

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

H.G. and M.G. through their next )  
friend Robert Latham, C.P. through his )  
next friend Paula Velazquez, L.T. )  
through her next friend Robert )  
Latham, F.C. through his next friend )  
Stewart Cooke, S.A. N.K. through her )  
next friend Bernard Perlmutter, for )  
themselves and those similarly situated, )

Case 4:18-cv-00100-RH-CAS

Plaintiffs,

v.

Mike Carroll, in his official capacity as )  
Secretary of the Florida Department of )  
Children and Families, )

Defendant.

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**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

**This Notice may affect you. Please read it carefully.**

**TO ALL CHILDREN WHOSE CASES ORIGINATED IN THE SOUTHERN REGION OF THE  
FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES (MIAMI-DADE AND MONROE  
COUNTIES) AND WHO ARE IN PLACEMENTS IN FOSTER CARE**

This Notice concerns a proposed settlement of this class action lawsuit for systemic reforms to the child welfare system operated by the Florida Department of Children and Families (“DCF”) in Miami-Dade and Monroe Counties (the “Southern Region”). **If you are one of the children described above, or if you are the legal representative or guardian ad litem of one or more of these children, then you should read this Notice.**

**Please note that this case does not concern any individual child's case, any case involving the parents of individual children in DCF custody, or any award of damages. This case concerns only the Southern Region's child welfare system as a whole.**

## **I. Background of the Class Action Lawsuit**

This class action lawsuit was filed in February 2018, in the United States District Court for the District of Northern Florida, by several children whose cases originated in the Southern Region ("Plaintiffs") against the Secretary of the Florida Department of Children and Families, in his official capacity (the "Defendant"). Plaintiffs claim to be similarly situated to all children placed in foster care whose cases originated in the Southern Region. This lawsuit alleges that DCF's child welfare system in the Southern Region does not comply with federal constitutional and statutory law and requests declaratory and injunctive relief on behalf of Plaintiffs and a class of all children in Foster Care Placements (as defined in the Settlement Agreement) in the Southern Region ("Class Members"). DCF denies the allegations in the lawsuit. *This Notice involves court-ordered changes pursuant to a court-ordered Settlement Agreement, if approved, to Florida's foster care in the Southern Region and does not involve an award of money damages for any children.*

Plaintiffs and Defendant have negotiated a proposed class action settlement of the lawsuit that has been set forth in a proposed Settlement Agreement. The parties have asked the federal district judge assigned to the case to approve the Settlement Agreement. The terms of the Settlement Agreement are described below in Section V.

**You have the right to review the entire Settlement Agreement if you choose. You also have the right to make written comments, to attend and testify at the final hearing, or to do both to provide your thoughts about the proposed settlement before the judge decides whether to approve the Settlement Agreement.**

## **II. Notice of Hearing**

There will be a hearing where the Court will hear evidence and argument to determine whether the Settlement Agreement is fair, reasonable, and adequate, and whether the Settlement Agreement should be approved by the Court.

**THE HEARING WILL TAKE PLACE BEFORE UNITED STATES DISTRICT JUDGE ROBERT L. HINKLE ON JULY 25, 2019 AT 9:00 A.M., IN COURTROOM FIVE EAST, AT THE UNITED STATES COURTHOUSE, LOCATED AT 111 N. ADAMS ST., TALLAHASSEE, FL 32301.**

**YOU ARE WELCOME TO ATTEND THE HEARING TO PRESENT ANY FAVORABLE COMMENTS OR OBJECTIONS REGARDING THE SETTLEMENT AGREEMENT TO THE JUDGE. YOU ARE NOT, HOWEVER, REQUIRED TO ATTEND THE HEARING OR CONVEY ANY COMMENTS TO THE COURT.**

**Please note that this case and this hearing do not concern any individual child's case, or any case involving the parents of individual children in DCF custody, or any award of damages. This case and the hearing concern only the Florida foster care system operated by DCF in the Southern Region.**

## **III. Want More Information or Have Questions?**

For a copy of the Settlement Agreement, go to the DCF website at [www.myflfamilies.com](http://www.myflfamilies.com) and Children Rights, Inc.'s website at [www.childrensrights.org](http://www.childrensrights.org). If a computer is not available, please call and ask for the "Florida DCF Federal Court Settlement" from Children's Rights at (212) 683-2210, Baker McKenzie at (202) 452-7000, or DCF's Assistant General Counsel for the Office of Child Welfare or designee at (850) 488-2381.

**\*\*Please do not call Judge Robert L. Hinkle or the Clerk of the Court.\*\*** They will not be able to answer your questions about the class action lawsuit or the Settlement Agreement. However, you may review the materials that have been filed with the Court in this case by going to the Office of the Clerk of the United States District Court for the Northern District of Florida at the United States Courthouse, located at 111 N. Adams St., Tallahassee, FL 32301. To review materials in the public record in this case, refer to Civil Action Number 4:18-cv-00100-RH-CAS.

**IV. How to Submit Comments, Objections or Support to the Court, and How to Request to Speak at the Hearing.**

You may submit written comments, objections, or support regarding the proposed Settlement Agreement by mailing a letter to Class Counsel at:

Baker McKenzie  
ATTN: George M. Clarke III  
Vivek A. Patel  
815 Connecticut Ave. NW  
Washington, DC 20006

Children's Rights  
ATTN: Ira Lustbader  
Danielle B. Rosenthal  
88 Pine Street, Suite 800  
New York, NY 10005

**In order to be considered by the Court, your letter must be received no later than June 20, 2019.** You must sign your letter and also print your name, address, and telephone number on the letter.

If, in addition to submitting a letter as discussed above, you also would like to speak at the hearing, then please add this request to your letter and briefly describe what you want to speak about. **In order to be heard by the Court at the hearing on July 25, 2019, you must submit your comments in writing to the above address no later than June 20, 2019.**

Class Counsel will share your written letter with Defendants' counsel within five days of receipt, and the parties will share any written submissions with the Court 15 days before the hearing.

**Unless otherwise ordered by the Court, any Class Member who does not make his or her objection in the manner provided above will have waived all objections.**

**V. The Settlement Agreement**

This Settlement Agreement, if approved by the Court, will resolve this case without a trial. Under the Settlement, (i) DCF is required to implement certain changes and meet certain required improvements in the foster care system in the Southern Region, and (ii) progress on the changes and required improvements will be reviewed and reported on by a third-party auditor. The specific terms and requirements relate to:

- DCF's commitment to "convene a Services and Placement Continuum Workgroup regarding the Southern Region to inform the assessment and expansion of Placements, treatment, and Well-Being services for Class Members, and the availability and delivery of necessary, evidence-based, and promising practices and services within the service and Placement array continuum."
- The completion of a Gap Analysis Report related to mental health and behavioral services and treatment, service supports utilizing trauma-informed practices, behavioral mobile response interventions, family foster homes, Specialized Therapeutic Foster Homes, Specialized Therapeutic Group Homes, the Statewide Inpatient Psychiatric Program, services available to licensed foster parents in order to avoid placement disruption, and the tracking and matching of Class Members' assessed needs with placements.

- Substantial compliance with a maximum rate by which children entering out-of-home care move between placements.
- Substantial compliance with a benchmark measure regarding the placement of Class Members in stable settings that are in their best interests and consistent with achieving their permanency goals.
- Substantial compliance with a benchmark measure regarding whether Class Members have had their mental and behavioral health needs addressed.
- A commitment concerning the cessation of the practice of “Placing Class Members in any hotel, motel, Contracted Service Provider, or state agency office” except in designated circumstances and with stated procedural protections.
- A commitment concerning limitations on when foster homes may exceed their licensed capacity without a waiver.
- A commitment concerning the placement of children under the age of six (6) in a group placement that utilizes shift care, without the express written approval of the DCF Regional Managing Director.

The Settlement Agreement does not constitute an admission by Defendant of any liability concerning any of the claims and allegations in the lawsuit.

**This Notice Has Been Approved For Distribution By:**

The Honorable Robert L. Hinkle  
United States District Judge  
Northern District of Florida

Please do not contact Judge Hinkle or the Court directly about this Settlement Agreement or this Notice. Instead, follow the directions in this Notice.