforms are necessary.

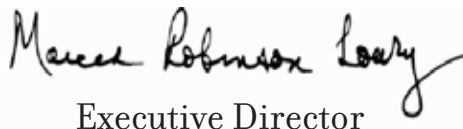
In fact, all of our reform campaigns have to be adapted to the circumstances of each case – and all too often, as in New Jersey, Georgia and most recently Mississippi, private lawyers hired by the state will drag the case on for as long as they can until, shortly before trial, the state decides not to go to trial after all. But that doesn't happen until after we have been able to develop a devastating picture of how children are being harmed.

Documenting the state's culpability for harm to children, and how it is tied to obvious and long-standing shortcomings in these child welfare systems on which children are dependent, is a lot of what we do. But it is always with the goal of finding solutions that can become part of a court-ordered plan for reform.

From the outside it may seem almost like an unnecessary exercise. Problems in a state are called to our attention, usually by local advocates; we investigate and document the extent of the problems, and determine whether meaningful reform efforts are already underway. If not, and if it is clear that there is no other recourse for improving the lives of children in state custody, we file a lawsuit.

All too often, we determine that a lawsuit is necessary to ensure reforms and to secure the rights of vulnerable children. And, for the most part, these lawsuits are aggressively defended by the state, often until right before trial. That's what happened in Georgia and Mississippi, and now another battle is shaping up in Michigan, despite the promise of early settlement negotiations.

In too many states, litigation has been necessary, and we are guilty of the charge leveled against us – Children's Rights is indeed committed to the reform of child welfare systems, in any way that works, including litigation when necessary.


Executive Director



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Children's Rights is a national watchdog organization advocating on behalf of abused and neglected children in the U.S. Since 1995, the organization has used legal action and policy initiatives to create lasting improvements in child protection, foster care and adoption.

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Young Leadership Cocktail Party Introduces a New Generation of Supporters to Children's Rights

April saw fashion designer Katie Zorn Hand, attorney Sarah Rosenwald Varet and chef Elizabeth Gottfried introducing some of New York's top young professionals to Children's Rights' advocacy campaigns on behalf of abused and neglected children. At the home of Alice Rosenwald, co-chair of Children's Rights Board of Directors, the three co-hosts described the importance of Children's Rights, why they have pledged their support and how others can become involved.

Hand described hearing the story of Deanna and Alyssa Winner, named plaintiffs in Children's Rights' New Jersey reform lawsuit. Deanna and Alyssa were found severely neglected living outside of their home when they were three years and six months old, respectively. Only after a neighbor called to report the suspected abuse of the family's pets were the girls removed from the home. Children's Rights' advocacy helped to get the Winner children adopted by a loving family. Today they are happy and thriving, but, as Hand explained, "Children's Rights is more than individual stories, like Deanna and Alyssa's. It's the impact that the organization can have on tens of thousands of kids at one time by reforming broken child welfare systems."

The cocktail party was generously sponsored by *Lucky* magazine and featured kid-themed hors d'oeuvres and gift bags. Guests dined on mini hamburgers and macaroni and cheese, as executive director Marcia Robinson Lowry updated the gather-



LEFT TO RIGHT: ALICE ROSENWALD AND MARCIA ROBINSON LOWRY WITH YOUNG LEADERSHIP CO-HOSTS SARAH ROSENWALD VARET, ELIZABETH GOTTFRIED AND KATIE ZORN HAND

ing with stories of Children's Rights' latest legal victories in Michigan and Mississippi (see front page).

After learning how Children's Rights is winning for the nation's abused and neglected children, guests were invited to pledge their support by joining the Young Leadership Committee for Children's Rights' 2007 Benefit, which will be held on October 10 at Gotham Hall in New York.

For more information about the Young Leadership Committee or Children's Rights' Benefit, contact Megan Spence at 212-683-2210 or mspence@childrensrights.org.

Children's Rights and Children's Defense Fund Present Project to Improve Child Welfare Workforce at Major National Conference

In April, Children's Rights' director of policy, Julie Farber, along with MaryLee Allen of the Children's Defense Fund (CDF), presented a project to improve the child welfare workforce at the 16th National Conference on Child Abuse and Neglect in Portland, Oregon. The conference, sponsored by The Children's Bureau of the U.S. Department of Health and Human Services, is the premiere national convening of child welfare workers and administrators, social workers, educators, law enforcement professionals, health care practitioners, researchers, and child advocates. Their presentation, *Recruitment, Preparation, Support and Retention of Child Welfare Staff: Developing Policy Reforms for a Quality Child Welfare Work-*

force, detailed the work Children's Rights has done with CDF to document the essential components of an effective child welfare workforce and identify federal policies that should be implemented to promote a more effective workforce. The presentation included a discussion of another Children's Rights' project, conducted in cooperation with the National Center for Youth Law, detailing the impact of class action litigation on the child welfare workforce in 12 jurisdictions. Both of these projects are generously supported by Cornerstones for Kids through the Human Services Workforce Initiative of the Annie E. Casey Foundation.

Connecticut Agrees to Action Plan; New Jersey and Tennessee Monitoring Reports Released

Connecticut: In March, Children's Rights, the state of Connecticut and its Department of Children and Families reached agreement on a new action plan to more effectively meet the service needs of the state's abused and neglected children. The plan is the latest development in an ongoing federal class action lawsuit to reform the state's child welfare system, filed in 1989 by Children's Rights and known as *Juan F. v. Rell*.

The plan focuses on preventing foster children from staying too long in shelters and other temporary facilities; moving children safely out of state custody and back home with their parents or into adoptive homes; and reducing the use of institutions and group homes, particularly for young children.

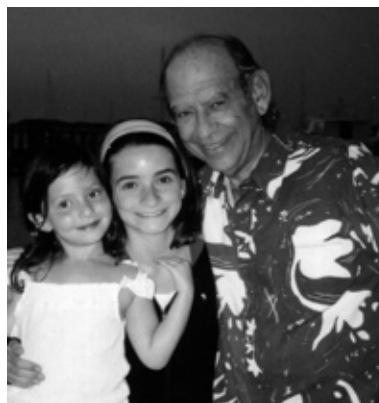
New Jersey: In February, a court monitor, put in place under a 2006 federal court settlement between Children's Rights and the state of New Jersey, issued its first report on the progress of the state's child welfare system. The monitoring report credits New Jersey's new cabinet level Department of Children and Families – for which Children's Rights long advocated, and which oversees the approximately 60,000 abused and neglected children in the state – with making key infrastructure improvements, including lowering workers' caseloads, improving training programs for caseworkers and supervisors and finalizing adoptions more quickly, all of which are reform priorities in the two-phased settlement agreement.

"Even the most broken child welfare systems, like New Jersey's, can be fixed with good management, sufficient resources and a commitment to change. The state of New Jersey finally has all three, which means things are changing for the better for New Jersey's abused and neglected children," said Susan Lambiase, associate director of Children's Rights.

Tennessee: In March, a monitoring report issued by a panel of child welfare experts, operating under a federal court order, announced that Tennessee's child welfare system is making progress in some areas but serious problems remain. The report examined data from Tennessee's Department of Children's Services (DCS), the agency that oversees more than 9,000 foster children in the state. Noting improvements in such areas as keeping children out of large orphanage-style settings and placing them more often with their siblings, the report nevertheless found that the state is moving children among too many homes and is not providing adequate case-worker oversight.

"The new report shows serious attention to reform under DCS Commissioner Viola Miller, but also ongoing problems that continue to put children at risk of harm," said Ira Lustbader, associate director of Children's Rights. "We need to see the pace of reform speed up rapidly in 2007 so that foster kids can experience real improvements in their lives."

New Rule Allows for Gifts Directly from IRAs to Children's Rights



HOWARD MAISEL WITH GRANDDAUGHTERS
JESSIE AND JULIA ROSE

For a limited time, seniors can make a donation to Children's Rights directly from an Individual Retirement Account (IRA) and receive a great tax advantage at the same time. Under The Pension Protection Act of 2006, individuals 70½ or older can donate up to \$100,000 per year, for 2006 and 2007 only, directly from an IRA without first being taxed on distributions. Howard Maisel, a member of Children's Rights' Board of Directors, took advantage of the new giving rule and encourages others to do so as well.

"This is a great opportunity for those who qualify to utilize their IRA funds to support philanthropic causes in a most tax advantageous manner," said Maisel. "I suggest that 'youngsters' under 70½ inform parents and older friends of this great device to support Children's Rights."

To see how this new law may affect you, consult your legal or tax advisor. For any additional questions, please contact Jethro Miller, Director of Development, at 212-683-2210 or jmiller@childrensrights.org.

Armand Rousso



DONOR PROFILE

Entrepreneur and philanthropist Armand Rousso is a major supporter of Children's Rights' advocacy campaigns on behalf of abused and neglected children. Mr. Rousso has dedicated both his money and his time, hosting fundraising events for the organization in 2005 and 2006. Over the last four years, Mr. Rousso—whose philanthropic efforts have procured millions of dollars for charities since 1984—has personally given and raised more than \$85,000 for Children's Rights.

"I believe in Children's Rights' advocacy campaigns and am proud to lend support and endorsement of programs that benefit abused and neglected children," said Rousso.

An innovator in the fields of technology and the Internet, Armand Rousso's entrepreneurial career has spawned over thirty companies and thousands of patent claims worldwide. He currently serves as chairman and CEO of the technology, Internet and biotech consulting firm, SPBD Consulting.

After settling in the United States in 1982, the French-born Rousso began what is widely regarded as the first e-commerce company, The International Stamp Exchange. In early 2000, he launched X3D Technologies Corporation, the worldwide leader in 3D technology.

Rousso has been cited by New York Mayor Michael Bloomberg for his numerous charitable efforts benefiting the children and underprivileged of New York City. In addition to donating his time and money to Children's Rights and the New York University School of Medicine, Rousso is also an active supporter of international chess and has sponsored several World Championship matches. In 2006, his firm SPBD Consulting sponsored an American Red Cross Hurricane Relief event at the United Nations.

"The advancement of advocacy campaigns needs to continue and we all need to maintain our support of these efforts to benefit children," said Rousso.

"Armand's continuing support of Children's Rights has been invaluable," said Marcia Robinson Lowry, executive director of Children's Rights. "He has simultaneously helped advance our advocacy campaigns, through his generous financial contributions, while also spreading the word about our work and getting others involved."

Children's Rights Annual Benefit Scheduled for Oct. 10

ABC News correspondent Deborah Roberts will host the second annual Children's Rights Benefit at New York City's Gotham Hall on October 10, 2007. The evening will be co-chaired by Evan A. Davis, partner at law firm Cleary Gottlieb Steen & Hamilton LLP, and by Douglas L. Harmon, senior managing director at real estate firm Eastdil Secured. Last year's event raised more than \$1 million for Children's Rights' work on behalf of abused and neglected children.

For more information about this year's event, please contact development coordinator Megan Spence at 212-683-2210 or mspence@childrensrights.org.



DEBORAH ROBERTS - ABC NEWS

Client Behind the Case – Randy Roebuck

James Randall "Randy" Roebuck entered the Mississippi foster care system at age six, when he was removed from the home of his meth-addicted mother. For 12 years, Randy lived without a permanent home or family, shuffling from one temporary placement to another, until finally aging out of the system in November 2006 as he turned 18 years old.

During his time in foster care, Randy lived in dozens of different placements. Among them were the foster home of a pedophile, a group home with no house parents or other supervision, and a foster home so infested with roaches that he slept in a van. Randy also spent months locked up in a juvenile detention center, though he had not committed any offense, simply because the state failed to identify a placement for him.

While in state custody, Randy was denied essential dental care, including a three-year period between the ages of 12 and 15 when part of his braces fused with the palate of his mouth. Randy was left with a gaping hole in the roof of his mouth when the braces were finally removed.

In 2006, Randy was disqualified from military service due to the fragility of his rib cage. Doctors told him that if he sustained a blow to

the chest, it could be fatal. His condition is the result of a serious injury to his chest sustained during a fall shortly after he entered foster care, for which he never received adequate medical treatment.

Children's Rights filed a class action lawsuit in Mississippi in 2004, charging that the state has long been aware of its failure to protect the children in its custody. Randy hopes that his story will help to reform the system, so that other foster children in Mississippi do not have to suffer as he did.

Currently, Randy lives near Wilmington, North Carolina, and plans to become an auto mechanic.

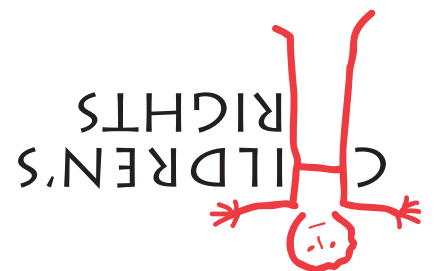


RANDY ROEBUCK

In this Issue

Win for Mississippi Children
Annual Benefit Scheduled
for October 10
Michigan Case Moves
Forward
Monitoring Reports from
New Jersey and Tennessee
Donor Profile: Armand Roussou
and more

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