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MEDIA RELEASE

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Indiana is violating the constitutional rights of abused and neglected children by failing to provide them with legal representation in dependency proceedings, according to a class action lawsuit filed in federal court today in the Southern District of Indiana.

Law firm **Morrison & Foerster** and co-counsel **Children's Advocacy Institute** and **DeLaney & DeLaney LLC** represent the plaintiffs, all on a pro bono basis.

Every year, thousands of children in Indiana are removed from their homes and families due to abuse or neglect. They are put into court proceedings known as Child in Need of Services ("CHINS") proceedings, where their fate is determined by a juvenile court. The court decides where they will live, with whom they will live, where they will go to school, whether they will be permanently separated from siblings, etc.

In these proceedings, which are entirely about the child, the government has an attorney and the parents have an attorney paid for by the county if they are unable to afford one. But the child has no attorney, except in very rare cases.

Without an attorney, a child in a CHINS proceeding is at the complete mercy of the system, as other parties present evidence, offer witnesses, and make decisions about the child's future that the child is not permitted to discredit, challenge, or even address.

In more than 30 states, it is mandatory to appoint counsel to children in such proceedings. Indiana is behind the rest of the nation. In Indiana, a child facing a month in juvenile detention is appointed an attorney, but an abused child facing 18 years of government-directed foster placements, living among countless strangers in dozens of homes, is not.

[This lawsuit seeks certification of a class of more than 5,000 children and seeks declaratory and injunctive relief that would require appointment of licensed attorneys to represent children in CHINS proceedings.](#)

According to Morrison & Foerster lawyer **Steve Keane**, counsel for plaintiffs, "every child in dependency proceedings needs a voice and a way to protect his or her legal rights before his or her fate is adjudicated – that is a basic due process right protected by the constitution."

DeLaney & DeLaney LLC's **Kathleen DeLaney**, who is also representing the plaintiffs, stated that "systemic reform is needed to remedy the profound problems facing Indiana foster children" and that "fixing a glaring problem inside the courtroom, by providing legal representation to foster kids, is an obvious first step."

University of San Diego (USD) School of Law Professor **Robert Fellmeth** is another attorney for the plaintiffs. He is the founder and executive director of USD's Children's Advocacy Institute.