

Oregon foster care system targeted in federal lawsuit

Sarah Zimmerman
Associated Press

SALEM, Ore. (AP) — Oregon’s foster care system has failed to shield children from abuse and they are sometimes forced to stay in refurbished jail cells and homeless shelters, according to a lawsuit filed Tuesday.

The 77-page complaint filed in U.S. District Court details stories of foster children being neglected or harmed while under Department of Human Services care, including a 16-year-old girl sent to a juvenile jail after she had previously tried to kill herself.

The agency has weathered years criticism over the way it treats children and has paid out tens of millions of dollars to settle previous complaints.

“The big problem is that Oregon has failed to develop specialized placements or even enough placements for kids in care,” said Marcia Lowry, executive director of A Better Childhood, one of the nonprofits behind the lawsuit. “Oregon goes well beyond what even the national problems are.”

In a statement, DHS Director Fariborz Pakseresht said the agency is committed to finding children appropriate placement, especially those with intellectual and developmental disabilities. He said it is taking steps to address the problems identified in the lawsuit, and is finalizing a long-term, statewide plan to recruit more foster families.

DHS also plans to reassess its use of out-of-state facilities, he said.

At a legislative hearing last week, Pakseresht recognized flaws within the system, but maintained that the agency still provides quality services for the 7,500 youth in its care.

“We do make mistakes,” Pakseresht told lawmakers. “A few mistakes - 10 mistakes, 20 mistakes, 30 mistakes - are never acceptable, but they don’t constitute a system that is broken.”

Since 2006, the agency has paid \$39 million in legal settlements over allegations of abuse and neglect. But Christine Shank, one of the managing lawyers in the case, said the fundamental problems within DHS haven’t changed.

“We’re hoping this case can really be a catalyst for systemic change,” said Shank, a lawyer with Disability Rights Oregon.

In the case of the 16-year-old girl, lawyers say she landed in state care after her father refused to get her mental health services. Her lawyers say she remained without therapy as she was shuffled between facilities, including homeless shelters, out of a lack of placement options.

At the Klamath Falls, Oregon, facility, which houses both juvenile inmates and at-risk foster youth, lawyers say the girl lived in a cinder-block cell where she couldn’t keep any personal items except a book. She underwent daily extensive treatment for substance and sexual abuse, despite having

never suffered from either. She had individualized therapy once a week, which her lawyers called inadequate.

The lawsuit argues DHS hasn’t done enough to shield children from abuse and neglect, a violation of their federal due process rights. The lawsuit also says the department has failed to provide foster children with a permanent, stable living situation.

A 2016 federal audit found only 20% of foster children had “permanency and stability in their living conditions,” while the majority were placed with foster parents who “may not have had the necessary skills” to care for them. The department made “concerted efforts” to provide children with permanent homes in 41% of cases.

Elizabeth Graves, who is not associated with the lawsuit, said she entered DHS care when she was 13, and was moved between 15 foster and group homes within five years. Now 27, she said she still suffers from nightmares over the emotional abuse she endured.

She became pregnant at 15, and said her circumstances began to improve when was sent to a Portland facility specifically serving girls who have young children or are pregnant. She received individualized attention plus parenting lessons.

But, less than an hour after Graves gave birth, she said DHS intervened and put her son up for adoption. According to Graves, her caseworker had determined she was too young to care for the child.

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