

March 22, 2022 - Agreement Reached On New Jersey Plan to Exit Decades-Old Child Welfare Lawsuit

AGREEMENT REACHED ON NEW JERSEY PLAN TO EXIT DECADES-OLD CHILD WELFARE LAWSUIT State and Plaintiffs Agree that Children and Families are Well Served by Transformed System

TRENTON – Governor Phil Murphy today announced that a motion to end federal oversight of the Department of Children and Families under a settlement agreement initiated by Charlie and Nadine H. vs. Whitman has been jointly presented to the federal court by the state and an attorney representing the plaintiffs.

“This agreement signifies the meaningful progress the Department of Children and Families has made in fulfilling its duties to protect and support children and families throughout our state,” said **Governor Phil Murphy**. “Today’s Department does the important work it was always meant to do by prioritizing the rights and well-being of the vulnerable children in its care. I am grateful the critical reforms our state has made on behalf of New Jersey children have been recognized in this agreement.”

“Today’s achievement is the result of more than two decades of reforms and transformation initiated and implemented by a workforce committed to helping New Jersey’s families be safe, healthy and connected,” said DCF Commissioner **Christine Norbut Beyer**. “Now, the Department of Children and Families is a nimble, data-driven, prevention-focused, and family-centric agency, as well as a national leader in child welfare and family well-being best practice.”

The lawsuit was a civil rights class action initiated over two decades ago, on behalf of siblings Charlie and Nadine H. and all children in care, citing the “defendants’ systemic failure to protect these children and provide them and their families with legally required services, [which] jeopardized their health and safety, and subjected them to significant harm in violation of their rights under the United States Constitution and federal statutes.”

The parties to the lawsuit have now jointly developed an Exit Plan and Agreement that acknowledges the state’s considerable progress in working toward compliance with the Settlement Agreement, and to support its continued efforts to promote better outcomes for children in foster care in New Jersey.

“Today’s Agreement and proposed Exit Plan is due to work carried out over many years by talented and dedicated state leaders to create a child welfare system that protects children, preserves families and promotes the well-being of New Jersey’s children and families,” said Judith Meltzer, President of the Center for the Study of Social Policy and court-

appointed Monitor. “The proposed Exit Plan and Agreement memorializes many of the original Settlement Agreement’s commitments, foundational elements and dedication to quality improvement into proposed state legislation.”

“We are very happy with the enormous progress the state agency has made over the years in reforming all aspects of the child welfare system under the guidance of the federal court order,” said Marcia Robinson Lowry, executive director of A Better Childhood, the attorney who brought the lawsuit and who has overseen the developments in the case. “The state has taken the requirements of the lawsuit and expanded them in an overall structure for a very well-functioning child welfare system, and we are proud of the achievements reached for the children and families of the state.”

The Exit Plan and Agreement acknowledges the successful observance or fulfillment of 55 points of progress and metrics, while highlighting the state’s strong performance during the COVID-19 public health emergency. It also outlines priority provisions for the state to adhere to during its final monitoring period, January 2022 through June 2022, and a subsequent transition period.

Assuming no performance concerns from the court or monitor, the parties can petition for an order approving the settlement of the lawsuit and setting a fairness hearing to finalize the exit from federal oversight on or about December 30, 2022.