

## Eleven San Bernardino Children Sue California For Systemic Reform Of Child Welfare System

### Class Action Lawsuit Filed Today in the U.S. District Court for the Central District of California, Eastern Division, Alleges Constitutional Violations

05.25.2023

A class action lawsuit was filed today on behalf of more than 5,800 California children against the California Department of Social Services (“CDSS”), CDSS Director Kim Johnson, San Bernardino County, Members of the San Bernardino County Board of Supervisors, San Bernardino County Child & Family Services (“CFS”), California Gov. Gavin Newsom “in his official capacity” and CFS Director Jeany Zepeda (collectively, “the Defendants”) alleging that San Bernardino County’s child welfare system is irretrievably broken and in need of systemic reform.

The 68-page complaint asks the courts to find that the Defendants’ actions and inactions violate federal statutory law, the U.S. Constitution, the California Constitution, and the Americans with Disabilities Act and seeks an order directing CDSS and San Bernardino County to, among other things:

- Keep children safe while in foster care;
- Lower caseloads of individual workers to professional standards;
- Plan steps towards a permanent family for each child;
- Ensure that services recommended in the child’s case plans are actually provided;
- End the practice of housing children overnight in offices;
- Develop a process to properly match children with appropriate and safe foster home placements; and
- Ensure that children with disabilities are provided with the services they need in their home communities.

The complaint proposes two classes of plaintiffs. The general class consists of more than 5,800 children who are in or will be in foster care. The subclass consists of hundreds of children with disabilities in the foster care system, who, according to the complaint, are especially harmed by the failures of the Defendants.

The complaint depicts the extremely dysfunctional state of the San Bernardino foster care system and claims the Defendants are well aware of the system’s failures. A grand jury investigating CFS posed the question, “[w]hen is something too broken to fix?” and concluded that the San Bernardino child welfare system is so dysfunctional that it cannot be salvaged and “strongly recommend[ed] CFS be abolished, and a new system be created to help raise and parent foster children in the county.” The complaint points to data that show children in CFS custody experience maltreatment in care that far exceeds the national average, and a long-standing system of total inattention to the needs of foster children.

“Workers in San Bernardino County can’t possibly protect these children because of their high caseloads, no matter how hard they might try,” said Marcia Robinson Lowry, director of A Better Childhood. “This is an ingrained system that ignores the needs of these children, and far too many children are suffering grievously because of it. California should be doing far better for its most vulnerable children. Neither the state nor the county is stepping in to help these kids and reform is long overdue.”

“We are pleased to assist A Better Childhood in filing this action so that the county will be required to take actual steps to fix the system,” added Polly Towill, a Sheppard Mullin partner who is leading the firm’s pro bono effort in the lawsuit.

A Better Childhood and Sheppard Mullin worked for eight months to collect the necessary information for the lawsuit and prepare the case for the court, which included speaking with hundreds of people and reviewing all available information and reports.

Read the complaint [here](#).

Read the grand jury report [here](#) (see page 105).

### **About A Better Childhood**

A Better Childhood (“ABC”) is a national nonprofit advocacy organization that uses the courts to reform dysfunctional child welfare systems around the country. ABC currently has cases in New York, New Jersey, Mississippi, Oregon, West Virginia, Alaska and Texas. For more information, please visit [www.abetterchildhood.org](http://www.abetterchildhood.org).

## **Attorneys**

Alexandria Amerine

Daniel L. Brown

Tori D. Kutzner

Polly Towill

## **Practice Areas**

Litigation