

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Michelle H., by her next friend Tamara
Coppinger, *et al.*,)

Plaintiffs,)

vs.)

Henry Dargan McMaster, in his official
capacity as Governor of South Carolina,
and Michael Leach, as State Director
of the South Carolina Department of
Social Services,)

Defendants.)

Civil Action No. 2:15-134-RMG

ORDER

This matter comes before the Court upon the joint motion of DSS and Plaintiffs to enforce the parties’ Short-Term Plan to Address Overnight Stays (“Overnight Stay Plan”) to mitigate the increase of children in DSS custody sleeping in DSS offices for a minimum four-hour period between 10:00 p.m. and 6:00 a.m. (Dkt. No. 236 at 2). As explained below, the Court hereby approves the Overnight Stay Plan.

By way of background, in November 2021, the Co-Monitors notified the parties by letter of the increasing rate of overnight stays of children in DSS custody since April 2021. (Dkt. No. 236 at 14-17). The Co-Monitors explained that the number of overnight stays would continue to increase through the end of the March 2022 monitoring period unless actions were taken to address placement issues and establish placement stabilization. (*Id.* at 14, 17). Subsequently, the parties engaged in discussions regarding steps the State could take in response to the increasing rate of children sleeping overnight in DSS offices. (*Id.* at 14, 17). The parties drafted the Overnight Stay

Plan which articulates several critical actions necessary to be taken over the next six months to mitigate overnight stays of children in DSS custody sleeping in DSS offices, hotel, motel, or other commercial non-foster care establishment along with immediate steps and protocols for the safety and care of those children.

The Court has reviewed the parties' Overnight Stay Plan and approves it. (Dkt. No. 236). The Court instructs the parties to submit a joint status report to the Court regarding compliance with this Order and implementation of the Overnight Stay Plan every sixty (60) days.

AND IT IS SO ORDERED.

s/ Richard M. Gergel
Richard M. Gergel
United States District Judge

March 22, 2022
Charleston, South Carolina