25-1354

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

OCEAN S.; JACKSON K.; ROSIE S.; ERYKAH B.; JUNIOR R. ONYX G.; MONAIE T., individually and on behalf of all others similarly situated,

Plaintiff-Appellees,

v.

COUNTY OF LOS ANGELES; LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES; LOS ANGELES COUNTY DEPARTMENT OF MENTAL HEALTH,

Defendant-Appellants.

On Appeal from the United States District Court
for the Central District of California, Case No. 2:23-cv-06921-JAK-E
Hon. John A. Kronstadt

BRIEF OF *AMICI CURIAE*

BIRD, MARELLA, RHOW, LINCENBERG, DROOKS & NESSIM, LLP
Thomas R. Freeman
Dorothy Wolpert
Emily M. Grant
Alec M. Cronin

1875 Century Park East, 23rd Floor
Los Angeles, CA 90067

Counsel for Amici Curiae National Association of Counsel for Children, Youth Law Center, National Center for Youth Law and Juvenile Law Center

DISCLOSURE STATEMENT

Amici Curiae National Association of Counsel for Children ("NACC"), Youth Law Center ("YLC"), National Center for Youth Law ("NCYL"), and Juvenile Law Center are non-profit corporations and do not have parent corporations, and no publicly held corporation owns 10% or more of the organizations' stock. Pursuant to Circuit Rule 26.1-1 (effective December 1, 2024), a Form 34 Disclosure Statement for each Amicus Curiae has also been filed with this brief.

TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES

Page(s)

Federal Cases

State Cases

Federal Statutes

State Statutes

Other Authorities

I. INTERESTS OF AMICI CURIAE

The National Association of Counsel for Children ("NACC"), founded in 1977, is a 501(c)(3) nonprofit child advocacy and membership association dedicated to advancing the civil rights, wellbeing, and opportunities of youth in the child welfare system through access to high-quality legal representation. NACC is a multidisciplinary organization, and its members include child welfare attorneys, judges, and professionals from the fields of medicine, social work, mental health, and education. NACC's work includes federal and state policy advocacy, the Child Welfare Law Specialist attorney certification program, a robust training and technical assistance arm, and the amicus program. More information can be found at www.naccchildlaw.org.

The Youth Law Center ("YLC") is a national organization, founded in 1978, that advocates to transform the foster care and juvenile justice systems so that children and youth can thrive. Through legal, legislative, and policy advocacy, YLC works to advance the rights of young people who come into contact with the juvenile justice and child welfare systems and to strengthen the supports available to them

so they can transition successfully to adulthood and thrive. YLC believes that young people in foster care and transition age youth ("TAY") must have access to a full range of legal remedies to ensure that their rights are protected and that systems can be held accountable to meeting their needs.

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.

Juvenile Law Center fights for rights, dignity, equity, and opportunity for youth. Juvenile Law Center works to reduce the harm of the child welfare and justice systems, limit their reach, and ultimately abolish them so all young people can thrive. Founded in 1975, Juvenile Law Center is the first non-profit public interest law firm for children in the country. Juvenile Law Center's legal and policy agenda is informed

by—and often conducted in collaboration with—youth, family members, and grassroots partners. Since its founding, Juvenile Law Center has filed influential *amicus* briefs in state and federal courts across the country to ensure that laws, policies, and practices affecting youth advance racial and economic equity and are consistent with children's unique developmental characteristics and human dignity.

Appellees have consented to the filing of this brief while Appellants have taken no position. No party's counsel authored the brief in whole or in part; no party or party's counsel contributed money intended to fund preparing or submitting the brief; and no other person other than *Amici*, their members, or their counsel, contributed money that was intended to fund preparing or submitting this brief.

II. SUMMARY OF ARGUMENT

The district court correctly held that applying *Younger* abstention in this case would conflict with the rule that *Younger* abstention should extend "no further" than the three exceptional circumstances detailed by the Supreme Court. *Amici*, based on their experience with transition age youth in California and across the United States and knowledge of the nationwide context of foster care, write to reinforce Appellees'

arguments for affirmance. *Amici* support the affirmance of the district court's order because permitting Plaintiffs' lawsuit will redress serious injuries suffered by Plaintiffs due to Defendants' habitual failures to provide safe and secure foster care placements.

In particular, *Amici* write to highlight: the inability of California's dependency courts to provide Plaintiffs' requested relief; the specific needs of transition age youth that warrant protection; and the importance of federal civil rights impact litigation and class actions to effectuate meaningful improvements to foster care policy and practice.

First, the district court properly rejected Defendants' broad—and legally incorrect—reading of *Younger* because none of the narrow circumstances justifying abstention apply here. The district court was correct that permitting abstention would render meaningless the Supreme Court's rule that "federal courts are obliged to decide cases within the scope of federal jurisdiction," save for specific, exceptional circumstances. *Sprint Commc'ns, Inc. v. Jacobs*, 571 U.S. 69, 72 (2013). Plaintiffs' requested relief does not interfere with state court proceedings because dependency courts cannot provide Plaintiffs with the systemic and class-wide relief they seek. Therefore, the subject

matter of Plaintiffs' case does not justify the exceptional decision to abstain from federal jurisdiction.

Second, federal court protection of civil rights is particularly crucial for Plaintiffs, who are "transition age youth"—young people ages 16 to 21—in Los Angeles County's foster care system. Transition age youth experience systemic barriers to raising individual claims in their state dependency proceedings.

Finally, federal civil rights litigation has been a vital tool for redressing the injuries alleged here. Over the course of the last few decades, similar federal litigation has been critical in protecting the constitutional and statutory rights of youth in foster care.

III. ARGUMENT

A. *Younger* Abstention Does Not Apply to Systemic Claims that State Courts Cannot Address.

Plaintiffs' lawsuit seeks class-wide relief that would ensure that transition age youth in foster care,[1] and in particular youth with mental

[1] *Amici* use the terms "youth", "transition age foster youth", "youth in foster care" and "child in foster care" interchangeably throughout this brief. "Child" includes nonminor dependents under Cal. Welf. & Inst. Code § 11400(v) and 42 U.S.C. Section 675(8)(B).

health disabilities, receive the placements and services they are entitled to under both federal and state law and the United States Constitution. *See* 2-ER-260–61. The district court correctly held that applying *Younger* in this case would conflict with the rule that *Younger* abstention should extend "no further" than the three exceptional circumstances detailed by the Supreme Court in *Sprint*.[2] *See Ocean S. v. Los Angeles County*, No. LA CV23-06921 JAK (EX), 2024 WL 3973047, at *8 (C.D. Cal. June 11, 2024). Nothing about Plaintiffs' claims would justify the federal court abstaining from its "virtually unflagging" obligation to hear a case within its jurisdiction. *Sprint*, 571 U.S. at 77 (citation omitted).[3] Further, the dependency court in these

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[2] The three circumstances under which a federal court may abstain from exercising its jurisdiction are: "ongoing state criminal prosecutions," "civil enforcement proceedings" (also known as "quasi-criminal" proceedings), and pending "civil proceedings involving certain orders . . . uniquely in furtherance of the state courts' ability to perform their judicial functions." *Sprint*, 571 U.S. at 78. As discussed further herein, *Amici* will be discussing the quasi-criminal exception.

[3] The importance of exercising federal jurisdiction is part of a long-standing history, based on a federalist system, that the Supreme Court has affirmed over and over again. Federal courts have "no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given." *Cohens v. Virginia*, 5 L.Ed. 257 (1821); *see also Wallingford v. Bonta*, 82 F.4th 797, 822 (9th Cir. 2023) ("[F]ederal

individual matters would not have the authority to provide the systemic relief from civil rights abuses necessitated in this case.

Of particular importance to *Amici*—as organizations with decades of experience advocating in state and federal courts for the rights of youth in foster care—are two aspects of the nature and scope of state dependency proceedings. First, the remedy sought here, systemic relief from civil rights abuses, is simply not attainable in dependency court. Nor would this relief modify, reverse, or otherwise disturb any of the state court orders entered in individual dependency cases. Second, state dependency proceedings are not quasi-criminal proceedings, the second "exceptional" category permitting abstention, because dependency proceedings are not designed to punish Plaintiffs.[4] *See Roshan v. McCauley*, 130 F.4th 780, 783 (9th Cir. 2025). This Court can affirm the district court's order without concern that exercising jurisdiction over this case would involve federal interference with "quasi-criminal" (or "civil enforcement") proceedings.

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courts are obliged to decide cases within the scope of federal jurisdiction[.]" (citation omitted)).

[4] As Plaintiffs' Responding Brief explains, this is the "only *Younger*-eligible category" the Appellants contend applies here. Resp. Br. at 47.

1. The Dependency Courts Cannot Effectuate Appellees' Requested Relief.

The focus of this lawsuit is whether the placements, services, and other resources made generally available to transition age youth with certain disabilities in the foster system by the Defendant agencies are adequate under law—not whether individual dependency proceedings reached the right placement decisions for particular children. California's dependency courts are authorized to manage the latter, but not the former. Here, Plaintiffs seek broad, system-wide relief to halt the civil rights abuses imposed by the agencies involved in the foster system in California—relief that the state dependency courts are not authorized to provide. Plaintiffs emphatically do not seek the reconsideration of any particular order or case plan ordered by the dependency courts. Examining the role of the dependency courts illustrates the gulf between the relief dependency courts have the authority to grant and the relief sought by Plaintiffs and, by logical extension, that Plaintiffs' litigation has no bearing on the judicial processes of the dependency courts.

Generally, the dependency court's role of overseeing the child's placement and care provided by the county agencies occurs as follows. The case first comes to the dependency court via a petition filed by the agency alleging that the child meets the criteria for "dependency" under Cal. Welf. Inst. Code § 300, which includes abuse and neglect by a parent.[5] The dependency court conducts a hearing to determine whether the child meets at least one of these criteria. *Id.* § 355. If the court adjudicates the child "dependent," it then holds a "disposition" hearing to determine the child's placement and establish a plan for services. *Id.* § 358(a).

The dependency court is authorized to "make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of" the dependent child. *Id.* § 362(a). To guide these decisions, the dependency court relies on evidence presented by the parties, including assessments from service providers and social

[5] If the child was removed by the agency on an "emergency" basis, the agency must file a dependency petition with the court within 48 hours and the court must hold a detention hearing the next judicial day after the petition has been filed to determine whether the child should remain in the state's custody or be returned home. *Id.* §§ 315, 319.

workers. *Id.* § 358(b). After the court determines the child's disposition, it holds periodic status review hearings to evaluate the progress of the child's case plan and to review supplemental reports filed by the child's social worker. *Id.* § 366. The dependency court must hold a permanency hearing to determine whether the child can be reunited with their parents or whether another long-term alternative plan must be identified—or, more frequently, may continue the case for subsequent permanency review hearings. *Id.* §§ 366.21(f), (g), 366.22, 366.25. Finally, the court may set a selection and implementation hearing to select the permanent plan for the youth and set subsequent post-permanency review hearings. *Id.* §§ 366.26, 366.3, 366.31.

Throughout these hearings, the court's obligation is to protect the safety and the best interests of the child. *E.g.*, *id.* § 360. The dependency court, however, has no obligation—or authority—to transform the foster system as a whole. The dependency court cannot issue relief that transcends the individual case before it.[6] For example,

[6] Each youth's dependency court case is also confidential. These confidentiality protections have the effect of presenting each youth's experience in isolation, even when an issue could be systemic. This

while the dependency court is authorized to order an agency to provide a placement for an individual transition age youth, *id.* § 362(a), it cannot order the agency to enter into adequate contracts to meet the needs of ***all*** foster youth in its custody.[7]

Plaintiffs could not have obtained the relief they seek either in the dependency courts ***or*** by suing the dependency courts. Plaintiffs sued the executive agencies and departments whose role is to administer the foster system as a whole in accordance with law, a role that differs meaningfully from the dependency courts. *See* 2-ER-148–50. Defendant Los Angeles Department of Children and Family Services ("DCFS"), for

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structure makes collective assertion of rights, like the lawsuit here, impracticable in the dependency court system.

[7] The dependency courts are able to exercise only the authority that they are granted by statute, and there is no explicit statute permitting these courts to provide any sort of class-wide relief or even to reach specific issues beyond those specific to the particular child and family before them. *See generally In re Dakota H.*, 132 Cal. App. 4th 212, 225–26, 33 Cal. Rptr. 3d 337, 346 (2005) ("We presume the Legislature intended everything in a statutory scheme, and we should not read statutes to omit expressed language or include omitted language." (citation omitted)); *see also In re D.B.*, 111 Cal. App. 5th 592 (2025) (a dependency court has authority to issue only the types of restraining orders set forth by statute).

example, is the county agency responsible for administering foster care services in Los Angeles County and has the obligation to develop a minimally adequate array of placements for transition age youth with mental health disabilities so that these youth do not end up homeless while in, or upon exiting from, foster care. *See* Cal. Welf. & Inst. Code §§ 16001(a), 16500, 16501(a). It is Defendants' responsibility to ensure that the array of placements are adequate under law, while the dependency court simply determines whether the specific case plan presented fits the particular child's needs.[8] The stark difference between the relief available in dependency courts and the relief sought by Plaintiffs (and similar plaintiffs around the country) also explains why courts, both in and out of the Ninth Circuit, have declined to

[8] The Fourth Circuit, in *Jonathan R.*, 41 F.4th 316, 335 (4th Cir. 2022), eloquently described the difference: "But here, the individual periodic hearings zero in on the immediate circumstances in front of the court: is the foster home safe? Have the medical expenses been paid? Is the child being taught the skills that will enable her to successfully enter adulthood? All of these the state courts must resolve 'promptly,' acting within the existing parameters of the foster-care system." *Amici* note that, on remand, the district court dismissed the case on Article III grounds, which is currently on appeal. *Jonathan R. v. Morrisey*, 768 F. Supp. 3d 756, 770 (S.D.W. Va. 2025). The district court's subsequent ruling, however, did not address *Younger* abstention.

abstain in litigation like the one here.[9] Dependency courts oversee, on an individual basis, each child's placement and care by child welfare agencies, but they do not—and therefore cannot—interfere with those agencies' administration of the system.

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[9] In *Jonathan R.*, the plaintiffs sought various types of systemic relief, such as "increases in staffing so that caseloads do not exceed fifteen children per case worker, development of detailed plans for recruiting foster homes, and prompt submissions of individualized case plans to the appropriate state court." 41 F.4th at 323. Like Plaintiffs here, the *Jonathan R.* plaintiffs "ask[ed] the district court to bring the inner workings of the executive branch in compliance with federal law." *Id.* at 333. The Fourth Circuit correctly discerned that, by suing the various agencies and executive defendants, the plaintiffs were not challenging or seeking to enjoin the state court hearings themselves, but instead the "Department's failure to give the courts . . . enough in-state institutional placements, enough foster homes, enough case workers to file the plans on time." *Id.* Similarly, in *Tinsley v. McKay*, 156 F. Supp. 3d 1024, 1037 (D. Ariz. 2015), the district court rejected *Younger* abstention, noting that the Arizona's juvenile dependency courts "do not have jurisdiction to monitor, or, more important, control how the agencies are organized to provide these services," because "the juvenile courts rule on individual cases, not how to remedy deficiencies in the overall administration of foster care." Like the Plaintiffs here, the *Tinsley* plaintiffs sought systemic relief against Arizona's executive agencies which, as the *Tinsley* court observed, occupied a different role than the juvenile court and therefore "would not interfere with the functioning of the juvenile courts." *Tinsley*, 156 F. Supp. at 1037. Similarly, in *M.D. v. Perry*, 799 F. Supp. 2d 712, 719 (S.D. Tex. 2011), the court noted that the findings in those dependency proceedings "focus[ed] upon the specifics of each child's placement and whether his or her needs are being met," and "d[id] not address whether the child's treatment in foster care satisfied constitutional demands."

A federal court, on the other hand, has the authority to order systemic relief that requires executive agencies to fulfill their obligations under law as to all youth (or an entire class of youth) in the foster system. *See, e.g.*, *Tinsley*, 156 F. Supp. 3d at 1037. Here, the district court correctly recognized this distinction. To find otherwise would be a failure to distinguish between relief impacting participants in ongoing judicial proceedings and relief that would interfere with the proceedings themselves.[10] Because these distinct roles operate in separate spheres, abstaining from federal jurisdiction would deprive Plaintiffs of their opportunity to be heard.

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[10] Though in a different context, cases involving pretrial detention are illustrative of the result of this error. *Younger* does not apply to claims challenging "the conditions of pretrial detention in state court," *Arevalo v. Hennessy*, 882 F.3d 763, 764 (9th Cir. 2018), like "the legality of pretrial detention without a judicial hearing," *Gerstein v. Pugh*, 420 U.S. 103, 108 n.9 (1975), or a state court's "system of setting bail for indigent misdemeanor arrestees," *ODonnell v. Harris Cnty.*, 892 F.3d 147, 152 (5th Cir. 2018). Although these claims are plainly intertwined with criminal prosecutions, federal courts were still not permitted to abstain because the relief sought will "not prejudice the conduct of the trial on the merits," *Gerstein*, 420 U.S. at 108 n.9, and "will not require federal intrusion into pre-trial decisions on a case-by-case basis," *ODonnell*, 892 F.3d at 156.

2. The Dependency Court Proceedings are not Quasi-Criminal Proceedings and Therefore do not Trigger *Younger*.

Abstention under *Younger* can be appropriate when the state proceeding is a civil enforcement proceeding that is quasi-criminal in nature. Plaintiffs' ongoing dependency proceedings do not fit within that category.

Younger established an exception to a federal court's obligation to exercise jurisdiction in cases involving a "parallel, pending state criminal proceeding." *Sprint*, 571 U.S. at 72. The Supreme Court has extended the exception to encompass civil enforcement proceedings that are "akin to criminal prosecutions." *Id.* Civil proceedings have been found to be "quasi criminal" when, for example, the proceeding is initiated to sanction the plaintiff for some wrongful act, *id.*; the proceeding has a "disciplinary purpose," *Roshan v. McCauley*, 130 F.4th 780, 783 (9th Cir. 2025); or the proceeding is "punitive [in] character," *Applied Underwriters, Inc. v. Lara*, 37 F.4th 579, 589 (9th Cir. 2022).

None of these elements are present in the ongoing dependency proceedings implicated here. Dependency proceedings are not "initiated

to sanction" youth, like Plaintiffs, for wrongdoing, and are not designed to discipline or punish Plaintiffs.[11] Once jurisdiction is established, dependency proceedings are intended to monitor the safety and well-being of the child. *See* Cal. Welf. Inst. Code § 366 ("[T]he court ***shall*** consider the safety of the child . . . ." (emphasis added)).[12] The law requires that the dependency court determine the permanency goal, such as reunification with parents, legal guardianship, adoption, or another planned permanent living arrangement (long-term foster-care), based on what option is most safe and in the child's best interest—not based on discipline or punishment.

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[11] Because Plaintiffs in this case are transition age youth, not their parents, it is not pertinent to this case whether the initial proceeding removing the child from their parents' care is punitive in nature. *See, e.g.*, *Tinsley*, 156 F. Supp. 3d at 1033 ("This case does not concern temporary removal proceedings but rather involves, to some extent, periodic review hearings which take place once a child is determined dependent and placed in state custody."); *see also Jeremiah M. v. Crum*, 695 F. Supp. 3d 1060, 1078–79 (D. Alaska 2023).

[12] *See also* Child Welfare Legal Representation: ABA Attorney Standards , at viii (ABA, 2018) ("[T[he principles underlying [child welfare proceedings] seek to facilitate shared goals such as reunification and children's best interests, which all three parties seek to achieve through different means.").

Courts that have considered similar circumstances have correctly declined to apply the quasi-criminal exception to ongoing dependency proceedings. The Fourth Circuit "easily reject[ed]" the quasi-criminal comparison because "the *ongoing* individual hearings here serve to protect the children who would be plaintiffs in federal court." *Jonathan R.*, 41 F.4th at 330 (emphasis in original). In *Jeremiah M.*, the district court held that *Younger* abstention was inappropriate because "'the complete lack of sanctions being sought against [plaintiffs] belie any punitive character.'" *Jeremiah M.*, 695 F. Supp. at 1079 (quoting *Applied Underwriters, Inc. v. Lara*, 37 F.4th 579, 589 (9th Cir. 2022)). The district court in *Tinsley* found that ongoing dependency proceedings did not qualify as quasi-criminal because the "animating purpose" of the proceedings "is to plan for and monitor the development and well-being of children, not to investigate or penalize those who might have contributed to their dependency." 156 F. Supp. at 1034.

To apply the quasi-criminal exception here would conflict directly with the *Sprint* Court's instruction that abstention must be "the exception, not the rule," and would do so at the expense of a particularly

marginalized population. *Sprint*, 571 U.S. at 593. The Court should affirm.

B. The County's Overbroad Application of *Younger* Threatens to Impair Enforcement of Civil Rights on Behalf of the Populations Most in Need, Including Youth in Foster Care.

The County's overbroad application of *Younger* abstention threatens to undermine the enforcement of civil rights protections for a population particularly vulnerable to the actions of the state: youth in foster care. In this case, Plaintiffs are transition age youth in foster care with disabilities. This group faces unique systemic challenges that make federal court intervention not only appropriate but essential. For these youth, the harms of abstention will not be abstract—they will be tangible and often life-altering.[13]

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[13] This overbroad formulation of abstention would mean a federal court would "always have to abstain" in cases involving children in foster care. *See M.B. by Eggemeyer v. Corsi*, No. 2:17-CV-04102-NKL, 2018 WL 327767, at *7 (W.D. Mo. Jan. 8, 2018). In *Jonathan R.*, the Fourth Circuit similarly refused to "endorse such a limitless theory of abstention," unprincipled from the Supreme Court's call for abstention to be exceptional, as it would "deny all foster children all resort to federal courts," because "foster children are always within the jurisdiction of state courts—until they are not, because they have left foster care and their cases have become moot." 41 F. 4th at 333–35.

The transition to adulthood is a stage of development filled with great challenge and potential for all young people. This period is considered "a critical juncture in the course of psychopathology and mental health" as young adults face significant responsibilities while still developing the cognitive and emotional tools to manage them.[14] While all young people need support, guidance, and freedom to learn and grow during this developmental phase, youth in foster care often do not receive these supports. They are left to navigate important decisions and challenges on their own, or disempowered by the foster system's control over their lives. Transition age youth in the foster system enter this period significantly less resourced and supported than their peers.[15] Many approach adulthood without stable, permanent

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[14] Johanna K.P. Greeson, Foster Youth and the Transition to Adulthood, at 40 (2013) (available at bit.ly/4lfwDH4). *See also* Cancel, S., Fathallah, S., Nitze, M., Sullivan, S., & Wright-Moore, E. Aged out: How we're failing youth transitioning out of foster care, Think of Us (2020).

[15] On average, youth in the United States are not expected to reach self-sufficiency until age 26—approximately half of young adults remain living at home, and nearly two-thirds of young adults receive economic support from their parents. *See* Kisiel C., Pauter S., Ocampo A., Stokes C., Bruckner E. (2021), *Trauma-informed guiding principles for working with transition age youth*, NAT'L CTR. FOR CHILD TRAUMATIC STRESS (available at bit.ly/46auCHK).

familial support and carry the weight of complex trauma both from experiences prior to entering foster care and from the system itself.[16] Under-resourced services and disrupted relationships further compound these challenges.[17] For youth with disabilities, like the Plaintiffs here, the challenges are even greater, especially if they are not provided tailored services and supports.

Though slower to catch up to the developmental research and social science, Congress has gradually acknowledged the unique needs of transition age youth through federal legislation. For example, the Chafee Foster Care Independence Act, enacted on December 14, 1999, as part of the Foster Care Independence Act, P.L. 106-169, created a dedicated funding stream to provide supportive services and resources to youth in foster care and as they age out to help them prepare for the

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[16] Cassandra Kisiel, Uma Guarnaccia, *Understanding the Impact of Trauma on Transition Age Youth: Raising Awareness for Providers and Offering Strategies to Empower Youth*, INT'L SOC. TRAUMATIC STRESS STUDIES, (available at bit.ly/4elZV4H).

[17] Mayooka Mitra-Majumdar, Keith Fudge, Kriti Ramakrishnan, *Improving Outcomes for Transitional Youth*, URBAN INSTITUTE (2019) (available at bit.ly/44wPR5l).

adult world.[18] As another landmark example, in 2008, Congress passed the Fostering Connections to Success and Increasing Adoptions Act, P.L. 110-351, to give States the option to allow youth to remain in foster care after the age of 18 and until age 21. In further recognition of the challenges faced by transition age youth, federal law also requires child welfare agencies to include transition to adulthood goals and services, and concrete and detailed discharge plans in youths' case plans.[19]

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[18] Referred to as the "Chafee Act," it has been amended several times since its enactment. In 2002, for example, in acknowledgement of the financial and social support challenges that foster youth face in accessing and completing post-secondary programs, the Chafee Act was amended to add the Education and Training Voucher (ETV) Program to provide up to $5000 for Chafee eligible young people for post-secondary education and training. *See* Promoting Safe and Stable Families Amendments of 2001, P.L. 107-133.

[19] *See e.g.*, 42 U.S.C.A. § 675(1)(D) (Beginning at age 14, the case plan must contain a written description of the programs and services which will help the youth prepare for the transition from foster care to a successful adulthood); 42 U.S.C.A. § 675(5)(H) (At least 90 days before a youth 18 or older discharges from care, a transition plan must be developed with the youth that at least includes "specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services, and includes information about the importance of designating another individual to make health care treatment decisions").

While federal laws have developed to create a structure to provide support for transition age youth in foster care, the reality is that many of these young people do not receive the services and supports the law intended. This lack of support and resources contributes to the dire outcomes for transition age youth who have experience in the foster system. For example, these young people are approximately three times as likely as the general population of Los Angeles to experience homelessness.[20] Among other outcomes, 31% of transition age youth experience homelessness at least once between the ages of 17 and 21; 39% report symptoms of depression, post-traumatic stress disorder ("PTSD"), and 48% say it is difficult to cover living essentials, such as food and rent.[21]

The relief requested by Plaintiffs is targeted at ensuring they receive the safety and support they are entitled to under the law. For instance, Plaintiffs seek to enjoin Defendant agencies from their systemic failures to provide adequate placements, services, and

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[20] Rountree, Santillano, et al., Aging Out of Foster Care in Los Angeles: Opportunities to Prevent Homelessness Among Transition-Aged Youth, CAL. POLICY LAB (July 2024) (hereinafter Aging Out of Foster Care).

[21] *See* TAY Fact Sheet, Youth Village Inc. (2025).

resources under California's Extended Foster Care ("EFC"), a program that permits certain young people over the age of 18 to remain in foster care as nonminor dependents ("NMDs"). Welf. & Inst. Code §§ 11400(v), 11400(aa). When done consistent with the law, extended foster care has the potential to provide young people a meaningful stepping stone to adulthood. But that is not the case here. Plaintiffs' complaint details serious civil rights violations resulting from the County's failure to meet its statutory and constitutional duties, such as due process violations[22] and disability discrimination.[23]

Federal courts have long served as a critical venue for civil rights plaintiffs—particularly those who face structural barriers to seeking relief through state systems. If federal courts abstain from jurisdiction, these Plaintiffs will be left without recourse. Abstention doctrines assume that the affected individuals can seek relief through the state political process, but this assumption breaks down in the context of

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[22] For example, when Erykah B. was discharged from her placement as a NMD for minor violations of program rules, the provider did not provide her with her rights to contest the removal. 2-ER-171.

[23] For example, absence of policies to prevent placement providers from denying housing based on mental health information. 2-ER-214–21.

transition age youth in foster care.[24] Minors, in particular, are often rendered structurally "voiceless" by the child welfare system, and some transition age youth are not yet old enough to vote for their own political interests.[25] Further, because transition age youth also often experience housing instability, voter registration and civic participation can be complicated. Lastly, the confidential and individualized nature of dependency proceedings limits youths' ability to pursue systemic reform or engage in collective advocacy.

C. Institutional Reform Litigation has Redressed Similar Plaintiffs' Injuries and Delivered Meaningful, Long-Lasting Results.

Federal civil rights litigation has long served as a vital tool for redressing the injuries and protecting the rights of youth in foster care. Federal courts play a pivotal role in providing properly tailored relief for systemic violations of federal constitutional and statutory rights. The following cases illustrate how federal lawsuits have redressed

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[24] *See* Elizondo, *Constitutional Catch-22: the Unvindicated Rights of Foster Children*, STANFORD J. CIV. RTS. & CIV. LIBERTIES (2025).

[25] McMullen, *For the Good of the Group*, 37 CHILD. LEGAL RTS. J. 236, 239 (2020).

young people's injuries (which would not have been possible in the dependency courts) and driven meaningful improvements in child welfare systems across the country.

a. *David C. v. Leavitt*, No. 2:93-cv-00206 (D. Utah 1993)

In *David C.*, children in Utah's foster care system brought a class action lawsuit against state officials, citing systemic failures that endangered their safety and well-being. The lead plaintiff, for example, received virtually no mental health treatment after witnessing a foster parent beat his brother to death.[26] *See* Agreement to Terminate the Lawsuit, *David C.*, No. 2:93-cv-002026, Dkt. No. 580 (D. Utah May 11, 2007). The litigation, brought on behalf of all children in or at risk of entering foster care, exposed widespread failures, including inadequate abuse and neglect investigations, insufficient family reunification efforts, and unsafe foster placements. The parties ultimately entered a comprehensive settlement agreement that mandated extensive reforms across Utah's child welfare services. *Id.*

[26] Nat'l Ctr. for Youth Law, *David C. Lawsuit Transforms Utah's Child Welfare System* (June 28, 2007) (available at bit.ly/4nzU2Fh).

The improvements resulting from the settlement agreement included substantial increases in funding for caseworkers, treatment services, and improved legal support for children. Caseloads were reduced, and children in foster care began receiving timely health assessments at a rate of 94%, a significant improvement from previous years. Additionally, the timeframes for conducting abuse and neglect investigations drastically shortened, with 96% completed on time, and a state-of-the-art data management system was developed to enhance transparency and accountability. *Id.*

b. *Kenny A. v. Deal*, 1:02-cv-01686 (N.D. Ga. 2002)

In *Kenny A.,* classes of children in foster care in two Georgia counties filed suit against the Governor of Georgia and state and county child welfare officials, alleging profound systemic deficiencies and constitutional and statutory violations within the state's foster care systems.[27] The complaint detailed dangerously high caseworker caseloads, unsafe placements in deplorable emergency shelters,

[27] Children's Rts., *Kenny A. v. Deal* (available at bit.ly/3T9vXXJ).

frequent placement disruption for children, and inadequate legal representation for children in dependency court.

Kenny A. resulted in a comprehensive consent decree in 2005, which served as a blueprint for extensive reforms within Georgia's child welfare system. Key improvements included a significant reduction in caseworker caseloads, permanent closure of dangerous emergency shelters, and the prioritization of family-like placement settings. The decree also improved permanency planning, reduced placement disruption, and increased visitation between children and their biological parents when reunification was the goal. It also addressed the lack of legal representation for youth, leading to a dramatic reduction in caseloads for attorneys representing children in foster care and an increase in the number of dedicated child advocate attorneys, ensuring more effective legal advocacy for vulnerable youth.

c. *Juan F. v. Weicker*, 37 F.3d 874 (2d Cir. 1994)

In *Juan F.*, a class of children in Connecticut's foster system brought a federal civil rights suit, alleging that the state's child welfare system violated their federal constitutional and statutory rights. *Juan F.*, 37 F.3d at 876. The plaintiffs, represented by children's rights

organizations, identified widespread systemic deficiencies, including inadequate staffing, insufficient foster parent payments, and a general failure to provide appropriate services and care for children in state custody. *See* Complaint, *Juan F.*, No. 89-cv-859-SRU, Dkt. No. 1 (D. Conn. Dec. 19, 1989).

The litigation resulted in a consent decree aimed at overhauling the Connecticut Department of Children and Families (DCF).[28] The consent decree mandated significant structural and operational changes within DCF, focusing on areas such as caseload standards, hiring additional personnel, and improving foster parent payment rates. *Id.* *Juan F.* became a landmark example of the critical role of federal litigation in driving and sustaining institutional reform in child welfare systems.

d. *California Alliance of Child and Family Services v. Wagner*, No. 3:09-cv-04398 (N.D. Cal. 2009)

In *Wagner*, a nonprofit organization alleged the California Department of Social Services was not in compliance with the Child

[28] *See also* Children's Rts., *Juan F. Consent Decree*, (available at bit.ly/4ejpiUy).

Welfare Act ("CWA") for failing to provide sufficient funding for care and shelter for children.[29] Complaint, *Wagner*, Case No. 3:09-cv-04398, Dkt. No. 1-1 (N.D. Cal. Sept. 18, 2009). The CWA provides federal funding to states for foster care under the condition that the state "cover[s] the cost" of certain expenses for foster children, including food, clothing, shelter, daily supervision, school supplies, and personal incidentals, among others. *Id.* The plaintiff contended that California had not adequately adjusted its rate to reflect inflation or actual costs which led to drastic underfunding and a 10% cut to payments that would bring the state out of substantial compliance.

The district rejected the state's position and found that it had clearly violated the CWA, and the Ninth Circuit affirmed. *Wagner*, 2009 WL 3920364, at *8; *California Alliance of Child and Family Services v. Allenby*, 589 F.3d 1017, 1018 (9th Cir. 2009). This litigation reformed California's foster care reimbursement system to require that rates genuinely "cover the cost" of caring for children, as defined by the CWA.

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[29] Civil Rights Litigation Clearinghouse, *California Alliance of Child Family Services v. Wagner*, Case No. 3:09-cv-04398 (bit.ly/4k4XYdO).

e. *B.H. v. Johnson*, 715 F. Supp. 1387 (N.D. Ill. 1989)

In *B.H. v. Johnson*, a group of ten children in the custody of the Illinois Department of Children and Family Services brought suit alleging systemic violations of their constitutional rights. The youth alleged that the Department routinely failed to provide them with safe and stable placements, subjected them to repeated moves—sometimes through six or more placements—and warehoused them in violent, overcrowded shelters or in unsafe foster homes. *Id*. at 1389.

The litigation resulted in the B.H. Consent Decree, leading to several child welfare reforms within Illinois' foster care system. The consent decree required IDCFS to (1) provide minimally adequate care; (2) create a new system that improved caseworkers' ability to make decisions about child placement and provide the adequate care that is promised; (3) reform its supervision system to allow more thorough investigations; and (4) create new regulations for case plan

development. Restated Consent Decree, *B.H. v. Johnson*, No. 1:88-cv-05599, Dkt. No. 456-2 (N.D. Ill. May 30, 1989).[30]

f. *Katie A. v. Bonta*, No. 2:02-cv-05662 (C.D. Cal. 2002)

In *Katie A.,* a class of California youth with unmet mental health needs alleged 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 parties negotiated a settlement that 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. Stipulated Judgment Pursuant to Class Action Settlement Agreement, *Katie A.*, Dkt. No. 779 (C.D. Cal. Dec. 5, 2011).

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[30] The consent decree also has served as a foundation for other child welfare reform advocacy efforts. ACLU of Ill., *B.H. v. Johnson* (available at bit.ly/44aVYLa).

The district court's decision not to abstain was correct. In their appeal, Appellants seek to expand *Younger* beyond its proper bounds, and ask that a federal court violate its constitutional duty "to hear and decide a case" within its jurisdiction. *Sprint*, 571 U.S. at 77 (cleaned up). This case does not fit within the three *Sprint* exceptions, and Plaintiffs' requested relief does not interfere with any state court proceedings. Furthermore, declining to hear this case would leave these youth with no recourse—judicial or political—to vindicate their rights. Finally, Plaintiffs' action is part of an important legacy of protecting the rights of youth who have been taken into the state's custody. Following the clear guidance of the Supreme Court, this Court should exercise its "virtually unflagging" obligation to hear and decide Plaintiffs' claims. *Sprint*, 571 U.S. at 77 (citation omitted).

IV. CONCLUSION

For these reasons and those in Plaintiffs' briefs, the Court should affirm the decision below.

DATED: June 26, 2025

Thomas R. Freeman
Dorothy Wolpert
Emily M. Grant
Alec M. Cronin
Bird, Marella, Rhow,
Lincenberg, Drooks & Nessim, LLP

By: /s/ Emily M. Grant
Emily M. Grant
Attorneys for Amici Curiae National Association of Counsel for Children, Youth Law Center, National Center for Youth Law and Juvenile Law Center

CERTIFICATE OF COMPLIANCE RULE 32(a)(7)(c)

Pursuant to Federal Rules of Appellate Procedure, rule 32(a)(7)(c), I certify that the BRIEF OF *AMICI CURIAE* is double spaced, with the exception of quotations that are longer than two lines, and headings and footnotes, as permitted by rule 32(a)(7)(c). The brief is proportionately spaced using 14-point Century Schoolbook typeface.

Relying on my word processor software (MS-Word) to obtain the count, the brief's total word count, excluding the covers, table of contents, table of authorities, statement of related cases, certificate of compliance, and certificate of service, is 6,417 words.

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I certify that the information on this form is true and correct to the best of my knowledge and belief formed after a reasonable inquiry.

DATED: June 26, 2025

Thomas R. Freeman
Dorothy Wolpert
Emily M. Grant
Alec M. Cronin
Bird, Marella, Rhow,
Lincenberg, Drooks & Nessim, LLP

By: /s/ Emily M. Grant
Emily M. Grant
Attorneys for Amici Curiae National Association of Counsel for Children, Youth Law Center, National Center for Youth Law and Juvenile Law Center

CERTIFICATE OF SERVICE

The undersigned certifies that on June 26, 2025, an electronic copy of the foregoing was filed with the Clerk of this Court using the CM/ECF system, and that all parties will be served through that system.

DATED: June 26, 2025

Thomas R. Freeman
Dorothy Wolpert
Emily M. Grant
Alec M. Cronin
Bird, Marella, Rhow,
Lincenberg, Drooks & Nessim, LLP

By: /s/ Emily M. Grant
Emily M. Grant
Attorneys for Amici Curiae National Association of Counsel for Children, Youth Law Center, National Center for Youth Law and Juvenile Law Center