

AG Fitch Announces Filing to End Court Control Over Child Welfare

Lynn Fitch

(Jackson, Mississippi) Today, Attorney General Lynn Fitch announced that the State had filed [motions](#) in the U.S. District Court for the Southern District of Mississippi to end federal court oversight of the State's child welfare system that resulted from the 2004 *Olivia Y.* lawsuit.

As noted in [one filing](#):

For decades, institutional reform litigation has purportedly sought to effect systemic improvements in child welfare agencies across the country. Over time, though, the focus of institutional reform cases—like this action—has improperly evolved. Time and resources that would be better spent on developing and sustaining a competently administered system focused on the best interests of the children is expended on data collection and legal bills that sustain the institutional reform litigation cottage industry. The recent history of this very case proves this point: The greatest strides in institutional reform here in the 22 years since this case was filed have been accomplished when the settlement agreement and reform plan have been suspended and Defendants could turn their attention to the system's true purpose—meeting the needs of Mississippi children, not those of self-interested professional plaintiffs.

The State was sued in 2004, the parties settled in 2007, and a settlement agreement and reform plan has been in place since 2008. The volume of documents produced by the State pursuant to that agreement ballooned from 6,303 pages in 2018 to 71,845 pages in 2020, plus supporting spreadsheets and data files. The State has spent more than \$25 million in legal fees for this case, including more than \$8 million to the plaintiffs' attorneys and the court-appointed monitor.

Since 2021, the 2nd Modified Settlement Agreement has been suspended, allowing the State to pursue reforms rather than meet burdensome administrative requirements of the court-appointed monitor. Systemic improvements accomplished during the suspension include:

- An average caseload of 11.3 cases per caseworker, down from the average of more than 100 per caseworker alleged in the lawsuit;
- Establishment of the Mississippi Academic Pathways Scholarship and a partnership with accredited social work programs at 8 universities to provide a pipeline of qualified social workers to CPS;
- A reduction in case-carrying turnover from nearly 30% in 2020 to 23.2% in 2025;
- A Foster Parents' Bill of Rights and Responsibilities, assisting in recruitment and retention of foster families;
- A joint proclamation with the Administration for Children and Families to expand foster homes, increase kinship placements, and strengthen prevention services;

- A net gain of 136 licensed non-relative foster homes between July 2024 and February 2026;
- An increase in adoption subsidies to 75% of the corresponding foster care board rate;
- Amendment of the definition of “kinship” to include fictive kin with a familial bond with the child(ren) to allow for board payments for fictive kin guardianship placements;
- Alignment of foster home licensing policies with the National Licensing Standards;
- Amendment of the definition of “neglected child” to exclude a failure to provide food, clothing, or shelter caused primarily by financial inability unless relief services have been offered and refused and the child is in imminent risk of harm;
- A 2022 Agreement with Youth Villages to implement an Intercept Services program, which has served 1,830 youth with family intervention strategies and parent skill development;
- Partnership with local school districts and establishment of a new statewide collaboration with the Department of Health for children in custody to receive Early and Periodic Screening, Diagnostic, and Treatment and comprehensive exams at school-based clinics and local Health Departments;
- A public-private partnership with Canopy CARES Center for youth under the care of CPS and the Department of Mental Health;
- The 2023 Pathway to Permanency Act, which made CPS a necessary party at all stages of youth court proceedings, and established termination of parental rights and adoption proceedings as priority cases;
- A pilot program demonstrating the reduction in time a child spends in custody when CPS is represented in all stages of legal proceedings;
- Replacement of the technology infrastructure with the federally compliant Comprehensive Child Welfare Information System, known as Pathways;
- Year-over-year increases in state general fund appropriations to CPS, from \$111,828,255 in SFY 2022 to \$140,814,395 in SFY 2027; and
- A 14% increase in federal fund drawdown, translating into an additional \$11,900,000 in federal reimbursement.

While the matter remains in active litigation, the Attorney General’s Office will not comment and will speak through our legal filings.

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