



ABOUT THE PLAINTIFFS

Plaintiffs in *Kevin S. v. Jacobson* are 13 foster children and non-profit organizations Disability Rights New Mexico and Native American Disability Law Center. They are bringing this case on behalf of a class of trauma-impacted children and young people currently in the custody of New Mexico's child welfare system to ensure that New Mexico's state officials responsible for administering the child welfare system fulfil their legal duties.

Kevin S. is a fourteen-year-old Latino youth from Bernalillo County who entered CYFD custody in 2009 due to physical abuse, sexual abuse and neglect. Kevin S. has experienced multiple forms of trauma, including repeated childhood sexual abuse by his mothers' partners, physical abuse, exposure to domestic violence, neglect and separation from a caregiver.

Kevin S. has been cycled through at least eleven placements during his two times in state custody. In 2016, Kevin S. was placed in an emergency youth shelter for approximately one week and then spent two nights sleeping in the CYFD office, which lacks a formal sleeping space and shower. Due to CYFD staff not being equipped to securely monitor children in the office overnight, Kevin S. was able to run away and was found dodging in and out of traffic. CYFD sent Kevin S. to a residential treatment center in Colorado, where Kevin S. was repeatedly harmed by both staff and other residents under CYFD's supervision. Kevin S. was restrained multiple times a week for substantial periods of time by staff. He was also repeatedly harmed by other children at the center, receiving black eyes and other facial wounds. Even though CYFD received multiple reports detailing how Kevin S. had been repeatedly harmed by both staff and other residents, it kept Kevin S. at this placement for a year. Due to CYFD's inability to secure a single placement in New Mexico, CYFD subsequently sent Kevin S. to another out-of-state residential treatment center, this time in Utah. Even though Kevin S. has been in this placement for months, his CYFD Permanency Planning Worker still has not visited him.

For more information, see pages 11-12 of the complaint.

Chris W. is a fourteen-year-old African-American child from Torrance County who entered CYFD custody in April 2016 when his mom died of asthma. Chris W.'s father has been in and out of prison and is currently incarcerated. Chris W. has been diagnosed with post-traumatic stress disorder, behavioral dysregulation, oppositional defiant disorder, intermittent explosive disorder and additional trauma-related disorders, among other diagnoses. Despite his exposure to repeated and sustained trauma and his diagnoses, Chris W. has not received adequate mental and behavioral health services while in CYFD custody.

CYFD separated Chris W. from his siblings and cycled him through several placements, including another foster home, multiple short-term shelters and a residential treatment center. After leaving the residential treatment center, Chris W. was cycled through four placements, including multiple short-term youth shelters. When the treatment foster home notified CYFD that it was going to discharge Chris W. due to behavioral issues, CYFD could not identify a single placement in New Mexico that would accept Chris W. Chris W. ran away and went missing for nearly a month. After Chris W. was found, only one placement in New Mexico, a residential treatment center in Albuquerque, accepted Chris W.'s application for placement. Within a month he was thrown out of that facility, housed in a juvenile detention center and is currently out of state in a treatment center in Arizona.

For more information, see pages 12-14 of the complaint.

Jennifer H. is a bi-racial 17-year-old from Socorro County who first entered CYFD custody in May of 2014 due to emotional abuse by her grandmother. In August of 2014, Jennifer H. was returned to her grandmother, who then asked that she be placed back in CYFD custody in September of 2016. Jennifer H.'s father is deceased, and her mother does not have a consistent presence in Jennifer H.'s life.



Jennifer H. has experienced multiple forms of trauma, including emotional abuse, alleged sexual abuse, death of a parent, and separation from a caregiver. She has been diagnosed with post-traumatic stress disorder, depression, anxiety, and oppositional defiant disorder.

Jennifer H. has not received adequate medical, mental, and behavioral health services to which she is entitled through Medicaid while in CYFD custody. Although a psychological evaluation stated that she needed targeted analytic behavior therapy and structured peer interactions, CYFD has repeatedly placed her in unstructured environments that have resulted in her running away. CYFD has cycled Jennifer H. through at least nine placements since she entered CYFD custody in 2016, including a shelter and multiple residential treatment centers, treatment foster care placements, multiple foster homes, and children's psychiatric centers. In one foster home, Jennifer H. alleged she was the victim of sexual abuse from her foster father. After she alleged sexual abuse, CYFD was unable to identify a single placement that would accept Jennifer H. CYFD's "solution" was to remove Jennifer H. from New Mexico and send her to a residential treatment center approximately one thousand miles away in Missouri.

For more information, see pages 14-15 of the complaint.

Diana D. is a sixteen-year-old from San Juan County who is enrolled with the Navajo Nation and is covered by the Indian Child Welfare Act ("ICWA"). For most of Diana D.'s life, her mother has struggled with substance abuse and chronic homelessness. As a result, Diana D. has spent much of her life in a shelter for homeless youth in Farmington, New Mexico. Diana D. entered CYFD custody in 2016.

Diana D. has experienced multiple forms of trauma, including substance abuse and neglect by her mother, sexual abuse by an older brother, chronic homelessness, consistent bullying at school, and separation from a caregiver. As a result of the repeated and sustained trauma that Diana D. has experienced, Diana D. has trouble regulating her emotions, making decisions, focusing, interpreting cues from others, sleeping, eating, accepting change, and forming trusting relationships with peers or adults. During her time in CYFD custody, Diana D. has been diagnosed with post-traumatic stress disorder, disruptive mood dysregulation disorder, recurrent major depressive disorder with severe psychotic symptoms, bipolar 1, an eating disorder, complex neurodevelopmental trauma, and borderline personality traits.

Despite her diagnoses and exposure to repeated and sustained trauma, Diana D. has not received adequate medical, mental, and behavioral health services to which she is entitled through Medicaid while in CYFD custody. She did not receive any services until she had been in CYFD custody for over a month, and she waited over a year and a half for a neuropsychological evaluation. Diana D. has gone weeks at a time without any services, and had three different therapists within the first two months of her most recent residential treatment center placement. Within a one-year period, she has been prescribed at least nine different psychiatric medications by physicians at six placements and additional medications to address medication-induced symptoms.

Since Diana D. entered CYFD custody in October 2016, CYFD has cycled her through at least eleven placements, including a crisis shelter, various hospitals, a treatment foster care, and residential treatment centers. In violation of ICWA's list of preferential placements, none of CYFD's placements for Diana D. have been with a Navajo foster family or other Native American care provider.

When Diana D. entered CYFD custody, she cracked jokes, enjoyed socializing, was open and communicative with her Youth Attorney and participated actively in team treatment meetings. After nearly two years in CYFD custody, Diana D. is mostly uncommunicative in team treatment meetings and avoids speaking of her past.

Due to multiple placements, placements with inadequate educational opportunities, and CYFD's failure to inform placements of Diana D.'s special education needs, Diana D.'s education has suffered. Diana D. did not earn a single high school credit for months at one of her placements, a residential treatment center. At her current placement, another residential treatment center, Diana D. was provided with limited instruction in a basement because she was not accepted into the facility's charter school, which uses a lottery system. Diana D. received 5.5 high school



credits as a ninth grader. Even though this instruction is provided on the grounds of the residential treatment center, Diana D. is subject to a daily “blanket search”: every day after school, she is required to strip down to her underwear behind a blanket so that her clothes can be searched before returning to her unit. In addition to being deprived of an adequate school setting, it is unclear whether Diana D. is being provided with special education services.

For more information, see pages 15-19 of the complaint

Brian J. is a Latino thirteen-year-old from Bernalillo and Valencia Counties. He entered CYFD custody in May 2017 with his two brothers after a CYFD safety plan failed to prevent them from being physically abused. His father has been incarcerated for the majority of the past ten years as a result of multiple domestic violence convictions for abusing Brian J., his brothers, and their mother.

Brian J. has experienced multiple forms of trauma, including physical abuse by multiple family members, exposure to domestic violence, living with a caregiver with untreated mental health challenges, and separation from a caregiver due to incarceration. As a result, Brian J. has difficulty concentrating, responding appropriately to redirection, self-regulating emotionally, and understanding and complying with directives. Brian J. has also been diagnosed with attention-deficit/hyperactivity disorder, conduct disorder, specific learning disorder (with moderate to severe impairment in reading, written expression, and arithmetic), adjustment disorder with anxiety, sibling relational problems, and borderline intellectual functioning.

Despite his exposure to trauma and his diagnoses, Brian J. has not received adequate medical, mental, and behavioral health services to which he is entitled through Medicaid while in CYFD custody. Brian J. did not receive a comprehensive psychological evaluation until he had been in custody for eleven months. This evaluation recommended that Brian J. meet with a child psychiatrist for a medication evaluation, but none has been provided. The only mental health support that Brian J. received during his entire first year in CYFD custody was a few weeks of therapy that Brian J.’s aunt secured without the assistance of CYFD.

CYFD has cycled Brian J. through five placements since he entered CYFD custody approximately sixteen months ago. Due to the absence of placements in Brian J.’s hometown, he and his brothers were first sent to a foster home approximately one hour away. After three weeks, with no prior notice to their Guardian ad Litem, the brothers were moved over two hundred miles away to a youth shelter in Farmington, New Mexico, where they stayed for approximately three weeks. Due to CYFD’s failure to secure a placement closer to the boys’ mother and failure to provide adequate transportation, they were unable to have any visits with their mother while they stayed in Farmington. CYFD then placed the boys with their paternal aunt near the first foster placement. Because Brian J. did not receive adequate mental or behavioral health services and his aunt did not receive adequate foster parent support, his aunt requested multiple times that Brian J. be removed on an emergency basis. Due to CYFD’s delay in appropriately responding to this request and failure to identify any appropriate and safe alternative placement, CYFD separated Brian J. from his siblings and placed him with his mother in Valencia County, over the objection of his Guardian ad Litem that this placement would be detrimental to Brian J.’s safety and well-being. While Brian J. was placed with his mother, CYFD failed to provide Brian J. and his mother with appropriate in-home supports and family counseling services to address both of their mental health needs. After about seven weeks with his mother, Brian J. was removed again and placed in a runaway youth shelter in Albuquerque, where he stayed for ten weeks. CYFD did not identify an in-state therapeutic placement option for Brian J. He was accepted into residential treatment in Utah. With no appropriate in state therapeutic placement options, Brian J. was placed at home with his mother again.

Brian J. exhibited positive behaviors at his first placement but, due to the denial of necessary services, he began to exhibit defiance, physical aggression, violent outbursts, and a lack of age-appropriate behavioral controls. Brian J.’s behavioral changes resulted in multiple school suspensions. CYFD also failed to ensure that Brian J., who has had an IEP for years, was provided special education support. For multiple months, CYFD made no attempt to determine his educational needs.



For more information, see pages 19-21 of the complaint

Elliot J. is a Latino fourteen-year-old from Bernalillo and Valencia Counties. He entered CYFD custody in May 2017 with his two brothers after a CYFD safety plan failed to prevent them from being physically abused. His father has been incarcerated for the majority of the past ten years as a result of multiple domestic violence convictions for abusing Elliot J., his brothers, and their mother.

Elliot J. has experienced multiple forms of trauma, including physical abuse by multiple family members, exposure to domestic violence, living with a caregiver with untreated mental health challenges, and separation from a caregiver due to incarceration. As a result, Elliot J. sometimes exhibits behavioral challenges, including outbursts, and he has tried to run away. Elliot J. has difficulty regulating his emotions, concentrating, staying engaged, expressing himself verbally, and exhibiting age-appropriate behavioral controls. Elliot J. has also been diagnosed with attention-deficit/hyperactivity disorder, an intellectual development disorder, language disorder with speech/language impairment, unspecified neurodevelopmental disorder, sibling relational problems, and parent-child relational problems. He takes prescribed medication for ADHD.

Despite his exposure to repeated and sustained trauma and his diagnoses, Elliot J. has not received adequate medical, mental, and behavioral health services to which he is entitled through Medicaid while in CYFD custody. Elliot J. did not receive a comprehensive psychological evaluation until he had been in CYFD's custody for eleven months. The only mental health support that Elliot J. received during his entire first year in CYFD custody was a few weeks of therapy that Elliot J.'s aunt secured without the assistance of CYFD. CYFD failed to follow up on Elliot J.'s needed services and he was not re-enrolled in counseling for four months. The new therapy was also secured by Elliot J.'s aunt without the assistance of CYFD.

CYFD has cycled Elliot J. through four placements since he entered CYFD's custody in May 2017. Due to the absence of placements in Elliot J.'s hometown, he and his brothers were first sent to a foster home approximately one hour away. Due to inadequate services, support, and supervision at this placement, Elliot J. experienced significant behavioral challenges and attempted to run away. After three weeks, with no prior notice to their Guardian ad Litem, the brothers were moved over two hundred miles away to a youth shelter in Farmington, New Mexico, where they stayed for approximately three weeks. Due to CYFD's failure to secure a placement closer to the boys' mother and failure to provide adequate transportation, they were unable to have any visits with their mother while they stayed in Farmington. CYFD then placed the boys with their paternal aunt near their first foster placement. Due to insufficient support by CYFD, the paternal aunt chose to stop serving as a foster parent after ten and a half months as the brothers' placement, and Elliot J. and his brother Michael J. were removed from her home and placed back with their mother.

CYFD also failed to ensure that Elliot J., who has had an IEP for years, was provided special education support. For several months, CYFD made no attempt to determine his educational needs.

For more information, see pages 22-23 of the complaint

Michael J. is a twelve-year-old Latino child from Bernalillo and Valencia Counties. He entered CYFD custody in May 2017 with his two brothers after a CYFD safety plan failed to prevent them from being physically abused. His father has been incarcerated for the majority of the past ten years as a result of multiple domestic violence convictions for abusing Michael J., his brothers, and their mother.

Michael J. has experienced multiple forms of trauma, including physical abuse by multiple family members, exposure to domestic violence, living with a caregiver with untreated mental health challenges, and separation from a caregiver due to incarceration. As a result of sustained and repeated exposure to trauma, Michael J. struggles with self-confidence and task-avoidance. He also avoids disclosing abuse in order to not disrupt placements. Michael J. has been diagnosed with adjustment disorder, sibling relational problems, parent-child relational problems, and specific learning disorders with impairments in written expression and arithmetic.



Despite his diagnoses and exposure to repeated and sustained trauma, Michael J. has not received adequate medical, mental, and behavioral health services to which he is entitled through Medicaid while in CYFD custody. Michael J. did not receive a comprehensive psychological evaluation until he had been in custody for eleven months. This evaluation noted an adequate prognosis for Michael J., if provided with “ample support and guidance.” CYFD has failed to provide this. The only mental health support that Michael J. received during his entire first year in CYFD custody was a few weeks of therapy that Michael J.’s aunt secured without the assistance of CYFD. CYFD failed to follow-up on Michael J.’s needed services, and he was not re-enrolled in counseling for four months. The new therapy was also secured by Michael J.’s aunt without the assistance of CYFD.

CYFD has cycled Michael J. through four placements since he entered CYFD custody in May 2017. Due to the absence of placements in Michael J.’s hometown, he and his brothers were first sent to a foster home approximately one hour away. After three weeks, with no prior notice to their Guardian ad Litem, the brothers were moved over two hundred miles away to a shelter in Farmington, New Mexico, where they stayed for approximately three weeks. Due to CYFD’s failure to secure a placement closer to the boys’ mother and failure to provide adequate transportation, they were unable to have any visits with their mother while they stayed in Farmington. CYFD then placed the boys with their paternal aunt near the first foster placement. Due to insufficient support by CYFD, the paternal aunt chose to stop serving as a foster parent after ten and a half months as the brothers’ placement, and Michael J. and his brother Elliot J. were removed from her home and placed back with their mother.

CYFD also failed to ensure that Michael J., who has had an IEP for years, was provided special education support, and CYFD made no attempt to determine his educational needs for several months.

For more information, see pages 23-25 of the complaint

Olivia L. is a thirteen-year-old Hispanic child from Bernalillo County. She entered CYFD custody for the second time in 2016 due to sexual abuse by her mother’s partners and physical abuse and neglect by her mother. Her father is deceased. Olivia L. has experienced multiple forms of trauma, including sexual and physical abuse, multiple rapes, neglect, death of a parent and separation from caregivers. As a result of repeated and sustained trauma, Olivia L. experiences severe and chronic flashbacks and self-harming behaviors, including cutting. In spite of Olivia L.’s exposure to trauma, CYFD has failed to provide adequate mental and behavioral health services.

Since Olivia L. re-entered CYFD custody in August 2016, CYFD has cycled her through seven placements, including a treatment foster care placement, psychiatric hospital, relative placement, multiple short-term shelters and a residential treatment center. CYFD first placed Olivia L. in a treatment foster care placement from August 2016 to March 2017. CYFD removed Olivia L. when she was found cutting herself and using substances and sent her to the Children’s Psychiatric Hospital for acute care, where she stayed for several months. While living at the hospital, Olivia L. only received one or two sessions of family therapy before she was discharged to her aunt. Olivia L.’s aunt repeatedly requested support services from CYFD but received none. After less than one month, Olivia L.’s aunt requested that she be removed. Olivia L. was then cycled through multiple short-term shelters, where she was raped by two adults. She has subsequently been moved to a series of residential treatment center and treatment foster care placements.

For more information, see pages 25-26 of the complaint

Matty B. is a white ten-year-old from Tarrant County who entered CYFD custody with his two brothers in November 2016 due to neglect. Matty B. has experienced multiple forms of trauma, including neglect, sexual abuse, witnessing domestic violence, witnessing the sexual abuse of his sister, living with caregivers with substance abuse and significant mental health challenges, and witnessing the death of his sister in a fire that burned down their home in May 2016.

As a result, Matty B. has difficulty managing anger, regulating his emotions, concentrating, accepting redirection from others, interpreting cues and communications from others, exhibiting age-appropriate sexual behavior, and



recognizing personal boundaries. Matty B. has been diagnosed with post-traumatic stress disorder, unspecified disruptive behavior disorder, sibling-relational problems, and parent-child relational problems.

Despite his diagnosis and exposure to repeated and sustained trauma, Matty B. has not received adequate medical, mental, and behavioral health services to which he is entitled through Medicaid while in CYFD custody. Matty B. did not receive a neuropsychological evaluation until he had been in CYFD custody for nearly eight months.

While in CYFD custody, Matty B. did not receive timely and adequate therapy to address his grief over his sister's death in the house fire, the sexual trauma he had experienced and his related sexualized behaviors, the neglect he experienced while living with his parents, or his additional behavioral challenges. Matty B. received no individual therapy until three months after he came into CYFD custody. He received family counseling that was abruptly discontinued unilaterally by the foster parent without adequate therapeutic basis, any discharge planning, or oversight by CYFD.

CYFD has cycled Matty B. through five placements, including multiple foster homes and treatment foster care homes. Placement changes have separated Matty B. from his siblings and parents and also required changes in Matty B.'s school setting and service providers, repeatedly disrupting his relationships with peers and mental health professionals.

Despite Matty B.'s clear academic challenges, he was not assessed for special education needs until August 2017, approximately ten months after he was initially taken into CYFD custody.

For more information, see pages 27-29 of the complaint

Justin B. is a white six-year-old from Torrance County who entered CYFD custody with his two brothers in November 2016 due to neglect.

Justin B. has experienced multiple forms of trauma, including neglect, witnessing the death of his sister in a fire that burned down his home, witnessing his parents abuse marijuana and crystal methamphetamine, witnessing domestic violence between his parents, and living with caregivers with severe mental health challenges.

As a result, Justin B. has difficulty concentrating, expressing his emotions, accepting redirection, and recognizing personal boundaries. Justin B. has a history of self-harming, acting impulsively, and experiencing anxiety. Justin B. has reported experiences of auditory and visual hallucinations of his deceased sister and previously claimed that she was controlling his behaviors. Justin B. blamed himself for the fire that killed his older sister, even though he was only three years old when the fire occurred. He becomes frustrated easily when he struggles with school lessons, peer interactions, and extracurricular activities, and he has difficulty understanding the progress his parents have made in their treatment plans and trusting them to provide him safety. He has been diagnosed with post-traumatic stress disorder, disinhibited social engagement disorder, developmental delay, parent-child relational problems, and sibling relational problems.

Despite Justin B.'s exposure to repeated and sustained trauma and his diagnoses, he has not received adequate mental and behavioral health services to which he is entitled through Medicaid while in CYFD custody. Justin B. did not receive a neuropsychological evaluation until he had been in CYFD custody for nearly one year. While in CYFD custody, Justin B. did not receive timely and adequate therapy to address his grief and guilt over his sister's death in the house fire, ongoing sexualized behaviors, the neglect he experienced while living with his parents, or his overall behavioral challenges.

CYFD has cycled Justin B. through three placements, including regular foster care, an emergency shelter, and treatment foster care. Justin B. was placed with his two brothers in a home in Estancia due to a lack of available foster homes closer to Justin B.'s hometown.



For more information, see pages 29-31 of the complaint

Jackson B. is a white one-year-old from Tarrant County who entered CYFD custody, along with his two older brothers, in November 2016 after he tested positive for methamphetamine and marijuana at birth. Jackson B. has experienced multiple forms of trauma, including neglect and being born addicted to crystal methamphetamine.

Even though Jackson B. was born addicted to methamphetamine and his exposure to drugs was the reason he was brought into custody, Jackson B. has not received adequate medical, mental, and behavioral health services to which he is entitled through Medicaid while in CYFD custody. Nor has he received appropriate medical services to diagnose, treat, and monitor his health issues, including severe asthma and respiratory issues.

Despite his young age, Jackson B. has already been cycled through three placements. Jackson B. was initially placed at a foster home with his two older brothers, Matty B. and Justin B. Due to the failure to secure mental and behavioral health services for his brothers they were removed from the foster home and Jackson B. was separated from his siblings in August 2017. Due to CYFD's failure to provide transportation assistance, Jackson B. did not have consistent family visitation with his parents or brothers. In October 2017, Jackson B. was transferred to a new foster placement. CYFD failed to provide proper support, training, and information to the new foster family, who, as a result, hindered reunification efforts. Seven months later, Jackson B. was removed from this placement on an emergency basis and sent back to his first foster mother in Estancia.

For more information, see pages 31-32 of the complaint.

Lucas M. is a white five-year-old from Bernalillo County. Lucas M. and his brother Julian M. entered CYFD custody in April 2018 due to neglect and domestic violence. His father abuses alcohol and his mother recently began abusing methamphetamines. Lucas M. has experienced multiple forms of trauma, including witnessing his father kick and beat his mother and being neglected and separated from a caregiver. As a result, Lucas M. sometimes experiences behavioral challenges, including having difficulty planning, focusing, and regulating his emotions, especially after he sees his mother.

Despite his exposure to repeated and sustained trauma and his severe speech impediment, Lucas M. has not received adequate medical, mental, and behavioral health services to which he is entitled through Medicaid while in CYFD custody. Lucas M. has still not received an EPSDT screening or a neuropsychological evaluation after being in CYFD custody for over three months. Before Lucas M. entered CYFD custody, he was receiving speech therapy during the school year through his preschool. Even though Lucas M. has a severe speech impediment and his mother notified CYFD of the impediment the day he was taken into custody, Lucas M. did not receive a referral to a speech therapist when the school year ended until his Guardian ad Litem advocated for one. CYFD has cycled Lucas M. through three placements since he entered custody.

For more information, see pages 32-33 of the complaint.

Julian M. is a white nine-year-old from Bernalillo County. Julian M. and his brother Lucas M. entered CYFD custody in April 2018 due to neglect and domestic violence. His father abuses alcohol and his mother recently began abusing methamphetamines. Julian M. has experienced multiple forms of trauma, including witnessing his father kick and beat his mother and being neglected and separated from a caregiver. As a result, Julian M. sometimes experiences behavioral challenges, including outbursts. Julian M. has difficulty regulating his emotions, planning and making decisions. Julian M. has extreme difficulty trusting others, especially adults. He is very protective of his mother and younger brother, Lucas M.

Despite his exposure to repeated and sustained trauma, Julian M. has not received adequate medical, mental, and behavioral health services to which he is entitled through Medicaid while in CYFD custody. Julian M. has still not received an EPSDT screening or a neuropsychological evaluation after being in CYFD custody for over three months. CYFD has cycled Julian M. through three placements since he entered state custody.



For more information, see pages 33-35 of the complaint.

Disability Rights New Mexico (“DRNM”) is a 501(c)(3) non-profit New Mexico corporation, designated as New Mexico’s protection and advocacy organization (“P&A”), whose mission is to protect, promote, and expand the rights of persons with disabilities. DRNM is part of a nationwide network of disability rights agencies established by Congress in 1975 and has provided advocacy services to New Mexicans with disabilities since 1979. The Developmental Disabilities Assistance and Bill of Rights Act, the original legislation establishing the P&A systems, authorizes P&As to “pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of such individuals within the state who are or who may be eligible for treatment, services, or habilitation.”

DRNM’s constituency includes children and adults with mental illness, intellectual and developmental disabilities, traumatic brain injuries, and other disabilities. DRNM has the authority to pursue strategies to secure medically necessary mental and physical health care for children in custody with behavioral health diagnoses. DRNM provides individual advocacy services to children whose foster parents or guardians ad litem have had difficulty getting appropriate health care, most particularly behavioral health care. DRNM also provides support and technical assistance to attorneys serving children and youth in the child welfare system.

For more information, see pages 35-36 of the complaint.

Native American Disability Law Center (“NADLC”) is a 501(c)(3) nonprofit organization based in Farmington, New Mexico. NADLC advocates for the legal rights of Native Americans with disabilities. Like DRNM, NADLC is a protection and advocacy organization authorized by relevant federal statutes to initiate legal action designed to protect the rights of persons with disabilities, including children in the foster care system. NADLC’s mission is to advocate so that the rights of Native Americans with disabilities in the Four Corners area are enforced, strengthened, and brought in harmony with their communities. NADLC represents Native American children with disabilities in the child welfare system as Guardians ad Litem and Youth Attorneys.

NADLC is required to expend significantly more resources to represent children in the child welfare system when CYFD and HSD fail to appropriately place children, subject children to repeated changes of placements, and fail to provide caregivers and children with necessary Medicaid services. The allocation of resources necessary due to these failures diverts NADLC from providing other essential legal services to Native Americans with disabilities.

For more information, see pages 36-37 of the complaint.