

Children's Rights

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<https://www.childrensrights.org/press-release/childrens-rights-responds-to-ohio-district-court-ruling/>

Public Facing Advocacy Writing

A district court in Ohio has held that the named plaintiffs in a class action lawsuit originally filed by Childrens Rights and co-counsel do not have a claim under federal law. The lawsuit, originally filed in November 2020, alleges that the state is violating federal law by refusing to pay approved relative foster parents the same financial support it pays licensed non-relative foster parents.

In response, Ira Lustbader, Chief Program Officer, Childrens Rights, issued the following statement:

We remain steadfast in our conviction that the law requires the same support to approved relative foster caregivers as it provides to licensed foster caregivers and look forward to advancing the merits of our clients claims in the Sixth Circuit Court of Appeals. We believe the law commands it, and conscience demands it. This case is all about fairness. It challenges Ohios practice of providing significantly less financial support for foster children living with approved relative caregivers than for children living with non-relative, licensed caregivers. Because Black children make up a disproportionate share of the pool of relative foster families, those families in particular carry an unequal and unfair burden when the state fails to provide financial support to children in their care.

In his ruling the judge himself recognized the injustice:

The Court acknowledges that foster children, one of Ohios most helpless and vulnerable populations, and the relatives who care for them, certainly deserve more. The Court recognizes that a foster child's need for food, clothing, shelter, daily supervision, school supplies, personal incidentals, and travel does not vary by the licensure status of the home in which the children lay their heads down at night. The Court also recognizes that non-licensed foster caregivers in Ohio are called to do much of the same work as their licensed foster caregiver counterparts, but must do that work on a fraction of the provided payment. This difference in payment due to a difference in placement, in a licensed home or not, is neither ideal nor even satisfactory.

We agree and will continue to seek a fair and just result that fully complies with long-standing federal law and honors the courageous and life-changing commitment relative caregivers voluntarily make to care for our children.

For more information on H.C. v. DeWine, please visit https://www.childrensrights.org/class_action/ohio/.

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