

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT IN AND FOR LEON COUNTY, FLORIDA

Foster Children Susan C., Cindy B.,
Javier H., and Ayesha G., minors by and
through their next friend David Abrams,
on behalf of themselves and all other
similarly situated children,

Plaintiffs,

vs.

DEPARTMENT OF CHILDREN AND
FAMILY SERVICES, STATE OF
FLORIDA

and

LUCY D. HADI, in her official capacity
as Secretary of the Department of
Children and Family Services

and

ROBERT WILLIAMS, in his official
capacity as District 2 Administrator for
the Department of Children and Family
Services,

and

BIG BEND COMMUNITY BASED CARE,
INC.,

Defendants.

CASE NO:

COPY

FILED
CIRCUIT CIVIL DIV.
06 APR -4 PM 1:35
BOB INZER
CLERK CIRCUIT COURT
LEON COUNTY, FLORIDA

CLASS ACTION
COMPLAINT FOR DECLARATORY RELIEF AND
MANDAMUS OR INJUNCTIVE RELIEF

Plaintiffs, foster children in the legal custody of Defendant Department of Children and Family Services (hereafter, "DCF"), by and through their next friend, David Abrams, on behalf

of themselves and all other children similarly situated, sue Defendants DCF, Lucy D. Hadi (“Hadi”), and Robert Williams (“Williams”) in their official capacities, and Big Bend Community Based Care, Inc. (“Big Bend”), a nonprofit corporation. Plaintiffs allege that Defendants have illegally forced plaintiffs to live in a DCF office conference room at 3019 Jackson Bluff Road in Tallahassee (the conference room), and that plaintiffs are at imminent risk of being forced to live there again, which causes them irreparable harm. The conference room and the office building in which it is housed are not licensed residential placements for foster children, and defendants do not provide children who live there with adequate beds or bedding, food, supervision, health services, or sanitary facilities.

Plaintiffs request that this Court issue declaratory relief and a writ of mandamus or injunction, ordering the defendants to fully comply with Fla. Stat. Ann. §§ 409.165, 409.175 and 409.1671, and U.S. Const. amend. XIV § 1 by ending the policy and practice of forcing children to live in the conference room or any other unlicensed facility and by declaring that these actions violate rights guaranteed to the plaintiffs by the United States Constitution and applicable state statutes. As grounds therefore, the plaintiffs allege as follows.

JURISDICTION

1. This Court has subject matter jurisdiction over this matter pursuant to Article V, § 5(b), Fla. Const.
2. This Court has jurisdiction to grant declaratory and injunctive relief pursuant to Fla. Const. Article V, § 5(b); and Fla. Stat. Ann. § 86.011.
3. This Court has jurisdiction to issue an injunction, pursuant to Fla. Const. Article V, § 5(b); Fla. Stat. Ann. § 26.012(3), and in accordance with Fla. R. Civ. P. 1.610.

4. This Court has jurisdiction to issue a writ of mandamus against state officers when there are no disputed issues of fact and the issues are purely legal, pursuant to Article V, § 5(b), Fla. Const. and in accordance with Fla. R. Civ. P. 1.630.

5. Venue is proper in Leon County because the alleged acts occurred in Leon County and the plaintiffs and defendants are located in Leon County.

NAMED PLAINTIFFS

6. Plaintiffs Susan C., Cindy B., Javier H., and Ayesha G., are residents of Florida, United States citizens, and children in the custody of DCF and/or its contracted agent Big Bend, because they were alleged or adjudicated to be abused, neglected, or abandoned children under Chapter 39 of the Florida Statutes. They bring this action in pseudonym to protect their privacy, as requested in the Motion to Proceed In Pseudonym filed simultaneously with this complaint. Plaintiffs appear in this action by and through their next friend David Abrams.

7. Plaintiff Susan C. was born in July, 1990. She entered DCF custody in 1991, and has since lived in multiple placements in addition to the conference room.

8. Plaintiff Cindy B. was born in June, 1992. She entered DCF custody in 1998, and has since lived in multiple placements in addition to the conference room.

9. Plaintiff Javier H. was born in February, 1989. He re-entered DCF custody in October 2004 and has since lived in multiple placements in addition to the conference room.

10. Plaintiff Ayesha G. was born in February, 1990. She entered DCF custody when she was less than a year old, and has since lived in multiple placements in addition to the conference room.

11. Plaintiffs bring this action on behalf of themselves and all children in District 2B who are in the custody of the DCF and who are at imminent risk of being forced to live in the office conference room on Jackson Bluff Road in Tallahassee, which is not licensed for such purposes.

12. David Abrams is an adult resident of the State of Florida and an attorney at law duly admitted to practice in the State of Florida. He brings this action on behalf of Plaintiffs as their Next Friend.

DEFENDANTS

13. Defendant DCF is the Florida state agency required to take and hold legal custody of children who have been abused, neglected or abandoned, pursuant to Chapters 39 and 409 of the Florida Statutes. DCF is responsible for supervising these children's care.

14. DCF occupies office space at 3019 Jackson Bluff Road in Tallahassee where Plaintiffs and members of the proposed class have been and will again be forced to live in a conference room.

15. Defendant Hadi is Secretary of DCF, and as such is the chief executive officer of DCF pursuant to Fla. Stat. Ann. § 20.19. Hadi has the authority and responsibility to ensure that the mission of DCF is fulfilled in accordance with state and federal laws, rules, and regulations. Fla. Stat. Ann. § 20.19(2)(d). Hadi is also responsible for ensuring that private providers who contract to provide services in place of DCF adhere to the same policies and obligations under the law. Fla. Stat. Ann. § 409.1671. Hadi is sued in her official capacity.

16. Defendant Williams is the District Administrator for District 2 of DCF, which includes Leon County and the surrounding areas in District 2B. As such, he is the District's

chief operating officer pursuant to Fla. Stat. Ann. § 39.01(25), with the accompanying responsibilities assigned to him by the Secretary. Fla. Stat. Ann. § 20.19 (5)(b)(1). Williams is sued in his official capacity.

17. Defendant Big Bend is a private non-profit corporation operating pursuant to the laws of the State of Florida, that contracts with Defendant DCF to be the lead provider of foster care services to abused and neglected children in District 2 who are in the legal custody of DCF.

CLASS REPRESENTATION ALLEGATIONS

18. Plaintiffs bring all of their claims for relief on behalf of a class of all children in District 2B who are in the custody of DCF and who are at imminent risk of being forced to live in the office conference room on Jackson Bluff Road in Tallahassee, which is not licensed for such purposes.

19. Plaintiffs bring the claims of the class pursuant to Rule 1.220 (b)(2) of the Florida Rules of Civil Procedure. Every child in the class is directly and adversely at risk of being harmed by the Defendants' actions and decisions to force children to live in an office conference room in an unlicensed facility on Jackson Bluff Road.

20. Maintenance of this action as a plaintiff class action is proper because:

- a. The class is so numerous that separate joinder of each member is impracticable. On any given day, approximately 3500 children are in foster care under DCF's supervision in District 2B. Every night as many as 10 of those children may be living in the conference room. Consequently, hundreds of children are cycled through the conference room in a year. Class members

move frequently and inadequate records are maintained to identify them further, rendering joinder impracticable.

- b. There are questions of law and fact common to plaintiffs' claims, specifically: whether Defendant DCF deprives the plaintiffs of due process of law by failing to comply with Fla. Stat. Ann. §§ 409.165 and 409.175 and U.S. Const. amend. XIV § 1 when it forces children to live in the conference room and fails to ensure that its contracting agency followed applicable placement laws, in violation of Fla. Stat. Ann. § 409.1671 or § 409.175; and whether Defendant Big Bend's placement of the children in an unlicensed facility deprives them of due process of law by violating their rights under U.S. Const. amend. XIV § 1 and Fla. Stat. Ann. §§ 409.165 and 409.175.
- c. The claims of the named Plaintiffs are typical of all other class members in that plaintiffs Susan C., Cindy B., Javier H., and Ayesha G. are all children in the custody of DCF, in District 2B who are at imminent risk of being forced to live in the conference room. Like all of the putative class members, they have complex needs that render it difficult to find them appropriate foster care placements, and they have already lived in multiple places while in foster care.
- d. The named Plaintiffs will fairly and adequately protect and represent the interests of each member of the plaintiff class. They have no interests adverse to the class. Each named Plaintiff appears by and through their Next Friend who is sufficiently familiar with their situation to fairly and adequately represent the children's best interests in this case. Plaintiffs' attorneys have

extensive experience in cases of this nature and adequate resources to vigorously pursue this case.

- e. The maintenance of this action under Florida Rule of Civil Procedure 1.220(b)(2) is proper because the Defendants have acted on grounds generally applicable to the plaintiff class with deliberate indifference to the children's well-being and failed to comply with Florida law and accepted professional child welfare standards in the exercise of competent professional judgment.

FACTUAL ALLEGATIONS

A. General Factual Allegations

21. The named Plaintiffs and the putative class they represent are children in the Florida foster care system who are in the care and custody of the Defendants. Prior to entering Defendants' custody, plaintiffs have suffered abuse and/or neglect at the hands of their parents or caregivers. Many of these children suffer from serious emotional, psychological or cognitive traumas or disabilities. Many of these children also suffer from a variety of medical conditions, including chronic disease, developmental disabilities, or the long-term physical effects of the abuse and neglect they experienced earlier in their lives.

22. The Defendants have not developed or contracted with licensed emergency foster placements that will accept all children in their custody in situations requiring emergency placement.

23. Because the Defendants have failed to develop, operate or contract with sufficient and/or suitable homes for plaintiffs, the Defendants force plaintiffs to live in a conference room.

24. The conference room is located in an office building used by Defendants DCF, Hadi, and Williams to administer economic services, food stamp programs and internal legal services. The office building is located at 3019 Jackson Bluff Road in Tallahassee. It is not a licensed child care or residential facility.

25. The office building is used for administrative purposes from 8 a.m. to 5 p.m. on weekdays. The conference room is equipped with approximately ten long conference tables lined up closely together in four rows, with chairs surrounding them. The conference room does not contain any beds or dressers. There are no recreation areas in the office, nor are there any provisions for privacy in sleeping, dressing or personal grooming. There are no individual sleeping rooms, dining areas or approved areas for food preparation.

26. Defendants DCF, Hadi, and Williams permit Defendant Big Bend to use this office building to house plaintiffs for whom Big Bend has failed to find a licensed placement.

27. Most of the plaintiffs who are forced to live at the facility arrive at the end of workdays around 5 p.m. They stay in the facility until 8 a.m. when the office is needed for business. In the mornings, plaintiffs are transported to take showers at a separate facility under contract to Big Bend, or on occasion to a nearby motel. After showering, they must leave the shelter or motel. Plaintiff children who are not attending school sometimes remain in the office all day with their caseworker. After school hours and on days when school is not in session, plaintiffs who attend school return to the office facility and remain with their caseworkers or are supervised by other caseworkers. On weekends, all of the plaintiff children continue living in the conference room with a caseworker or a babysitter supervising them.

28. While they live in the conference room, plaintiffs of all ages and both sexes sleep together in one large room. There is one air mattress available for whichever child is aggressive

enough to secure it. The others living in the conference room sleep on top of meeting tables or upright in chairs, as there is not enough room on the floor. Plaintiffs often sleep using little more than their clothing or belongings as a cover or pillows. Among other adverse effects, the lack of a sleeping area, basic bedding and sleeping materials prevent plaintiffs from getting adequate sleep, thus affecting their physical and mental health. Defendants' deliberate indifference to children's physical and mental health and well-being contravenes accepted professional standards.

29. On occasion, there are at least ten plaintiffs simultaneously living in the conference room. The plaintiffs living in the conference room together have ranged in age from 7 to 17. Boys and girls are mixed together, and include children who have histories of acting out sexually against other children. The lack of privacy and communal nature of the sleeping arrangements cause emotional harm and a deterioration of the children's mental health. Defendants' deliberate actions and policies expose plaintiffs to the risk of physical, sexual, or emotional injury from older and/or stronger children, and contravene accepted professional standards.

30. The Defendants make no effort to ensure that the plaintiffs' emotional or psychological needs are met while they live in the conference room, although many of the children have serious psychological problems. Mental health counselors are not available for children who are suicidal or suffering from severe emotional problems. Several plaintiffs have entered locked psychiatric facilities after their conference room placement. At least one child attempted suicide while living in the conference room, and Defendants did not provide her with any mental health services prior to the suicide attempt, despite obvious signs of mental distress and a history of suicide attempts and depression. Defendants' failure to provide adequate mental

health care and services to plaintiffs forced to live in the conference room is detrimental to the plaintiffs, causes unnecessary harm and injury, and contravenes accepted professional standards.

31. The plaintiffs lack adequate medical care when they are in the conference room, and there are no provisions for dealing with medical emergencies. Plaintiffs with chronic illnesses are sometimes deprived of needed medication. For example, one child suffered an asthma attack and his inhaler was not at the conference room, a potentially life-threatening situation. Caregivers are not trained to handle severe medical emergencies. Defendants' failure to make provisions for plaintiffs' medical care while children are forced to live in the conference room acts to the detriment of the plaintiffs, jeopardizes their health and safety, causes them unnecessary harm and injury, and contravenes accepted professional standards.

32. Defendants hire a "babysitter" through a local temporary agency to supervise plaintiffs through the night; on some occasions a caseworker will also supervise the children. There may be a different babysitter every night. The Defendants do not have any assurance that this babysitter has any education, training or experience that will equip him or her to deal with plaintiffs. The babysitter has no information about the medical or psychological needs of the plaintiffs he or she supervises, and the babysitter is not necessarily trained in any sort of medical care, including basic first aid. The Defendants' deliberate failure to provide adequately trained and skilled supervision to plaintiff children while they are forced to live in the conference room is detrimental to the plaintiffs, jeopardizes their health and safety, causes them unnecessary harm and injury, and contravenes accepted professional standards.

33. There is no regular food service in the conference room. Provision of food to the plaintiffs is dependent upon who works on a given night. Food is generally provided to the plaintiffs by their individual caseworker before the caseworker leaves the office for the night, or

in some instances by the babysitter at his or her discretion. Food at best consists of pizza or non-nutritious fast food, which is especially detrimental for children with chronic health conditions such as diabetes. Some caseworkers provide children with money to get food out of the snack machine. Defendants' deliberate failure to provide adequate and nutritious meals to plaintiff children in their custody is detrimental to the plaintiffs, causes them unnecessary harm and injury, jeopardizes their health and safety, and contravenes accepted professional standards.

34. There are no planned activities or educational or recreational programs for the plaintiffs while they are in the office. There is no private place for plaintiff children to study or do homework. At night, caseworkers or babysitters may rent movies for the plaintiffs to watch; again, this is within the individual's discretion. The plaintiffs are allowed to stay awake as late at night as they wish; and the television often is left on for the entire night, which makes it difficult for the children to do their homework or get a full night's sleep. Defendants' deliberate actions adversely affect plaintiffs' physical health, their performance at school and thus their ability to get an education, which causes them unnecessary harm and injury and contravenes accepted professional standards.

35. Restrooms are located in the lobby of the office building, and have no showers. If children need or want to clean up, bathe, or shower, they only have the option of going to a local shelter facility in the morning for a shower. On occasion, plaintiffs have been taken to a nearby motel solely to take a shower before school. There are no lockers or other secure locations for plaintiff children to store their clothes or other personal belongings; instead they store their belongings in their caseworkers' offices during the day in garbage bags or laundry baskets.

36. Plaintiffs have been and are at imminent risk of again being forced to live in these conditions for up to two weeks. Defendants' deliberate indifference to plaintiff children's

physical and mental health and general well-being, jeopardizes children's health and safety, causes unnecessary harm, injury and deterioration to the children, and contravenes accepted professional standards.

B. Named Plaintiffs' Factual Allegations

37. Named Plaintiff Susan C., 15, has lived in the conference room on several occasions. Her longest stay lasted almost two weeks and her most recent stay lasted ten days. When Susan lived in the conference room, there were up to ten children staying there with her. Susan has been diagnosed with multiple psychiatric disorders including Post Traumatic Stress Disorder, Dysthymic Disorder, Conduct Disorder, and Oppositional Defiant Disorder. Susan also is asthmatic. She has experienced multiple moves and placements in the nearly 15 years she has been in Defendants' custody. In the absence of appropriate placement options, Susan is at imminent risk of suffering harm by Defendants again forcing her to live in the conference room.

38. Named Plaintiff Cindy B., 13, lived in the office for approximately seven days on one occasion. She is developmentally disabled, has been diagnosed with a number of psychiatric disorders, and has an IQ of 51. Cindy also suffers from enuresis and encopresis (involuntarily and repeatedly wetting and soiling herself). Due to her enuresis and encopresis, Cindy has significant hygiene needs on a continual basis that are not easily met, especially by the limited bathroom facilities at the conference room. She has experienced multiple moves and placements in the eight years she has been in Defendants' custody. In the absence of appropriate placement options, Cindy is at imminent risk of suffering harm by the Defendants again forcing her to live in the conference room.

39. Named Plaintiff Javier H., 17, lived in the conference room on at least two occasions for one night each. On a third occasion in February 2006, DCF workers informed

Javier's counsel that the only available local placement for Javier was in the conference room. Javier is diagnosed with Adjustment Disorder and has a history of inappropriate sexual behavior towards others. He has experienced multiple moves and placements in the time he has been in Defendants' custody. In the absence of appropriate placement options, Javier is at imminent risk of suffering harm by the Defendants again forcing him to live in the conference room.

40. Named Plaintiff Ayesha G., 16, lived in the office for at least one night. Ayesha suffers from psychiatric diagnoses including Attention Deficit/ Hyperactivity Disorder, Mood Disorder, Oppositional Defiant Disorder, and Alcohol-Related Disorder, as well as several different personality disorders. She also suffers from asthma. She has experienced multiple moves and placements in the 15 years she has been in Defendants' custody. In the absence of appropriate placement options, Ayesha is at imminent risk of suffering harm if Defendants again force her to live in the conference room.

C. Defendants' Statutory Obligations

41. Under a state policy enacted "to increase the level of safety, security and stability of children who are or become the responsibility of the state," DCF can delegate some of its authority to provide foster care services to a private, contracted agency. Fla. Stat. Ann. §§ 409.1671(1)(f)(1) and 409.1671(1)(f)(2)(a).

42. A private contracted agency that takes on DCF's obligation to provide foster care services must comply with statutory and regulatory requirements. Fla. Stat. Ann. § 409.1671(5)(a). This includes the requirement that the private service provider must license all placement facilities that the agency operates or utilizes.

43. DCF retains responsibility for “the quality of contracted services and programs” and must ensure that services are delivered in accordance with state and federal law. Fla. Stat. Ann. § 409.1671(2)(a).

44. Florida law does not permit DCF or its contracted agencies to place children in an unlicensed facility, such as an office or conference room. Fla. Stat. Ann. § 409.165(3).

45. In addition to its other obligations, DCF is responsible for enforcing licensing standards regulating conditions in family foster homes, residential child-caring agencies and child-placing agencies. Fla. Stat. Ann. § 409.175(1)(a). In order to “protect the health, safety and well-being” of dependent children, DCF must create procedures to ensure that providers adhere to its requirements. The laws give DCF a variety of tools, both administrative and legal, to enforce licensing requirements. Fla. Stat. Ann. §§ 409.175(9)-(13).

CLAIMS FOR RELIEF

Count One

Failure to Comply with Florida Statutes: Defendants DCF, Hadi and Williams Writ of Mandamus

46. Plaintiffs reallege and incorporate by reference as if fully set forth herein the allegations contained in paragraphs 1 through 45.

47. Defendants DCF, Hadi, and Williams violate the plaintiffs’ rights under Fla. Stat. Ann. § 409.1671(2)(a) by failing to ensure that services are delivered in accordance with applicable state statutes and regulations when contracting for the delivery of foster care and related services. Specifically, these Defendants have failed to ensure that children are placed only in licensed facilities as required under Fla. Stat. Ann. § 409.1671(5)(a).

48. Plaintiffs meet the writ of mandamus requirements. They have a clear legal right to the performance of Defendants' clear legal duty. DCF, Hadi, and Williams do not have discretion with regard to complying with this statute. Plaintiffs have no adequate remedy at law.

Count Two
Violation of Plaintiffs' Substantive Due Process Rights Pursuant to 42 U.S.C. §1983
Defendants DCF, Hadi, and Williams
Injunction

49. Plaintiffs reallege and incorporate by reference as if fully set forth herein the allegations contained in paragraphs 1 through 45.

50. Named Plaintiffs and the class they seek to represent are in Defendant DCF's legal custody, and as such they are wholly dependent upon the government and the government's contracted agencies for all aspects of their health and well-being. Defendants DCF, Hadi, and Williams are obligated under the Due Process Clause of the Fourteenth Amendment of the U.S. Constitution to ensure that children in their foster care system have safe living conditions and a placement that protects them from unnecessary harm, injury or deterioration, and neither contravenes accepted professional standards nor undermines, impairs, or adversely affects their well-being, health, development, or education. Defendants DCF, Hadi, and Williams' deliberate indifference to the rights and serious needs of plaintiffs and these Defendants' pattern and practice of failing to exercise competent professional judgment has directly and proximately caused Plaintiffs and the class they seek to represent to be deprived of safe and licensed placements that meet their basic needs. Defendants DCF, Hadi, and Williams' violations of the rights of plaintiffs pursuant to 42 U.S.C. § 1983 and U.S. Const. amend. XIV § 1 have resulted in serious physical, mental and psychological injuries to plaintiffs.

51. Plaintiffs also meet the requirements for an injunction. Plaintiffs and the putative class have suffered and/or are at imminent risk of suffering irreparable harm unless the law is

obeyed. Defendants do not normally inform children's appointed counsel before the children are sent to live in the unlicensed conference room. Plaintiffs have a clear legal right to live in a licensed placement as provided in Fla. Stat. Ann. § 409.1671(5)(a). There is no remedy at law, and there is a substantial likelihood that Plaintiffs will succeed on the merits.

Count Three
Failure to Comply with Florida Statutes: Defendant Big Bend
Writ of Mandamus

52. Plaintiffs reallege and incorporate by reference as if fully set forth herein the allegations contained in paragraphs 1 through 45.

53. Defendant Big Bend, as a contracted private agency, violates the plaintiffs' rights under Fla. Stat. Ann. §§ 409.175(4)(c), (12)(a)(1) and § 409.1671(5)(a) by forcing children to live in the office conference room at 3019 Jackson Bluff Road, a facility without a valid license.

54. Big Bend is a private corporation operating on a contractual basis on behalf of DCF. As a community-based agency contracting with DCF to provide foster care and related services, Big Bend must comply with statutory requirements and agency rules in the provision of contractual services. Fla. Stat. Ann. § 409.1671(5)(a). This includes the requirements that DCF and its contracted agencies license all placement facilities and only place children in licensed facilities. Fla. Stat. Ann. § 409.1671(2)(a).

55. Plaintiffs meet the requirements to obtain a writ of mandamus against Big Bend, a contractual agent of the state engaged in a traditional governmental function. The children have a clear legal right to live in a licensed placement. Big Bend has no discretion with regard to the statutory requirement that all children be placed in licensed facilities. Plaintiffs have no adequate remedy at law.

Count Four
Violation of Plaintiffs' Substantive Due Process Rights Pursuant to 42 U.S.C. §1983
Defendant Big Bend
Injunction

57. Plaintiffs reallege and incorporate by reference as if fully set forth herein the allegations contained in paragraphs 1 through 45.

58. When Defendant Big Bend, as a contracted private agency providing a traditional governmental service and state actor, sends children to live in the office conference room at 3019 Jackson Bluff Road in violation of the statutory requirements under Fla. Stat. Ann. §§ 409.1671(5)(a), 409.175(4)(a) and 409.175(12)(a)(1), Big Bend violates the plaintiffs' rights pursuant to the Due Process Clause of the Fourteenth Amendment of the U.S. Constitution to have safe living conditions and a placement that protects them from unnecessary harm, injury or deterioration, and neither contravenes accepted professional standards nor undermines, impairs, or adversely affects their well-being, health, development, or education.. Big Bend's deliberate indifference to the rights and serious needs of plaintiffs in their custody and pattern and practice of failing to exercise competent professional judgment have directly and proximately deprived named Plaintiffs and the class they seek to represent of safe and licensed placements that meet their basic needs. Big Bend's violations of plaintiff children's rights have resulted in and create imminent risk of serious physical, mental and psychological injuries.

59. Plaintiffs also meet the requirements for an injunction against Big Bend. Plaintiffs are at imminent risk of suffering irreparable harm unless the law is obeyed. Defendants do not normally inform children's appointed counsel before the children are sent to live in the unlicensed conference room. They have a clear legal right to live in a licensed placement pursuant to Florida law. There is no adequate remedy at law, and there is a substantial likelihood that Plaintiffs will succeed on the merits.

RELIEF REQUESTED

WHEREFORE, the plaintiffs request this court to:

60. Assert jurisdiction over this matter;
61. Certify this matter as a plaintiff class action pursuant to Fla. R. Civ. P. 1.220;
62. Declare that Defendants DCF, Hadi, and Williams violate the plaintiffs' rights by:
 - a. Failing to comply with Fla. Stat. Ann. §§ 409.1671(2)(a) when Defendants fail to ensure that a contracting private agency obey the Florida Statutes, specifically sections Fla. Stat. Ann. §§ 409.1671 *et seq*, 409.175 *et seq*, and 409.175 *et seq*, requiring that all residential facilities be licensed, and
 - b. Failing to comply with U.S. Const. amend. XIV § 1 when they do not ensure that children in the foster care system are placed only in safe living environments pursuant to state statute;
63. Issue a writ of mandamus and/or injunction ordering Defendants DCF, Hadi, and Williams to comply with Fla. Stat. Ann. § 409.1671(2)(a) and ensure that their contractors who provide foster care services only place children in licensed facilities as required under Fla. Stat. Ann. §§ 409.1671(5)(a), 409.175(4)(a), and 409.175(12)(a)(1);
64. Enjoin Defendants DCF, Hadi, and Williams from violating the plaintiffs' rights pursuant to U.S. Const. amend. XIV when they fail to ensure that children in their custody are placed in safe and licensed living environments, and require Defendants to instead ensure that children are placed in accordance with state and federal law and reasonable professional judgment;
65. Declare that Defendant Big Bend violates the plaintiffs' rights by:

- a. Failing to comply with Fla. Stat. Ann. §§ 409.1671(5)(a), 409.175(4)(a); and 409.175(12)(a) when it forces children to live in the office conference room at 3019 Jackson Bluff Road and uses the conference room as an unlicensed placement, and
- b. Failing to comply with U.S. Const. amend. XIV § 1 when it places children in unsafe living environments;

66. Issue a writ of mandamus and/or injunction ordering Big Bend to cease using the office conference room at 3019 Jackson Bluff Road as an unlicensed facility and to place children only in properly licensed foster homes or facilities as required under Fla. Stat. Ann. §§ 409.1671(5)(a), 409.175(4)(a), and 409.175(12)(a)(1);

67. Enjoin Big Bend from violating the plaintiffs' rights pursuant to U.S. Const. amend. XIV by failing to place them in safe living environments in accordance with state and federal law and reasonable professional judgment, and require Big Bend to instead place children only in constitutionally adequate and licensed placements;

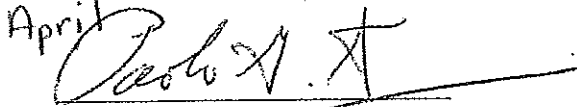
68. Award Plaintiffs reasonable attorneys' fees and costs pursuant to 42 U.S.C. §§ 1988 and 1920; and,

69. Grant such other and further equitable relief as this Court finds just, necessary and proper to protect Plaintiffs and putative class members from further harm by Defendants.

I, David Abrams, state that the alleged facts are true and correct.


David Abrams

Respectfully submitted, this the ~~31st~~^{31st 4th} day
of ~~March~~, 2006.


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Medi-Cal for Youth in the Juvenile Justice System: Resource List

Barnoski, Robert, Washington State Institute for Public Policy, Outcome Evaluation of Washington State's Research-Based Programs for Juvenile Offenders (January 2004).

<http://www.wsipp.wa.gov/rptfiles/04-01-1201.pdf>

California Health Care Foundation

The Guide to Medi-Cal Programs (2005)

<http://www.chcf.org/topics/medi-cal/index.cfm?itemID=20387>

Medi-Cal Facts and Figures (January 2004)

<http://www.chcf.org/documents/policy/MediCalFactsAndFigures.pdf>

County specific information

<http://www.chcf.org/topics/medi-cal/index.cfm?subsection=countydata>

California Institute of Mental Health

<http://www.cimh.org/home/index.cfm>

CIMH Juvenile Justice Mental Health Guide Series

http://www.cimh.org/research/child_wright_juvenile_guide.cfm

CIMH Juvenile Justice Mental Health Regional Training Materials

http://www.cimh.org/research/child_wright_juvenile_training.cfm

California Mental Health Director's Association

<http://www.cmhda.org>

California Mental Health Director's Association, Chief Probation Officers of California, and United Advocates for Children of California, Multi-Association Joint Committee, The Mental Health Services Act (Proposition 63) and Juvenile Justice Youth, (2004).

http://www.cmhda.org/documents/MAJC_Prop%2063_Recomm_12-16-04.doc

Chief Probation Officers of California

<http://www.cpoc.org>

Fight Crime Invest in Kids

<http://www.fightcrime.org>

From Promise to Practice: Mental Health Models that Work for Children and Youth (*click on California, From Promise to Practice*)

Health Consumer Alliance

<http://healthconsumer.org>

Overview of the Medi-Cal System (2002)

<http://healthconsumer.org/Medi-CalOverview.pdf>

Health Care Rights of Children in Foster Care and Other Children Living
Away From Home

<http://healthconsumer.org/cs043FosterCareRights.pdf>

Medi-Cal for Children Turning 18 While in Foster Care

<http://healthconsumer.org/cs036Fostercare.pdf>

Medi-Cal Eligibility Flow Charts

<http://healthconsumer.org/cs041Medi-CalFlowChart.pdf>

Healthy Families Program

CDHS <http://www.healthyfamilies.ca.gov/hf/hfhome.jsp>

CMS <http://www.cms.hhs.gov/schip/stateplans/state.asp?state=ca>

Institute for Research on Children and Families, Code Blue: Health Services for
Children in Foster Care (1998).

<http://www.dhs.ca.gov/org/pcf/cms/hcpcf/c/pdf/codeblue.pdf>

Medi-Cal Aid Codes

<http://www.dhs.ca.gov/mcss/GeneralInfo/Aid%20Codes%20Documentation%20full.pdf>

Medicaid

CMS (federal)

<http://www.cms.hhs.gov/medicaid>

CMS California (federal)

<http://www.cms.hhs.gov/medicaid/state.asp?state=CA>

National Center for Mental Health and Juvenile Justice

<http://ncmhjj.com>

United States House Of Representatives, Committee on Government Reform-
Minority Staff, Special Investigations Division

Incarceration of Youth Who Are Waiting for Community Mental Health
Services in the United States

<http://hsgac.senate.gov/files/070704juvenilerpt.pdf>

Incarceration of Youth Who Are Waiting for Community Mental Health
Services in California

<http://www.democrats.reform.house.gov/Documents/20050124112914-80845.pdf>

Youth Law Center

www.ylc.org