



SIX MONTH REPORT

Submitted to The Barbara McDowell and Gerald S. Hartman Foundation
April 2022

Summary of the general direction/progress of the case:

In the initial stages of the case, our team filed a motion for a preliminary injunction and worked with a mediator to reach a proposed resolution of that motion, which the court adopted in June 2021. This preliminary injunction required Defendants to submit a plan detailing how they would cease using hotels and offices for youth housing, limited the circumstances in which youth can be housed in offices overnight, and required Defendants to increase their efforts to find appropriate placements for youth in exceptional placements. The case was certified as a class action in September of 2021.

During the second quarter of the grant, Plaintiffs have engaged in continued negotiations with Washington's Department of Children, Youth, and Families towards a resolution of the case, with the help of the same mediator with whom the parties worked successfully regarding the preliminary injunction relief. Plaintiffs have met with the Department repeatedly and have spent many hours drafting and editing proposed settlements and researching issues that have arisen over the course of negotiations.

Although Plaintiffs hope to reach a settlement with the Department that meets the needs of foster youth in Washington in order to provide the Plaintiff class with relief expeditiously, it is still possible that the case will go to trial. To prepare for this, Plaintiffs have simultaneously continued with active discovery efforts, including receiving and reviewing thousands of pages of documents. Plaintiffs are continuing to propound additional discovery requests, negotiate search terms for electronic discovery, and plan to take more depositions in the near future. In order to accommodate the robust mediation efforts between the parties, Plaintiffs and Defendants agreed to extend the pretrial schedule and trial date, so that the deadline for completing discovery is July 8th, 2022, and a bench trial is set for December 5th, 2022.

Since the start of the third quarter of the grant, the Parties have primarily focused on active settlement negotiations, including an in-person mediation session in Tacoma, Washington in April.

Significant decisions in the case, including attachments:

The Court has not made any decisions in the case in the reporting period.

Progress anticipated in the next six months:

The parties will continue to negotiate and work towards a settlement in the case. If the parties are unable to reach an agreement, we will prepare for trial, set for December 2022, including through additional depositions and discovery.

Links to media coverage, if any, of the case:

- King 5, *Washington state accused of widespread failure to house foster children*, January 29, 2021, <https://www.king5.com/article/news/investigations/washington-state-accused-widespread-failure-house-foster-children/281-3a3742d5-4270-4ac6-bf3a-26fb318e6490>
- Imprint News, *Washington State Sued for 'Warehousing' Foster Youth with Disabilities in Hotels, Offices*, January 29, 2021, <https://imprintnews.org/child-welfare-2/foster-youth-sue-washington-for-leaving-them-essentially-homeless/51430>
- Associated Press, *Lawsuit: Washington's shuttling of foster kids fails them*, January 29, 2021, <https://apnews.com/article/lawsuits-seattle-washington-1432da61d8add973a148287c999652b0>
- King 5, *Washington state agrees to end hotel, office stays for foster youth*, June 21, 2021, <https://www.king5.com/article/news/investigations/washington-state-foster-youth-in-hotels-investigation/281-102a87c5-bd96-463a-9f35-a569319c1072>
- The Center Square, *Washington to end costly hotel, office stays for foster youth*, June 22, 2021, https://www.thecentersquare.com/washington/washington-to-end-costly-hotel-office-stays-for-foster-youth/article_4ce56b2e-d37d-11eb-97f2-c7f47a67cc2d.html
- The Imprint, *WA foster system to stop housing kids in hotels, offices. But then what?*, July 9, 2021, <https://crosscut.com/news/2021/07/wa-foster-system-stop-housing-kids-hotels-offices-then-what>
- Investigate West, *Can a Court Victory Provide Refuge For Foster Youth?*, August 4, 2021, <https://www.invw.org/2021/08/04/can-a-court-victory-provide-refuge-for-foster-youth/>

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