

# 25-1232-cv

---

## United States Court of Appeals

*for the*

## Fourth Circuit

JONATHAN R., *et al.*,

*Plaintiffs-Appellants,*

v.

PATRICK MORRISEY, *et al.*,

*Defendants-Appellees.*

---

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA, No. 3:19-cv-00710 (HON. JOSEPH R. GOODWIN)

---

### **BRIEF OF THE NATIONAL CENTER FOR YOUTH LAW AND 32 ADDITIONAL ORGANIZATIONS AS *AMICI CURIAE* IN SUPPORT OF PLAINTIFFS-APPELLANTS**

---

Hannah Benton Eidsath  
Jean Strout  
NATIONAL CENTER FOR YOUTH LAW  
1212 Broadway, Suite 600  
Oakland, CA 94612

Krishna Shah  
QUINN EMANUEL URQUHART  
& SULLIVAN, LLP  
50 California St., 22nd Floor  
San Francisco, CA 94111

Daniel Albert-Rozenberg  
QUINN EMANUEL URQUHART  
& SULLIVAN, LLP  
111 Huntington Ave., Suite 520  
Boston, MA 02199

Sydney Leigh Martin  
Mauni Jalali  
QUINN EMANUEL URQUHART  
& SULLIVAN, LLP  
865 S. Figueroa St., 10th Floor  
Los Angeles, CA 90017  
sydnymartin@quinnemanuel.com

Todd Anten  
Maura Grealish  
QUINN EMANUEL URQUHART  
& SULLIVAN, LLP  
295 5th Ave., 9th Floor  
New York, NY 10016

*Counsel for Amici Curiae*

May 20, 2025

## UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

**DISCLOSURE STATEMENT**

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by **all** parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.
- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 25-1232 Caption: Jonathan R. v. Morrisey

Pursuant to FRAP 26.1 and Local Rule 26.1,

American Civil Liberties Union  
(name of party/amicus)

who is \_\_\_\_\_ amicus \_\_\_\_\_, makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO
2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:
3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: American Civil Liberties Union

## UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

**DISCLOSURE STATEMENT**

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by **all** parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.
- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 25-1232 Caption: Jonathan R. v. Morrisey

Pursuant to FRAP 26.1 and Local Rule 26.1,

ACLU Foundation of Maryland  
(name of party/amicus)

who is \_\_\_\_\_ amicus \_\_\_\_\_, makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO
2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:
3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: ACLU Foundation of Maryland

## UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

**DISCLOSURE STATEMENT**

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by **all** parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.
- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 25-1232 Caption: Jonathan R. v. Morrisey

Pursuant to FRAP 26.1 and Local Rule 26.1,

ACLU of North Carolina Legal Foundation  
(name of party/amicus)

who is \_\_\_\_\_ amicus \_\_\_\_\_, makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO
2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:
3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: ACLU of North Carolina Legal Foundation



4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: ACLU of South Carolina

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

DISCLOSURE STATEMENT

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by **all** parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.
- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 25-1232 Caption: Jonathan R. v. Morrisey

Pursuant to FRAP 26.1 and Local Rule 26.1,

ACLU of Virginia  
(name of party/amicus)

who is \_\_\_\_\_ amicus \_\_\_\_\_, makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO

2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:

3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: ACLU of Virginia



4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: Advokids

## UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

**DISCLOSURE STATEMENT**

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by **all** parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.
- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 25-1232Caption: Jonathan R. v. Morrisey

Pursuant to FRAP 26.1 and Local Rule 26.1,

Children's Rights

(name of party/amicus)

who is \_\_\_\_\_ amicus \_\_\_\_\_, makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO
2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:
3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: Children's Rights



4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: Education Law Center, Inc.

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

DISCLOSURE STATEMENT

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by **all** parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.
- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 25-1232 Caption: Jonathan R. v. Morrisey

Pursuant to FRAP 26.1 and Local Rule 26.1,

Equal Justice Society  
(name of party/amicus)

who is \_\_\_\_\_ amicus \_\_\_\_\_, makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO

2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:

3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: Equal Justice Society



4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: Institute for Constitutional Advocacy & Protection

## UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

**DISCLOSURE STATEMENT**

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by **all** parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.
- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 25-1232 Caption: Jonathan R. v. Morrisey

Pursuant to FRAP 26.1 and Local Rule 26.1,

Impact Fund

(name of party/amicus)

who is \_\_\_\_\_ amicus \_\_\_\_\_, makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO
2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:
3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: Impact Fund

## UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

**DISCLOSURE STATEMENT**

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by **all** parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.
- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 25-1232 Caption: Jonathan R. v. Morrisey

Pursuant to FRAP 26.1 and Local Rule 26.1,

Juvenile Law Center

(name of party/amicus)

who is \_\_\_\_\_ amicus \_\_\_\_\_, makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO
2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:
3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: Juvenile Law Center

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

DISCLOSURE STATEMENT

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by **all** parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.
- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 25-1232 Caption: Jonathan R. v. Morrisey

Pursuant to FRAP 26.1 and Local Rule 26.1,

Kansas Appleseed Center for Law and Justice, Inc.  
(name of party/amicus)

who is \_\_\_\_\_ amicus \_\_\_\_\_, makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO

2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:

3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: Kansas Appleseed Center for Law and Justice, Inc.

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

DISCLOSURE STATEMENT

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by **all** parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.
- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 25-1232 Caption: Jonathan R. v. Morrisey

Pursuant to FRAP 26.1 and Local Rule 26.1,

Lawyers' Committee for Civil Rights of the San Francisco Bay Area  
(name of party/amicus)

who is \_\_\_\_\_ amicus \_\_\_\_\_, makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO

2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:

3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: Lawyers' Committee for Civil Rights of the

San Francisco Bay Area



4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: Lawyers for Children, Inc.

## UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

**DISCLOSURE STATEMENT**

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by **all** parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.
- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 25-1232 Caption: Jonathan R. v. Morrisey

Pursuant to FRAP 26.1 and Local Rule 26.1,

Lawyers for Civil Rights  
(name of party/amicus)

who is \_\_\_\_\_ amicus \_\_\_\_\_, makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO
2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:
3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 05/20/2025

Counsel for: Lawyers for Civil Rights

## UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

**DISCLOSURE STATEMENT**

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by **all** parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.
- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 25-1232 Caption: Jonathan R. v. Morrisey

Pursuant to FRAP 26.1 and Local Rule 26.1,

Legal Aid Justice Center  
(name of party/amicus)

who is \_\_\_\_\_ amicus \_\_\_\_\_, makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO
2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:
3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: Legal Aid Justice Center



4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: Lives in the Balance, 501(c)(3)

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

DISCLOSURE STATEMENT

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by **all** parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.
- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 25-1232 Caption: Jonathan R. v. Morrisey

Pursuant to FRAP 26.1 and Local Rule 26.1,

Mountain State Justice, Inc.  
(name of party/amicus)

who is \_\_\_\_\_ amicus \_\_\_\_\_, makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO

2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:

3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: Mountain State Justice, Inc.

## UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

**DISCLOSURE STATEMENT**

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by **all** parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.
- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 25-1232 Caption: Jonathan R. v. Morrisey

Pursuant to FRAP 26.1 and Local Rule 26.1,

National Association of Counsel for Children  
(name of party/amicus)

who is \_\_\_\_\_ amicus \_\_\_\_\_, makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO
2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:
3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: National Association of Counsel for Children

## UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

**DISCLOSURE STATEMENT**

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by **all** parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.
- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 25-1232 Caption: Jonathan R. v. Morrisey

Pursuant to FRAP 26.1 and Local Rule 26.1,

National Center on Adoption and Permanency  
(name of party/amicus)

who is \_\_\_\_\_ amicus \_\_\_\_\_, makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO
2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:
3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: National Center on Adoption and Permanency

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

DISCLOSURE STATEMENT

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by **all** parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.
- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 25-1232 Caption: Jonathan R. v. Morrisey

Pursuant to FRAP 26.1 and Local Rule 26.1,

National Center for Youth Law  
(name of party/amicus)

who is \_\_\_\_\_ amicus \_\_\_\_\_, makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO

2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:

3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: National Center for Youth Law

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

DISCLOSURE STATEMENT

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by **all** parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.
- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 25-1232 Caption: Jonathan R. v. Morrisey

Pursuant to FRAP 26.1 and Local Rule 26.1,

Nebraska Appleseed Center for Law in the Public Interest  
(name of party/amicus)

who is \_\_\_\_\_ amicus \_\_\_\_\_, makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO

2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:

3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: Nebraska Appleseed Center for Law in the

Public Interest

## UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

**DISCLOSURE STATEMENT**

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by **all** parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.
- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 25-1232 Caption: Jonathan R. v. Morrisey

Pursuant to FRAP 26.1 and Local Rule 26.1,

Network on Women in Prison (dba Legal Services for Prisoners with Children)  
(name of party/amicus)

who is \_\_\_\_\_ amicus \_\_\_\_\_, makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO
2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:
3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: Network on Women in Prison

## UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

**DISCLOSURE STATEMENT**

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by **all** parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.
- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 25-1232 Caption: Jonathan R. v. Morrisey

Pursuant to FRAP 26.1 and Local Rule 26.1,

Public Counsel

(name of party/amicus)

who is \_\_\_\_\_ amicus \_\_\_\_\_, makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO
2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:
3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: Public Counsel

## UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

**DISCLOSURE STATEMENT**

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by **all** parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.
- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 25-1232 Caption: Jonathan R. v. Morrisey

Pursuant to FRAP 26.1 and Local Rule 26.1,

Public Justice Center  
(name of party/amicus)

who is \_\_\_\_\_ amicus \_\_\_\_\_, makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO
2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:
3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: Public Justice Center

## UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

**DISCLOSURE STATEMENT**

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by **all** parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.
- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 25-1232 Caption: Jonathan R. v. Morrisey

Pursuant to FRAP 26.1 and Local Rule 26.1,

Roger Baldwin Foundation, ACLU Inc.

(name of party/amicus)

who is \_\_\_\_\_ amicus \_\_\_\_\_, makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO
2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:
3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: Roger Baldwin Foundation, ACLU

## UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

**DISCLOSURE STATEMENT**

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by **all** parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.
- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 25-1232 Caption: Jonathan R. v. Morrisey

Pursuant to FRAP 26.1 and Local Rule 26.1,

Southern Center for Human Rights

(name of party/amicus)

who is \_\_\_\_\_ amicus \_\_\_\_\_, makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO
2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:
3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: Southern Center for Human Rights

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

DISCLOSURE STATEMENT

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by **all** parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.
- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 25-1232 Caption: Jonathan R. v. Morrisey

Pursuant to FRAP 26.1 and Local Rule 26.1,

Southern Poverty Law Center  
(name of party/amicus)

who is \_\_\_\_\_ amicus \_\_\_\_\_, makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO

2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:

3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: Southern Poverty Law Center

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

DISCLOSURE STATEMENT

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by **all** parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.
- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 25-1232 Caption: Jonathan R. v. Morrisey

Pursuant to FRAP 26.1 and Local Rule 26.1,

Texas Civil Rights Project  
(name of party/amicus)

who is \_\_\_\_\_ amicus \_\_\_\_\_, makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO

2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:

3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: Texas Civil Rights Project

## UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

**DISCLOSURE STATEMENT**

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by **all** parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.
- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 25-1232 Caption: Jonathan R. v. Morrisey

Pursuant to FRAP 26.1 and Local Rule 26.1,

Virginia Poverty Law Center  
(name of party/amicus)

who is \_\_\_\_\_ amicus \_\_\_\_\_, makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO
2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:
3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: Virginia Poverty Law Center

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

DISCLOSURE STATEMENT

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by **all** parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.
- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 25-1232 Caption: Jonathan R. v. Morrisey

Pursuant to FRAP 26.1 and Local Rule 26.1,

Washington Lawyers' Committee for Civil Rights and Urban Affairs  
(name of party/amicus)

who is \_\_\_\_\_ amicus \_\_\_\_\_, makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO

2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:

3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: Washington Lawyers' Committee for Civil

Rights and Urban Affairs

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

DISCLOSURE STATEMENT

- In civil, agency, bankruptcy, and mandamus cases, a disclosure statement must be filed by **all** parties, with the following exceptions: (1) the United States is not required to file a disclosure statement; (2) an indigent party is not required to file a disclosure statement; and (3) a state or local government is not required to file a disclosure statement in pro se cases. (All parties to the action in the district court are considered parties to a mandamus case.)
- In criminal and post-conviction cases, a corporate defendant must file a disclosure statement.
- In criminal cases, the United States must file a disclosure statement if there was an organizational victim of the alleged criminal activity. (See question 7.)
- Any corporate amicus curiae must file a disclosure statement.
- Counsel has a continuing duty to update the disclosure statement.

No. 25-1232 Caption: Jonathan R. v. Morrisey

Pursuant to FRAP 26.1 and Local Rule 26.1,

Youth Law Center  
(name of party/amicus)

who is \_\_\_\_\_ amicus \_\_\_\_\_, makes the following disclosure:  
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity?  YES  NO

2. Does party/amicus have any parent corporations?  YES  NO  
If yes, identify all parent corporations, including all generations of parent corporations:

3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity?  YES  NO  
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?  YES  NO  
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question)  YES  NO  
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding?  YES  NO  
If yes, the debtor, the trustee, or the appellant (if neither the debtor nor the trustee is a party) must list (1) the members of any creditors' committee, (2) each debtor (if not in the caption), and (3) if a debtor is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of the debtor.
7. Is this a criminal case in which there was an organizational victim?  YES  NO  
If yes, the United States, absent good cause shown, must list (1) each organizational victim of the criminal activity and (2) if an organizational victim is a corporation, the parent corporation and any publicly held corporation that owns 10% or more of the stock of victim, to the extent that information can be obtained through due diligence.

Signature: /s/ Sydney Leigh Martin

Date: 5/20/2025

Counsel for: Youth Law Center

**TABLE OF CONTENTS**

	<b><u>Page</u></b>
TABLE OF AUTHORITIES .....	ii
INTEREST OF <i>AMICI CURIAE</i> .....	1
INTRODUCTION AND SUMMARY OF ARGUMENT .....	4
ARGUMENT .....	7
I. THE DISTRICT COURT’S ORDER HAS FAR-REACHING CONSEQUENCES THAT WILL DEPRIVE YOUTH IN THE FOSTER SYSTEM OF REMEDIES FOR VIOLATIONS OF THEIR CONSTITUTIONAL AND STATUTORY RIGHTS .....	7
A. Youth In The Foster System Experience Serious Harms And Lifelong Consequences .....	7
B. Children In The Foster System Are Disproportionately Members Of Other Historically Disadvantaged Populations.....	10
C. The District Court’s Proposed Alternative Remedies Are Inadequate .....	14
II. INSTITUTIONAL REFORM LITIGATION HAS DELIVERED MEANINGFUL, LONG-LASTING RESULTS.....	17
A. Institutional Reform Has Achieved Lasting Important Successes, Both For Youth In The Foster System And Beyond.....	17
B. Courts Are Fully Equipped To Order And Oversee Institutional Reform.....	27
CONCLUSION.....	31
CERTIFICATE OF COMPLIANCE.....	32
CERTIFICATE OF SERVICE .....	33

**TABLE OF AUTHORITIES**

<u>Cases</u>	<u>Page</u>
<i>Armstrong v. Newsom</i> , 58 F.4th 1283 (9th Cir. 2023) .....	29
<i>Baxley v. Douglas</i> , No. 3:18-cv-01526 (S.D.W.V.) .....	28
<i>Belk v. Charlotte-Mecklenburg Bd. of Educ.</i> , 269 F.3d 305 (4th Cir. 2001) .....	30
<i>Brown v. Board of Education</i> , 347 U.S. 483 (1954).....	4
<i>Brown v. Plata</i> , 563 U.S. 493 (2011).....	25, 28
<i>Butler v. City of N.Y.</i> , No. 15-cv-373 (S.D.N.Y.).....	25
<i>C.P.X. v. Garcia</i> , No. 4:17-cv-00417 (S.D. Iowa).....	24, 25
<i>D.L. v. Dist. of Columbia</i> , 860 F.3d 713 (D.C. Cir. 2017).....	23, 24
<i>D.S. v. Washington Dep’t of Children &amp; Families</i> , No. 2:21-cv-00113 (W.D. Wash.) .....	20, 21
<i>David C. v. Leavitt</i> , No. 2:93-cv-00206 (D. Utah).....	18
<i>Felix v. Lingle</i> , No. 1:93-cv-00367 (D. Haw.).....	26
<i>Gideon v. Wainwright</i> , 372 U.S. 335 (1963).....	4
<i>Jonathan R. v. Justice</i> , 41 F.4th 316 (4th Cir. 2022) .....	5, 14
<i>Juan F. v. Weiker</i> , 37 F.3d 874 (2d Cir. 1994) .....	19, 29
<i>Katie A. v. Bonta</i> , No. 2:02-cv-05662 (C.D. Cal.).....	20
<i>Kenny A. v. Deal</i> , No. 1:02-cv-01686 (N.D. Ga.).....	18, 19

*Lucas R. v. Becerra*,  
No. 2:18-cv-05741 (C.D. Cal.).....21, 22

*M.B. v. Tidball*,  
No. 2:17-cv-04102 (W.D. Mo.).....21

*Marbury v. Madison*,  
5 U.S. 137 (1803).....5

*Olmstead v. L.C.*,  
527 U.S. 581 (1999).....27

*Sigma Beta Xi v. County of Riverside*,  
No. 5:18-cv-01399 (C.D. Cal.).....22, 23

*Small v. Hunt*,  
858 F. Supp. 510 (E.D.N.C. 1994) .....25, 26

*Youngberg v. Romeo*,  
457 U.S. 307 (1982).....4

**Statutes and Rules**

42 U.S.C. § 1983 .....19

FED. R. EVID. 703 .....28

FED. R. EVID. 706.....28

**Additional Authorities**

AM. ACAD. OF PEDIATRICS, *Children in Foster Care with Disabilities Face Significant Challenges* (Sept. 27, 2024),  
<https://www.aap.org/en/news-room/news-releases-from-aap-conferences/children-in-foster-care-with-disabilities-face-significant-challenges/> .....14

Amelia Ferrell Knisley, *West Virginia’s foster care mess spills over into court system; House will try to address it*, WEST VIRGINIA WATCH (Feb. 13, 2025),  
<https://westvirginiawatch.com/2025/02/13/west-virginias-foster-care-mess-spills-over-into-court-system-house-will-try-to-address-it/> .....16

Andy Shookhoff, *Reflections on the Role of the Monitor in Child Welfare Litigation* in FOR THE WELFARE OF CHILDREN: LESSONS LEARNED FROM CLASS ACTION LITIGATION (Jan. 2012) (Ctr. for the Study of Soc. Pol’y), <https://cssp.org/wp-content/uploads/2025/03/Lessons-Learned.pdf>.....30

ANNIE E. CASEY FOUND., *Child Welfare and Foster Care Statistics* (July 27, 2024), <https://www.aecf.org/blog/child-welfare-and-foster-care-statistics> .....9

ANNIE E. CASEY FOUND., *LGBTQ in Child Welfare: A Systematic Review of the Literature* (Sept. 22, 2016), <https://assets.aecf.org/m/resourcedoc/aecf-LGBTQ2inChildWelfare-2016.pdf> .....9

ANNIE E. CASEY FOUND., *What Happens to Youth Aging Out of Foster Care* (Feb. 25, 2025), <https://www.aecf.org/blog/what-happens-to-youth-aging-out-of-foster-care> .....10

Bianca D.M. Wilson, et al., *Sexual and Gender Minority Youth in Foster Care*, UCLA SCH. OF L., WILLIAMS INST. (Aug. 2014), <https://williamsinstitute.law.ucla.edu/publications/sgm-youth-la-foster-care/> .....9

Charles F. Sabel & William H. Simon, *Destabilization Rights: How Public Law Litigation Succeeds*, 117 HARV. L. REV. 1015 (2003) .....30

Charles Puzzanchera, et al., *Disproportionality Rates for Children of Color in Foster Care Dashboard (2010-2021)*, NAT’L CTR. FOR JUV. JUST. (2023), [https://www.ncjj.org/AFCARS/Disproportionality\\_Dashboard.asp?selDisplay=2](https://www.ncjj.org/AFCARS/Disproportionality_Dashboard.asp?selDisplay=2) .....11

Cheryl L. Somers, et. al, *Academic Achievement Among a Sample of Youth in Foster Care: The Role of School Connectedness*, 57 PSYCHOL. SCH. 1845 (2020).....9

CHILDREN’S BUREAU, *AFCARS Report* (May 9, 2023), <https://acf.gov/sites/default/files/documents/cb/afcars-report-30.pdf> .....9

CHILDREN’S BUREAU, *AFCARS Report, Trends in Foster Care and Adoption: FY 2013-2022* (Mar. 20, 2024), <https://acf.gov/cb/report/trends-foster-care-adoption> .....8

CHILDREN’S BUREAU, *Racial Disproportionality and Disparity in Child Welfare* (Nov. 2016), [https://blackchildlegacy.org/wp-content/uploads/2017/04/racial\\_disproportionality-and-dispraity-in-child-welfare.pdf](https://blackchildlegacy.org/wp-content/uploads/2017/04/racial_disproportionality-and-dispraity-in-child-welfare.pdf) .....11

CHILDREN’S RTS., *Kenny A. v. Deal*, <https://www.childrensrights.org/in-the-courts/ga-kenny-a-v-deal> .....18

CHILDREN’S RTS., *C.P.X. v. Garcia (Formerly Known as C.P.X. v. Foxhoven)*, <https://www.childrensrights.org/in-the-courts/ia-c-p-x-v-garcia-formerly-known-as-c-p-x-v-foxhoven> .....24

Christine Platt & Sheila M. Gephart, *Placement disruption of children with disabilities in foster care*, 66 J. PEDIATRIC NURSING 30, 30-35 (Sept.-Oct. 2022).....14

CTR. FOR JUST. & DEMOCRACY, *Civil Rights Class Actions: A Singularly Effective Tool to Combat Discrimination* (Jan. 6, 2014), <http://centerjd.org/content/fact-sheet-civil-rights-class-actions-singularly-effective-tool-combat-discrimination>.....21

DCF COURT MONITOR’S OFFICE, *Juan F. v. Lamont Exit Plan Status Report* (Mar. 2022), [https://portal.ct.gov/-/media/dcf/positive\\_outcomes/pdf/juan-f--v-lamont-exit-plan-status-report-final.pdf](https://portal.ct.gov/-/media/dcf/positive_outcomes/pdf/juan-f--v-lamont-exit-plan-status-report-final.pdf) .....19

Elisa Minoff & Alexandra Citrin, *Systemically Neglected: How Racism Structures Public Systems to Produce Child Neglect*, CTR. FOR STUDY OF SOC. POL’Y (Mar. 2022), <https://cssp.org/wp-content/uploads/2025/03/Systemically-Neglected-How-Racism-Structures-Public-Systems-to-Produce-Child-Neglect.pdf> .....12

Elsbeth Slater, *Youth with disabilities in the United States Child Welfare System*, 64 CHILD. & YOUTH SERV. REV. 155 (May 2016).....13

Emma Ruth, *Regulating Families: How the Family Policing System Devastates Black, Indigenous and Latinx Families and Upholds White Family Supremacy*, UPEND (2022), <https://upendmovement.org/wp-content/uploads/2022/06/upEND-Regulation.pdf>.....12

GEORGIA STATE UNIV., CTR. FOR STATE & LOCAL FINANCE, TECH. ASSISTANCE / GOV’T SOLUTIONS, *Kenny A. v. Deal Monitoring*, <https://cslf.gsu.edu/technical-assistance/#1521742859920-bb1d4fd1-dda7> .....19

HAWAII DEPT. OF ATTY. GEN., *Felix Case Ends*, (May 31, 2005), <https://ag.hawaii.gov/wp-content/uploads/2012/12/2005-21.pdf>.....26

HUM. RTS. WATCH, “*If I Wasn’t Poor, I Wouldn’t Be Unfit*”: *The Family Separation Crisis in the US Child Welfare System* (Nov. 2022) (“*If I Wasn’t Poor*”), [https://www.hrw.org/sites/default/files/media\\_2022/11/us\\_crd1122\\_web\\_3.pdf](https://www.hrw.org/sites/default/files/media_2022/11/us_crd1122_web_3.pdf).....11, 12

HUM. RTS. CAMPAIGN, *LGBTQ Youth in the Foster Care System* (2015) (“*LGBTQ Youth*”) <https://hrc-prod-requests.s3-us-west-2.amazonaws.com/files/assets/resources/HRC-YouthFosterCare-IssueBrief-FINAL.pdf>.....11, 13

Hyunil Kim, et al., *Lifetime Prevalence of Investigating Child Maltreatment Among US Children*, 107 AM. J. PUB. HEALTH 274 (Feb. 2017), <https://pmc.ncbi.nlm.nih.gov/articles/PMC5227926/pdf/AJPH.2016.303545.pdf> .....12

Jeremy Loudonback, *LGBTQ Youth Make Up One Third of Foster Care, But Are Often Poorly Served*, THE IMPRINT (July 6, 2021), <https://imprintnews.org/top-stories/lgbtq-youth-face-overrepresentation-challenges-in-foster-care> .....13

Makenzie Huber, *A story told in data: Overrepresentation of Indigenous children in the SD foster care system*, SOUTH DAKOTA SEARCHLIGHT (Nov. 17, 2023), <https://southdakotasearchlight.com/2023/11/17/overrepresentation-of-native-american-indigenous-children-south-dakota-foster-care-system-data/> .....11

Mark E. Courtney, et al., *Findings from the California Youth Transitions to Adulthood Study (CalYOUTH): Conditions of Youth at Age 19*, CHAPIN HALL AT UNIV. OF CHICAGO (2016), [https://www.chapinhall.org/wp-content/uploads/CY\\_YT\\_RE0516.pdf](https://www.chapinhall.org/wp-content/uploads/CY_YT_RE0516.pdf) .....8

Mical Raz & Vivek Sankaran, *Opposing Family Separation Policies for the Welfare of Children*, 109 AM. J. PUB. HEALTH 1529 (2019) .....8

NAT’L CTR. FOR YOUTH LAW, *David C. Lawsuit Transforms Utah’s Child Welfare System* (June 8, 2007), <https://youthlaw.org/news/david-c-lawsuit-transforms-utahs-child-welfare-system> .....18

NAT’L CTR. FOR YOUTH LAW, *Katie A. v. Bonta Settlement Ensures CA Foster Youth Improved Access to Mental Health Care* (Oct. 1, 2011), <https://youthlaw.org/news/katie-v-bonta-settlement-ensures-ca-foster-youth-improved-access-mental-health-care> .....20

NAT’L CTR. FOR YOUTH LAW, *Landmark settlements mark a turning point in the treatment of children in immigration custody* (Nov. 14, 2023), <https://youthlaw.org/news/landmark-settlements-mark-turning-point-treatment-children-immigration-custody> .....22

NAT’L DISABILITY RTS. NETWORK, *Foster Despair: Improving Access to Education Services for Youth with Intellectual Disabilities in State Custody* (Nov. 2013), [https://www.ndrn.org/wp-content/uploads/2019/03/Foster\\_Despair\\_Master\\_FINAL.pdf](https://www.ndrn.org/wp-content/uploads/2019/03/Foster_Despair_Master_FINAL.pdf).....11

NAT’L FOSTER YOUTH INST., *Housing & Homelessness*, <https://nfyi.org/issues/homelessness-2>.....10

Notice of Class Action Settlement about the Rights of Youth Involved in the Riverside County Youth Accountability Team (“YAT”) Program (Sept. 2020), [https://youthlaw.org/sites/default/files/wp\\_attachments/SBX-v.-County-of-Riverside-Final-Notice-of-Class-Settlement\\_September-2020.pdf](https://youthlaw.org/sites/default/files/wp_attachments/SBX-v.-County-of-Riverside-Final-Notice-of-Class-Settlement_September-2020.pdf) .....23

OFFICE OF STATE SUPERINTENDENT OF EDUC., *D.L. v. District of Columbia at a Glance*, [https://osse.dc.gov/sites/default/files/dc/sites/osse/page\\_content/attachments/D.L.%20v%20District%20of%20Columbia%20at%20a%20Glance.pdf](https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/D.L.%20v%20District%20of%20Columbia%20at%20a%20Glance.pdf).....24

U.S. DEPT. OF EDUC., *Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care* (June 23, 2016), <https://www.ed.gov/sites/ed/files/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>.....9

Valerie Flores & Sarah Triano, CTR. FOR HEALTH CARE STRATEGIES, *The Olmstead Decision 25 Years Later* (June 24, 2024), <https://www.chcs.org/the-olmstead-decision-25-years-later/> .....27

WEST VIRGINIA LEGIS., *Archived Recordings: February 13th, 2025 at 9:00 a.m., Standing Committee on the Judiciary*, available at <https://home.wvlegislature.gov/archived-recordings/> .....16

**INTEREST OF *AMICI CURIAE***\*

*Amici* are state and national organizations with extensive combined experience in institutional reform litigation affecting system-impacted populations. These organizations share a commitment to protecting and vindicating constitutional and statutory rights through federal court intervention when necessary. *Amici* file this brief in support of Plaintiffs-Appellants to highlight the myriad of ways that the district court's holding jeopardizes the ability for marginalized populations, including children in West Virginia's foster system, to secure and enforce important constitutional and statutory rights in complex state institutions through legal action.

**The National Center for Youth Law** ("NCYL") is a non-profit organization that works to build a future in which every child thrives and has a full and fair opportunity to achieve the future they envision for themselves. For over five decades, NCYL has represented youth in federal and state litigation with broad impact. NCYL has extensive experience litigating to enforce the rights of young people in public systems, including the foster system, the juvenile legal system, the immigration system, education, and healthcare.

---

\* No party's counsel authored this brief in whole or in part, no party or party's counsel contributed money intended to fund preparation or submission of this brief, and no other person contributed money intended to fund preparation or submission of this brief. The parties have consented to the filing of this brief.

Together with NCYL, the following *amici* join this brief:

1. American Civil Liberties Union
2. ACLU Foundation of Maryland
3. ACLU of North Carolina Legal Foundation
4. ACLU of South Carolina
5. ACLU of Virginia
6. Advokids
7. Children's Rights
8. Education Law Center
9. Equal Justice Society
10. Impact Fund
11. Institute for Constitutional Advocacy & Protection
12. Juvenile Law Center
13. Kansas Appleseed Center for Law and Justice
14. Lawyers' Committee for Civil Rights of the San Francisco Bay Area
15. Lawyers for Children
16. Lawyers for Civil Rights
17. Legal Aid Justice Center
18. Lives in the Balance
19. Mountain State Justice

20. National Association of Counsel for Children
21. National Center on Adoption and Permanency
22. Nebraska Appleseed Center for Law in the Public Interest
23. Network on Women in Prison
24. Public Counsel
25. Public Justice Center
26. Roger Baldwin Foundation, ACLU
27. Southern Center for Human Rights
28. Southern Poverty Law Center
29. Texas Civil Rights Project
30. Virginia Poverty Law Center
31. Washington Lawyers' Committee for Civil Rights and Urban Affairs
32. Youth Law Center

## INTRODUCTION AND SUMMARY OF ARGUMENT

When the Constitution established federal judicial power over “all Cases, in Law and Equity, arising under this Constitution,” Art. III, § 2, it created no exception for cases brought by children in state custody. Throughout our Nation’s history, federal courts have served as the essential forum for those whose rights would otherwise be sacrificed to political expediency or majority indifference. When the U.S. Supreme Court declared in *Brown v. Board of Education*, 347 U.S. 483 (1954), that racially separate educational facilities were inherently unequal, it recognized that constitutional rights cannot always be left to gradual political evolution. When it held in *Gideon v. Wainwright*, 372 U.S. 335 (1963), that states must provide indigent defendants with legal counsel in criminal cases, it acknowledged that some rights require immediate judicial protection. And when it found in *Youngberg v. Romeo*, 457 U.S. 307 (1982), that institutionalized persons have a constitutional liberty interest under the Fourteenth Amendment in reasonably safe conditions of confinement, freedom from unreasonable bodily restraints, and adequately trained institutional staff, it affirmed that those in state custody hold rights that transcend political considerations.

To suggest, as the district court did below, that federal courts are per se unable to provide systemic remedies for constitutional and statutory violations on Article III standing grounds does not merely deny relief to youth in West Virginia’s foster

system at the pleading stage; it fundamentally rewrites a foundational principle of our Constitution: “The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury.” *Marbury v. Madison*, 5 U.S. 137, 163 (1803). The duty of the federal courts is to interpret and apply the Constitution and federal law; there is no exception when the defendant is a complex state institution. As the Fourth Circuit already held in this case, “principles of federalism not only do not preclude federal intervention, they compel it.” *Jonathan R. v. Justice*, 41 F.4th 316, 321 (4th Cir. 2022).

These principles apply with special force to children in the foster system. When the state removes children from their homes and takes them into custody, the state assumes responsibility for these children’s safety and well-being. When the state subjects children to dangerous placements, denies them necessary services, or warehouses them in institutions, federal courts must be available to remedy these violations of children’s constitutional and statutory rights.

The district court’s decision risks transforming fundamental constitutional guarantees and landmark federal statutes into hollow promises for foster children, creating a paradox where the state assumes custody over children but simultaneously becomes immune from accountability for how that custody is exercised. Rather than address the merits of Plaintiffs-Appellants’ claims or tailor appropriate remedies, the district court closed the courthouse doors entirely at the pleading stage—a drastic

decision with dangerous and far-reaching consequences for both children in the foster system and others who use litigation to compel institutions to comply with basic federal constitutional and statutory guarantees. The district court erred in demoting this case to one that solely concerns “uniquely West Virginia problems.” Joint Appendix (“JA”) at 1531. Like foster systems in every other state, West Virginia’s foster system must abide not only by state law and policy but also by federal laws and constitutional guarantees; Plaintiffs-Appellants have come to the federal court to end violations of their federally protected rights. At base, the district court would render federal courts impotent in the face of systemic violations of federal law. That cannot be.

*Amici*, with decades of experience in securing protections for system-impacted populations at the institutional level through litigation, write to provide this Court with their on-the-ground, unique perspective on: (1) the dangerous consequences of abandoning institutional reform litigation, thereby creating “dead zones” where violations of constitutional and statutory rights cannot be vindicated by legal process; and (2) the proven efficacy of institutional reform litigation for youth in the foster system as well as for people impacted by other systems.

## ARGUMENT

### **I. THE DISTRICT COURT’S ORDER HAS FAR-REACHING CONSEQUENCES THAT WILL DEPRIVE YOUTH IN THE FOSTER SYSTEM OF REMEDIES FOR VIOLATIONS OF THEIR CONSTITUTIONAL AND STATUTORY RIGHTS**

The district court below held Plaintiffs-Appellants do not have standing to adjudicate a case seeking systemic institutional reform as a remedy because such relief is reserved solely to political actors. That view is sorely mistaken and, if adopted, would endanger (if not eliminate) the ability of people who are impacted by government systems to vindicate their federal constitutional and statutory rights. Plaintiffs-Appellants persuasively argue how the district court’s novel approach is deeply flawed and contravenes decades of precedent. *Amici* join those arguments, and further explain below the real-world harms such a decision visits upon the youth whose rights are being violated.

#### **A. Youth In The Foster System Experience Serious Harms And Lifelong Consequences**

The most troubling implication of the district court’s ruling is that it effectively creates “dead zones,” where even the most blatant constitutional and statutory violations can persist without judicial remedy simply because they occur within complex state institutions. If the decision stands, those who face constitutional harms and statutory violations in complex institutions would no longer have access to federal courts to protect their rights.

Courts play a critical role in protecting the rights of our most marginalized populations, especially children in the foster system, and cannot abdicate this constitutional duty. Each year nearly **600,000** youth spend time in the U.S. foster system.<sup>1</sup> These youth face traumatic and often unnecessary separation from their families and communities.<sup>2</sup> They suffer shockingly high rates of neglect and physical and sexual abuse while in the foster system: up to 26% of youth report physical abuse by an out-of-home caregiver, and up to 15% report sexual abuse while in the foster system.<sup>3</sup> Nearly one in ten youth in the foster system lives in a

---

<sup>1</sup> CHILDREN'S BUREAU, AFCARS Report, *Trends in Foster Care and Adoption: FY 2013-2022* (Mar. 20, 2024), <https://acf.gov/cb/report/trends-foster-care-adoption>.

<sup>2</sup> See, e.g., Mical Raz & Vivek Sankaran, *Opposing Family Separation Policies for the Welfare of Children*, 109 AM. J. PUB. HEALTH 1529, 1529-30 (2019).

<sup>3</sup> Mark E. Courtney, et al., *Findings from the California Youth Transitions to Adulthood Study (CalYOUTH): Conditions of Youth at Age 19*, CHAPIN HALL AT UNIV. OF CHICAGO at 154-55 (2016), [https://www.chapinhall.org/wp-content/uploads/CY\\_YT\\_RE0516.pdf](https://www.chapinhall.org/wp-content/uploads/CY_YT_RE0516.pdf) (summarizing studies showing youths' self-reported rates of neglect by an out-of-home care provider ranged from 20% to 33%, rates of physical abuse ranged from 13% to 26%, and rates of sexual victimization while in foster care ranged from 2% to 15%).

group home or an institution rather than with a family,<sup>4</sup> and more than one-third of youth change placements at least three times a year.<sup>5</sup>

Youth in the foster system also experience staggering gaps in educational outcomes, including chronic school disengagement, poor attendance, and alarming rates of school mobility: While 86% of all youth in the U.S. graduate from high school, only 65% of youth in the foster system graduate by age 21.<sup>6</sup> They also face inadequate medical care, higher rates of emotional and behavioral difficulties, a higher risk of commercial sexual exploitation, and an increased likelihood of juvenile and criminal legal system involvement.<sup>7</sup> These outcomes are most drastic

---

<sup>4</sup> See CHILDREN'S BUREAU, *AFCARS Report* at 2 (May 9, 2023), <https://acf.gov/sites/default/files/documents/cb/afcars-report-30.pdf> (showing that the most recent placement for 9% of children in foster care was either a "Group Home" or "Institution").

<sup>5</sup> ANNIE E. CASEY FOUND., *Child Welfare and Foster Care Statistics* (July 27, 2024), <https://www.aecf.org/blog/child-welfare-and-foster-care-statistics>.

<sup>6</sup> U.S. DEPT OF EDUC., *Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care* at 3 (June 23, 2016), <https://www.ed.gov/sites/ed/files/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>; see generally Cheryl L. Somers, et al., *Academic Achievement Among a Sample of Youth in Foster Care: The Role of School Connectedness*, 57 PSYCHOL. SCH. 1845 (2020).

<sup>7</sup> See, e.g., Bianca D.M. Wilson, et al., *Sexual and Gender Minority Youth in Foster Care*, UCLA SCH. OF L., WILLIAMS INST. (Aug. 2014) <https://williamsinstitute.law.ucla.edu/publications/sgm-youth-la-foster-care/>; ANNIE E. CASEY FOUND., *LGBTQ in Child Welfare: A Systematic Review of the Literature* at 3-5 (Sept. 22, 2016), <https://assets.aecf.org/m/resourcedoc/aecf-LGBTQ2inChildWelfare-2016.pdf>.

for the approximately 20,000 youth who “age out” of the foster system each year without a permanent family.<sup>8</sup>

The consequences of foster system involvement are lifelong; for example, the foster system has been referred to as “a highway to homelessness” because it is estimated that 20% of young people in the foster system become homeless the moment they are emancipated at age 18, and 50% of the U.S. homeless population has spent time in the foster system.<sup>9</sup> These are not isolated lapses; they reflect entrenched structural deficiencies. Institutional reform litigation has been a key component for preventing and mitigating these types of harms in many jurisdictions. *See* Part II.A., *infra*.

**B. Children In The Foster System Are Disproportionately Members Of Other Historically Disadvantaged Populations**

The district court’s order is particularly concerning because it impacts children who are disproportionately members of groups that already face discrimination and abuse. The challenges faced by children in the foster system described above are felt even more starkly for Indigenous, Black, Latine, and LGBTQI+ youth, as well as youth with disabilities, who are, controlling for other

---

<sup>8</sup> ANNIE E. CASEY FOUND., *What Happens to Youth Aging Out of Foster Care?* (Feb. 25, 2025), <https://www.aecf.org/blog/what-happens-to-youth-aging-out-of-foster-care>.

<sup>9</sup> NAT’L FOSTER YOUTH INST., *Housing & Homelessness*, <https://nfyi.org/issues/homelessness-2/>.

variables, overrepresented in the foster system and underserved by the purported services of the foster system.<sup>10</sup>

Indigenous children, for example, are exceptionally overrepresented in the foster system, entering the foster system at approximately *twice* the rate of their non-Indigenous peers.<sup>11</sup> And in states with higher percentages of Indigenous populations, the figures are even more alarming—for example, in South Dakota, Indigenous children account for nearly 74% of foster children, despite making up about 13% of the state’s child population.<sup>12</sup>

---

<sup>10</sup> See, e.g., HUM. RTS. CAMPAIGN, *LGBTQ Youth in the Foster Care System* at 2 (2015) (“*LGBTQ Youth*”), <https://hrc-prod-requests.s3-us-west-2.amazonaws.com/files/assets/resources/HRC-YouthFosterCare-IssueBrief-FINAL.pdf>; CHILDREN’S BUREAU, *Racial Disproportionality and Disparity in Child Welfare* at 10 (Nov. 2016), [https://blackchildlegacy.org/wp-content/uploads/2017/04/racial\\_disproportionality-and-dispraity-in-child-welfare.pdf](https://blackchildlegacy.org/wp-content/uploads/2017/04/racial_disproportionality-and-dispraity-in-child-welfare.pdf); NAT’L DISABILITY RTS. NETWORK, *Foster Despair: Improving Access to Education Services for Youth with Intellectual Disabilities in State Custody* (Nov. 2013), [https://www.ndrn.org/wp-content/uploads/2019/03/Foster\\_Despair\\_Master\\_\\_FINAL.pdf](https://www.ndrn.org/wp-content/uploads/2019/03/Foster_Despair_Master__FINAL.pdf).

<sup>11</sup> HUM. RTS. WATCH, “*If I Wasn’t Poor, I Wouldn’t Be Unfit*”: *The Family Separation Crisis in the US Child Welfare System* at 44-45 (Nov. 2022) (“*If I Wasn’t Poor*”), [https://www.hrw.org/sites/default/files/media\\_2022/11/us\\_crd1122web\\_3.pdf](https://www.hrw.org/sites/default/files/media_2022/11/us_crd1122web_3.pdf); see also Charles Puzzanchera, et al., *Disproportionality Rates for Children of Color in Foster Care Dashboard (2010-2021)*, NAT’L CTR. FOR JUV. JUST. (2023), [https://www.ncjj.org/AFCARS/Disproportionality\\_Dashboard.asp?selDisplay=2](https://www.ncjj.org/AFCARS/Disproportionality_Dashboard.asp?selDisplay=2).

<sup>12</sup> Makenzie Huber, *A story told in data: Overrepresentation of Indigenous children in the SD foster care system*, SOUTH DAKOTA SEARCHLIGHT (Nov. 17, 2023), <https://southdakotasearchlight.com/2023/11/17/overrepresentation-of-native->

Similarly, Black children make up only 15% of all U.S. youth, but approximately 25% of the children in the foster system.<sup>13</sup> Over 50% of Black children in the United States will experience a child welfare investigation before their eighteenth birthday (nearly double the rate of white children).<sup>14</sup> Nearly 10% of all Black children will be placed into the foster system (almost double the rate of white children).<sup>15</sup> Latine children also are disproportionately placed in the foster system in some states, with the number of states where this is true steadily growing.<sup>16</sup>

LGBTQI+ youth likewise are overrepresented in the foster system, with studies indicating that about one-third identify as LGBTQI+ (more than three times

---

american-indigenous-children-south-dakota-foster-care-system-data/; see also *If I Wasn't Poor*, *supra* n.11 at 44-45 (similar statistics for Oklahoma, Alaska and Nebraska).

<sup>13</sup> Emma Ruth, *Regulating Families: How the Family Policing System Devastates Black, Indigenous and Latinx Families and Upholds White Family Supremacy* at 5, UPEND (2022), <https://upendmovement.org/wp-content/uploads/2022/06/upEND-Regulation.pdf>.

<sup>14</sup> Hyunil Kim, et al., *Lifetime Prevalence of Investigating Child Maltreatment Among US Children*, 107 AM. J. PUB. HEALTH 274, 277-78 (Feb. 2017), <https://pmc.ncbi.nlm.nih.gov/articles/PMC5227926/pdf/AJPH.2016.303545.pdf>.

<sup>15</sup> Elisa Minoff & Alexandra Citrin, *Systemically Neglected: How Racism Structures Public Systems to Produce Child Neglect*, CTR. FOR STUDY OF SOC. POL'Y at 5 (Mar. 2022), <https://cssp.org/wp-content/uploads/2025/03/Systemically-Neglected-How-Racism-Structures-Public-Systems-to-Produce-Child-Neglect.pdf>.

<sup>16</sup> *Id.* at 15.

the general population).<sup>17</sup> These youth also face unique challenges in the foster system, including higher rates of placement instability, harassment, and inadequate services that meet their needs.<sup>18</sup> They face discrimination and physical, verbal, and sexual abuse in foster settings more frequently than their non-LGBTQI+ peers do—by peers and adult caregivers.<sup>19</sup> One study found that 100% of LGBTQI+ youth placed in group homes experienced verbal harassment, and 70% reported physical violence.<sup>20</sup>

Youth with disabilities are also overrepresented in the foster system, with estimates that up to 47% of youth aging out of the foster system have a medical or disability diagnosis requiring additional services or care.<sup>21</sup> Such youth have significantly more disruptions and longer stays than youth who do not have

---

<sup>17</sup> Jeremy Loudonback, *LGBTQ Youth Make Up One Third of Foster Care, But Are Often Poorly Served*, THE IMPRINT (July 6, 2021), <https://imprintnews.org/top-stories/lgbtq-youth-face-overrepresentation-challenges-in-foster-care>.

<sup>18</sup> HUM. RTS. CAMPAIGN, *LGBTQ Youth*, *supra* n.10 at 2.

<sup>19</sup> *Id.* at 2-3.

<sup>20</sup> *Id.* at 3. This study was limited to New York City. The state of New York has nondiscrimination protections, but even with those protections, LGBTQI+ discrimination runs rampant.

<sup>21</sup> Elspeth Slater, *Youth with disabilities in the United States Child Welfare System*, 64 CHILD. & YOUTH SERVS. REV. 155, 155 (May 2016).

disabilities.<sup>22</sup> They are also less likely to find a permanent home, and have a higher risk of mortality while in care compared to youth without disabilities.<sup>23</sup>

\* \* \*

These are but a few examples of how the foster system negatively impacts youth. If the district court's holding were applied more broadly, it almost certainly would affect access to judicial remedies for other people involved with state systems. *See* Part II.A., *infra*, for examples of harms that have been addressed by institutional reform efforts in other contexts, including prisons, the juvenile legal system, homeless shelters, schools, and youth held in immigration custody.

### **C. The District Court's Proposed Alternative Remedies Are Inadequate**

This Court has already acknowledged that Plaintiffs-Appellants “bring federal claims, and federal courts are obliged to decide them in all but exceptional circumstances. And this case presents none of those circumstances.” *Jonathan R.*, 41 F.4th at 321 (cleaned up). Disregarding this Court's prior holding and the constitutional duties of federal courts, the district court would dismiss the entire action at the pleading stage on grounds of “redressability,” creating a new and

---

<sup>22</sup> Christine Platt & Sheila M. Gephart, *Placement disruption of children with disabilities in foster care*, 66 J. PEDIATRIC NURSING 30, 30-35 (Sept.-Oct. 2022).

<sup>23</sup> AM. ACAD. OF PEDIATRICS, *Children in Foster Care with Disabilities Face Significant Challenges* (Sept. 27, 2024), <https://www.aap.org/en/news-room/news-releases-from-aap-conferences/children-in-foster-care-with-disabilities-face-significant-challenges/>.

untested legal theory unsupported by precedent. The district court’s decision denies these children systemic relief through the federal courts, assuming that alternative remedies are available and preferable. The district court is sorely mistaken—federal courts are proper venues for seeking remedies for federal constitutional and statutory violations, including for large and complex systems.<sup>24</sup> There is no such thing as “too big to sue.”

*First*, the district court’s suggestion that children in the foster system should turn to elected officials to remedy their harms ignores reality and needlessly delays potential relief. *See* JA at 1532-33. Minors cannot vote. They possess neither the resources nor the platform to influence legislators. The suggestion that children should turn to state officials ignores that these same officials have allegedly continuously failed to act on known systemic harms. The decision below thus sends a devastating message to thousands of children in West Virginia’s foster system: Despite the guarantees of the U.S. Constitution and federal law, they must simply endure violations of their rights until someone else with political power decides to help.

*Second*, the district court’s holding would require wronged youth to pursue individual (and therefore inefficient) actions that cannot address structural failures

---

<sup>24</sup> In fact, federal courts regularly deal with complex legal issues including, for example, antitrust and criminal racketeering.

in the foster system. When a child is injured by a systemic problem, individual litigation can, at best, provide relief for that single child while leaving the underlying problem untouched and persisting. Thousands of other children remain at risk while the system continues to fail. The potential of monetary damages from individual relief likewise is ineffective—such compensation cannot restore lost childhoods, undo the trauma of abuse and neglect, or prevent future harm. This also assumes that youth in the foster system have readily available access to free legal counsel who would be willing to foot the bill for a lawsuit against individual actors.<sup>25</sup>

Closing the courthouse doors to these children means our most marginalized citizens—*who are entirely within the state's control*—possess merely theoretical constitutional and statutory rights without a meaningful way to practically vindicate those rights. According to the district court's logic, when the state assumes custody of a child, it assumes diminished—not heightened—constitutional responsibilities and is free to ignore its statutory obligations. That understanding is backwards, and renders youth helpless in the face of institutional abuse.

---

<sup>25</sup> See Amelia Ferrell Knisley, *West Virginia's foster care mess spills over into court system; House will try to address it*, WEST VIRGINIA WATCH (Feb. 13, 2025) <https://westvirginiawatch.com/2025/02/13/west-virginias-foster-care-mess-spills-over-into-court-system-house-will-try-to-address-it/> (paraphrasing judicial official's testimony at legislative hearing: "there aren't near enough [attorneys in West Virginia] for [children in the foster system]"); WEST VIRGINIA LEGIS., *Archived Recordings: February 13th, 2025 at 9:00 a.m., Standing Committee on the Judiciary*, available at <https://home.wvlegislature.gov/archived-recordings/>.

## **II. INSTITUTIONAL REFORM LITIGATION HAS DELIVERED MEANINGFUL, LONG-LASTING RESULTS**

Contrary to the district court's suggestion otherwise, federal courts have proven themselves to be capable of fashioning appropriate, targeted relief in response to systemic violations of federal constitutional and statutory rights, even in the most complex of cases. Where the district court sees judicial overreach, history reveals a different story: In institutional reform litigation, federal courts have consistently used their traditional powers of equity to vindicate constitutional rights—often with the consent and collaboration of state officials themselves, as seen in the case exemplars below. Far from disrupting the balance of power, these interventions have enhanced government function while protecting our most disenfranchised populations. The district court's decision would abandon a proven pathway to constitutional and statutory compliance that has transformed harmful systems and countless lives.

### **A. Institutional Reform Has Achieved Lasting Important Successes, Both For Youth In The Foster System And Beyond**

Institutional reform litigation has long served as an essential tool for ensuring that government systems meet their constitutional and statutory obligations. Where those obligations are not met, institutional reform litigation has established accountability, promoted systemic improvements, and ensured long-term compliance with constitutional and statutory mandates.

For decades, institutional reform litigation has produced tangible benefits for children in the foster system across the country. For example:

- ***David C. v. Leavitt*, No. 2:93-cv-00206 (D. Utah 1993):** Children in the Utah foster system filed suit to address harms like those experienced by the lead plaintiff, who was provided with almost no mental health treatment after witnessing a foster parent beat his brother to death. The parties entered a settlement agreement that included active monitoring and enforcement by the district court. By the end of the lawsuit, 94% of youth were receiving timely health assessments, 96% of abuse and neglect investigations were completed on time, and the number of caseworkers had doubled and caseloads dropped.<sup>26</sup>
- ***Kenny A. v. Deal*, No. 1:02-cv-01686 (N.D. Ga. 2002):** Classes of children in Georgia foster systems filed suit for violations of their federal and state rights. The settlement of *Kenny A.* forced Georgia to shut down dangerous emergency shelters (where youth may spend months or years), and to use family homes for emergency or temporary placements instead.<sup>27</sup> To ensure

---

<sup>26</sup> NAT'L CTR. FOR YOUTH LAW, *David C. Lawsuit Transforms Utah's Child Welfare System* (June 28, 2007), <https://youthlaw.org/news/david-c-lawsuit-transforms-utahs-child-welfare-system>; see also Agreement to Terminate the Lawsuit, *David C.*, No. 2:93-cv-002026, Doc. 580 (D. Utah May 11, 2007).

<sup>27</sup> See CHILDREN'S RTS., *Kenny A. v. Deal*, <https://www.childrensrights.org/in-the-courts/ga-kenny-a-v-deal>.

accountability, independent monitors at Georgia State University regularly issue reports to ensure that reform is on track.<sup>28</sup>

- ***Juan F. v. Weicker*, 37 F.3d 874 (2d Cir. 1994):** A class of youth in Connecticut’s foster system brought a 42 U.S.C. § 1983 claim alleging the state’s system violated their constitutional and statutory rights. The consent decree created a “detailed plan for improving the management, operation, procedures, staffing and funding of Connecticut’s [Department of Children and Families].”<sup>29</sup> This led to, among other improvements, capping caseloads of Department staff; increasing placement of youth in the foster system with their relatives; increased reunification with their families and decreased time in the foster system for many youth; and the creation of guidelines and handbooks in the Department to address youth needs.<sup>30</sup>

---

<sup>28</sup> GEORGIA STATE UNIV., CTR. FOR STATE & LOCAL FIN., TECH. ASSISTANCE / GOV’T SOLUTIONS, *Kenny A. v. Deal Monitoring*, <https://cslf.gsu.edu/technical-assistance/#1521742859920-bb1d4fd1-dda7>.

<sup>29</sup> *Juan F.*, 37 F.3d at 876.

<sup>30</sup> *Id.* at 881 (commending parties’ joint efforts to address “over one-hundred issues that plaintiffs have advanced in their broad-scale challenge on behalf of Connecticut’s foster care and adoptive children”); *see also* DCF COURT MONITOR’S OFFICE, *Juan F. v. Lamont Exit Plan Status Report* (Mar. 2022), [https://portal.ct.gov/-/media/dcf/positive\\_outcomes/pdf/juan-f--v-lamont-exit-plan-status-report-final.pdf](https://portal.ct.gov/-/media/dcf/positive_outcomes/pdf/juan-f--v-lamont-exit-plan-status-report-final.pdf).

- ***Katie A. v. Bonta*, No. 2:02-cv-05662 (C.D. Cal. 2002)**: A class of California youth with unmet mental health needs brought claims alleging that the foster system housed them in hospitals and large group homes instead of providing them with services that would enable them to stay in their homes and communities. The district court directed the parties to attempt settlement and appointed a Special Master to manage the process.<sup>31</sup> The resulting settlement provided a framework for improving how mental health care is provided to children in the foster system, including improved coordination among agencies and providers, an individualized array of services focused on keeping children in their homes, and accessing additional funding.<sup>32</sup>

Even cases that are still early in settlement implementation have greatly reduced harm to children. For example, as a result of *D.S. v. Washington Department of Children & Families*, No. 2:21-cv-00113 (W.D. Wash. 2021),

---

<sup>31</sup> NAT'L CTR. FOR YOUTH LAW, *Katie A. v. Bonta Settlement Ensures CA Foster Youth Improved Access to Mental Health Care* (Oct. 1, 2011) <https://youthlaw.org/news/katie-v-bonta-settlement-ensures-ca-foster-youth-improved-access-mental-health-care>; Report Pursuant to Court's Order Appointing Special Master April 3, 2009, *Katie A.*, No. 2:02-cv-05662, Doc. 702 (C.D. Cal. May 27, 2010), available at [https://youthlaw.org/sites/default/files/wp\\_attachments/Katie-A-Special-Masters-Report-to-the-Court-May-27-2010-FINAL-1.pdf](https://youthlaw.org/sites/default/files/wp_attachments/Katie-A-Special-Masters-Report-to-the-Court-May-27-2010-FINAL-1.pdf).

<sup>32</sup> Stipulated Judgment Pursuant to Class Action Settlement Agreement, *Katie A.*, Doc. 779 (C.D. Cal. Dec. 5, 2011), available at [https://youthlaw.org/sites/default/files/wp\\_attachments/20111205-Katie-A-Stipulated\\_Judgment.pdf](https://youthlaw.org/sites/default/files/wp_attachments/20111205-Katie-A-Stipulated_Judgment.pdf).

Washington has eliminated its practice of having youth in the foster system spend the night in agency offices and cars, and the number of youth in unlicensed and one-night placements has decreased by two thirds.<sup>33</sup> And as Missouri works toward compliance with settlement in *M.B. v. Tidball*, No. 2:17-cv-04102 (W.D. Mo. 2017), the State has achieved marked improvement in training foster parents on the appropriate use of psychotropic medications and on conducting independent medical reviews of concerning prescriptions as a safeguard to prevent the unsafe use of these powerful drugs, including in dangerous combinations, at inappropriate dosages, by very young children.<sup>34</sup>

Beyond the foster system, federal courts have successfully crafted remedies to address violations brought through institutional reform lawsuits.<sup>35</sup> For example:

- **Unaccompanied immigrant children – *Lucas R. v. Becerra*, No. 2:18-cv-05741 (C.D. Cal. 2018):** Unaccompanied immigrant youth in Office of Refugee Resettlement (ORR) custody sued the administration for violations

---

<sup>33</sup> Annual Monitoring Report, *D.S.*, No. 2:21-cv-00113, Doc. 172 (W.D. Wash. May 7, 2025).

<sup>34</sup> *M.B. v. Tidball* Data Validator Report, Third Reporting Period: January – June 2024, *M.B.*, No. 2:17-cv-04102, Doc. 363-2 (W.D. Mo. May 14, 2025).

<sup>35</sup> See generally CTR. FOR JUST. & DEMOCRACY, *Fact Sheet: Civil Rights Class Actions: A Singularly Effective Tool to Combat Discrimination* (Jan. 6, 2014), <http://centerjd.org/content/fact-sheet-civil-rights-class-actions-singularly-effective-tool-combat-discrimination>.

of their constitutional and statutory rights occurring in government juvenile detention centers. Three court-approved settlements were reached to: (1) establish procedural protections and oversight for the administration of psychotropic medications to children in ORR custody;<sup>36</sup> (2) ensure the rights of children with disabilities to needed accommodations and placement in the least restrictive setting;<sup>37</sup> and (3) protect children's right to seek legal representation related to their placement, release, medication, and other important matters.<sup>38</sup>

- **Punitive youth probation programs – *Sigma Beta Xi v. County of Riverside*, No. 5:18-cv-01399 (C.D. Cal. 2018):** Youth challenged how the Riverside County Probation Department coerced thousands of children—some as young as in the first grade—into punitive probation supervision through a Youth Accountability Team (YAT) Program for normal, childish

---

<sup>36</sup> *Lucas R.*, Doc. 408-3, available at <https://youthlaw.org/sites/default/files/2024-01/Psychotropic%20Medications%20Settlement.pdf>.

<sup>37</sup> *Lucas R.*, Doc. 408-5, available at <https://youthlaw.org/sites/default/files/2024-01/Disability%20Rights%20Settlement.pdf>.

<sup>38</sup> NAT'L CTR. FOR YOUTH LAW, *Landmark settlements mark a turning point in the treatment of children in immigration custody* (Nov. 14, 2023) <https://youthlaw.org/news/landmark-settlements-mark-turning-point-treatment-children-immigration-custody>; *Lucas R.*, Doc. 408-4 (Nov. 14, 2023 C.D. Cal.), available at <https://youthlaw.org/sites/default/files/2024-01/Legal%20Representation%20Settlement.pdf>.

“behavioral issues” (e.g., using profanity or being late to class).<sup>39</sup> A court-approved class-wide settlement required the County to, among other things: end the YAT Program for youth with minor charges; appoint and ensure consultation with counsel before youth signed a YAT contract; limit the terms and duration of YAT contracts; train probation staff on positive youth development; and allocate funds to community organizations that served the needs of young people.<sup>40</sup>

- **Violations of IDEA – *D.L. v. Dist. of Columbia*, 860 F.3d 713 (D.C. Cir. 2017):** Parents and preschoolers filed suit against the District of Columbia under the Individuals with Disabilities Education Act (IDEA) for failing to provide special education to hundreds of preschoolers with disabilities.<sup>41</sup> The D.C. Circuit upheld an injunction requiring multiple institutional reforms, including programmatic remedies, *rejecting* the argument that the district court was improperly assuming control of the District.<sup>42</sup> Rather, the D.C.

---

<sup>39</sup> Complaint, *Sigma Beta Xi*, No. 5:18-cv-01399, Doc. 1 (C.D. Cal. July 1, 2018), available at [https://youthlaw.org/sites/default/files/wp\\_attachments/Sigma-Beta-XI-v-Riverside-complaint.pdf](https://youthlaw.org/sites/default/files/wp_attachments/Sigma-Beta-XI-v-Riverside-complaint.pdf).

<sup>40</sup> Notice of Class Action Settlement About the Rights of Youth Involved in the Riverside County Youth Accountability Team (“YAT”) Program (Sept. 2020), [https://youthlaw.org/sites/default/files/wp\\_attachments/SBX-v.-County-of-Riverside-Final-Notice-of-Class-Settlement\\_September-2020.pdf](https://youthlaw.org/sites/default/files/wp_attachments/SBX-v.-County-of-Riverside-Final-Notice-of-Class-Settlement_September-2020.pdf).

<sup>41</sup> *D.L.*, 860 F.3d at 717.

<sup>42</sup> *Id.* at 730.

Circuit found that the “injunction balance[d] the need for relief with deference to school administrators, precisely what the court is supposed to do.”<sup>43</sup> To date, the District has implemented policies and procedures to address its previous failures, ensuring that preschool children are appropriately evaluated upon matriculation.<sup>44</sup>

- **Youth detention facilities – *C.P.X. v. Garcia*, 4:17-cv-00417 (S.D. Iowa, 2017):** A class of boys confined in a youth detention facility who received psychotropic medications or were diagnosed with a mental health disorder sued for violations of their constitutional rights, including unnecessary use of isolation and mechanical restraints and failure to provide minimally adequate mental health care.<sup>45</sup> In 2020, following trial, the court ordered injunctive relief including: (1) limiting use of isolation and restraints; (2) directing defendants to create a plan to ensure adequate mental health care; and (3) appointing a monitor. The parties and monitor collaborated in drafting a

---

<sup>43</sup> *Id.*

<sup>44</sup> OFFICE OF STATE SUPERINTENDENT OF EDUC., *D.L. v. District of Columbia at a Glance*, [https://osse.dc.gov/sites/default/files/dc/sites/osse/page\\_content/attachments/D.L.%20v%20District%20of%20Columbia%20at%20a%20Glance.pdf](https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/D.L.%20v%20District%20of%20Columbia%20at%20a%20Glance.pdf).

<sup>45</sup> *See* CHILDREN’S RTS., *C.P.X. v. Garcia (Formerly Known as C.P.X. v. Foxhoven)*, <https://www.childrensrights.org/in-the-courts/ia-c-p-x-v-garcia-formerly-known-as-c-p-x-v-foxhoven>.

Remedial Plan, and as of the most recent monitor's report, defendants have reached substantial compliance.<sup>46</sup>

- **Violations of rights for people with disabilities experiencing homelessness** – *Butler v. City of N.Y.*, No. 15-cv-3783 (S.D.N.Y. 2017): A class of individuals with disabilities residing in New York City's homeless shelter system filed suit after receiving inadequate or nonexistent services to address their unique needs. The City and the class ultimately reached a comprehensive settlement agreement in 2017 that improved the intake procedures, reasonable accommodations, and meal access for this population.<sup>47</sup>
- **Violations of incarcerated individuals' rights**<sup>48</sup> – *Small v. Hunt*, 858 F. Supp. 510 (E.D.N.C. 1994): A class of incarcerated individuals sued North Carolina for violations of their constitutional rights based on inadequate living conditions in prisons. During trial, where evidence was presented on the inadequacy of facilities, the unsanitary condition of food served at the prisons,

---

<sup>46</sup> Fifth Comprehensive Monitor's Report, *CPX*, No. 4:17-cv-00417, Doc. 462 (S.D. Iowa Dec. 5, 2024).

<sup>47</sup> Stipulation of Settlement, *Butler*, No. 15-cv-373, Doc. 67 (S.D.N.Y. Nov. 13, 2017).

<sup>48</sup> See also *Brown v. Plata*, 563 U.S. 493, 527 (2011) (permitting State to undertake remedial efforts necessary to address overcrowding in prisons).

and the lack of educational and vocational programs, the parties entered into a settlement agreement.<sup>49</sup> The settlement “vastly improved” living conditions, including eliminating triple-bunking and increasing available dayrooms.<sup>50</sup> The court retained jurisdiction to oversee the settlement agreement, hearing testimony when needed and modifying the settlement agreement by balancing the interests of the parties.<sup>51</sup>

- **Violations of IDEA – *Felix v. Lingle*, No. 1:93-cv-00367 (D. Haw. 1993):**

A class of youth with disabilities sued Hawaii for lack of compliance with the IDEA and Section 504 of the Rehabilitation Act.<sup>52</sup> Hawaii successfully exited the consent decree, which established 141 benchmarks necessary to achieve substantial compliance. The Attorney General of Hawaii stated that the lawsuit resulted in “dramatic and effective changes” to Hawaii’s special education system and that “the state is now able to comply with the law,” and the Superintendent of Hawaii’s Department of Education thanked the plaintiffs and monitor for holding the state accountable.<sup>53</sup>

---

<sup>49</sup> *Small*, 858 F. Supp. at 513.

<sup>50</sup> *Id.* at 516.

<sup>51</sup> *Id.* at 522-23.

<sup>52</sup> Complaint, *Felix*, No. 1:93-cv-00367, Doc. 1 (D. Haw. May 4, 1993).

<sup>53</sup> HAWAII DEPT. ATTY. GEN., *Felix Case Ends*, (May 31, 2005), <https://ag.hawaii.gov/wp-content/uploads/2012/12/2005-21.pdf>.

Courts and agencies have also successfully overseen institutional reforms in state disability service systems as a result of *Olmstead v. L.C.*, 527 U.S. 581 (1999), where the Supreme Court held that States must provide community-based treatment for persons with mental disabilities.<sup>54</sup> Some of these improvements include more state programs supporting community living for individuals with disabilities, and increased funding for related state programs.<sup>55</sup>

As these examples demonstrate, institutional reform litigation—when supported by clear legal mandates and driven by judicial accountability—can correct legal violations and deliver lasting benefits. Such equitable remedies are clearly within the province of federal courts’ powers.

### **B. Courts Are Fully Equipped To Order And Oversee Institutional Reform**

Judges use the same tools when ordering and overseeing institutional reform as they do in ordering and overseeing relief in other kinds of cases. In institutional reform cases, the adversarial process is often a necessary precursor to settlement, as the process of testing legal claims through motion practice and discovery leads the parties to mutual understanding of the realities and possibilities for reform in

---

<sup>54</sup> *Olmstead*, 527 U.S. at 607.

<sup>55</sup> Valerie Flores & Sarah Triano, CTR. FOR HEALTH CARE STRATEGIES, *The Olmstead Decision 25 Years Later* (June 24, 2024), <https://www.chcs.org/the-olmstead-decision-25-years-later/>.

complex institutions. Even when the parties entering settlement are not completely aligned on the law or the facts, the testing that occurs in adversarial litigation before a court may substantially narrow many of the systemic issues in need of resolution. Courts assist parties in this process using traditional tools in their judicial arsenal, such as case management orders with regularly scheduled mediation and settlement conferences.<sup>56</sup>

Indeed, federal courts are rarely tasked with independently crafting policy-based injunctive relief. Rather, the vast majority of institutional reform cases take the form of settlements where the *parties* agree to the details of the reforms, and the scope and duration of any subsequent reporting.<sup>57</sup> And in the event a court must make a substantive decision about relief, it “can, and should, rely on relevant and informed expert testimony when making factual findings.” *Plata*, 563 U.S. at 535; *see also* FED. R. EVID. 703. Not only do courts typically request and rely on input from the parties and their experts, but courts can appoint their own non-party expert under Federal Rule of Evidence 706.

---

<sup>56</sup> *See, e.g.*, Order Approving Class Action Settlement and Attorney Fees, *Baxley v. Douglas*, No. 3:18-cv-01526, Doc. 686 at 3 (S.D.W.V. Sept. 27, 2022) (acknowledging that via court-ordered mediation discussions, “Defendant incorporated many of the discussed concepts ... and implemented a new policy regarding the ADA in the jails”).

<sup>57</sup> For example, NCYL has filed dozens of successful institutional reform cases over the past fifty years. Virtually all of these have been resolved through the settlement process.

Whether ordered by a court or agreed to under court-approved settlement or consent decree, relief in institutional reform litigation can take many forms. For example, relying on the parties' submissions and court-appointed experts, courts may order: (1) policy, practice and process changes within an agency to end previously illegal practices; (2) training and coaching for agency staff to ensure compliance with new policies, practices, procedures, and use of increased resources; and (3) quantitative and qualitative data collection to show adoption of and adherence to reforms. *See, e.g., Juan F.*, 37 F.3d at 876. Monitorships are a frequent component of both court-approved settlements and court-ordered reforms absent settlement—they can supplement the government agency's work to enact lasting reforms by providing the court and the parties an unbiased account of the government's progress toward required reform as well as non-binding expert recommendations to the government in choosing how to achieve specific outcomes.

Critically, when courts appoint a monitor or order specific relief, the agency generally remains free to determine how to accomplish the court-ordered reform. Courts will typically only overrule an agency's determination of how to enact specific reforms after an extended period of failure to remediate an issue. *See, e.g., Armstrong v. Newsom*, 58 F.4th 1283, 1297 (9th Cir. 2023) (court intrusion into agency decision-making may be appropriate where "Defendants[] fail[ed] to comply with the previous, less-intrusive remedy"). Often, implementation of a monitoring

or auditing program creates information-gathering capacities that improve the agency's ability to measure the impacts of its programs.<sup>58</sup> Monitoring with periodic reporting actually *decreases* the risk of judicial overreach because judicially-ordered reforms that are less effective are discovered through reporting, and can be amended by the parties.<sup>59</sup> Court-ordered monitoring and other prophylactic relief incentivizes government defendants to meaningfully engage in institutional reform and comply with injunctions.

After entering an institutional reform order, a court's role is primarily to enforce that order (as it would with any other order) until the reform is achieved in the eyes of the law. *See, e.g., Belk v. Charlotte-Mecklenburg Bd. of Educ.*, 269 F.3d 305 (4th Cir. 2001) (school system achieved unitary status and no longer needed judicial oversight to implement desegregation). In so doing, courts address serious systemic rights violations while allowing government agencies to decide how best to implement on-the-ground changes.

---

<sup>58</sup> *See, e.g.,* Andy Shookhoff, *Reflections on the Role of the Monitor in Child Welfare Litigation* in FOR THE WELFARE OF CHILDREN: LESSONS LEARNED FROM CLASS ACTION LITIGATION 23, 23 (Jan. 2012) (Ctr. for Study of Soc. Pol'y), <https://cssp.org/wp-content/uploads/2025/03/Lessons-Learned.pdf>.

<sup>59</sup> *See* Charles F. Sabel & William H. Simon, *Destabilization Rights: How Public Law Litigation Succeeds*, 117 HARV. L. REV. 1016, 1019-20 (2004) (noting that “the demands on the managerial capacities of the court, and the risk to its political legitimacy, are smaller in this continuous collaborative process” where relief is crafted by the parties, and is amended iteratively).

\* \* \*

In sum, federal courts are essential in ensuring efficient resolution of these complex claims, and are highly capable of doing so in a manner that ensures redressability of constitutional and statutory violations without usurping the legislative or executive role.

### CONCLUSION

This Court should reverse the district court's Order.

Dated: May 20, 2025

Respectfully submitted,

Hannah Benton Eidsath  
Jean Strout  
NATIONAL CENTER FOR YOUTH LAW  
1212 Broadway, Suite 600  
Oakland, CA 94612

Krishna Shah  
QUINN EMANUEL URQUHART  
& SULLIVAN, LLP  
50 California Street, 22nd Floor  
San Francisco, CA 94111

Daniel Albert-Rozenberg  
QUINN EMANUEL URQUHART  
& SULLIVAN, LLP  
111 Huntington Ave., Suite 520  
Boston, MA 02199

By: /s/ Sydney Leigh Martin  
Sydney Leigh Martin  
Mauni Jalali  
QUINN EMANUEL URQUHART  
& SULLIVAN, LLP  
865 S. Figueroa St., 10th Floor  
Los Angeles, CA 90017  
syneymartin@quinnemanuel.com

Todd Anten  
Maura Grealish  
QUINN EMANUEL URQUHART  
& SULLIVAN, LLP  
295 5th Avenue, 9th Floor  
New York, NY 10016

*Counsel for Amici Curiae*

**CERTIFICATE OF COMPLIANCE**

Pursuant to Fed. R. App. P. 29(a)(4)(G) and 32(g)(1), I certify that this brief contains 6,177 words, excluding those parts exempted by Fed. R. App. P. 32(f), and thus complies with the word limits specified by Fed. R. App. P. 29(a)(5). The brief's type size and typeface comply with Fed. R. App. P. 32(a)(5) and 32(a)(6) because it has been prepared in a proportionately spaced typeface using Microsoft Word 365 in 14-point Times New Roman font.

Dated: May 20, 2025

/s/ Sydney Leigh Martin  
Sydney Leigh Martin  
QUINN EMANUEL URQUHART &  
SULLIVAN, LLP  
S. Figueroa St., 10th Floor  
Los Angeles, CA 90017  
sydneymartin@quinnemanuel.com

*Counsel for Amici Curiae*

**CERTIFICATE OF SERVICE**

Pursuant to Fed. R. App. P. 25(c), I hereby certify that on May 20, 2025, I caused the foregoing document to be electronically filed the with the Clerk of the Court for the United States Court of Appeals for the Fourth Circuit by using the appellate CM/ECF system. All participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: May 20, 2025

/s/ Sydney Leigh Martin  
Sydney Leigh Martin  
QUINN EMANUEL URQUHART &  
SULLIVAN, LLP  
S. Figueroa St., 10th Floor  
Los Angeles, CA 90017  
sydneymartin@quinnemanuel.com

*Counsel for Amici Curiae*