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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

OCEAN S., et al.,

Plaintiffs,

v.

LOS ANGELES COUNTY, et al.,

Defendants.

CASE NO. 2:23-cv-06921-JAK-E

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF COUNTY DEFENDANTS' MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION

Filed Concurrently with Notice of Motion and Motion to Dismiss

Judge: Hon. John A. Kronstadt
Crtrm.: 10B

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I. INTRODUCTION

The State of California has a comprehensive statutory, administrative and judicial scheme dedicated to the care of foster children. Among the most robust in the nation, California's child welfare system—which is supervised by the State and administered at the County level—employs tens of thousands of personnel who have devoted their lives to caring for foster youth.

Administering a child welfare system is a complex exercise. It is an area of core state responsibility as to which state and local governments are the experts. It involves careful assessments regarding the proper utilization of limited resources and the exercise of significant discretion in determining the best interests of foster youth, the propriety of their placements, and services to meet their needs.

California's juvenile courts are an integral part of this system. They possess "ultimate authority" not only to assess and address the needs of foster youth, but also to hear any and all claims a foster youth might bring (whether state, federal, or constitutional). To that end, they may order any and all relief they deem appropriate to fully protect the foster youth's interests. And every foster youth is guaranteed counsel who must advocate for them both within and outside juvenile court.

Federal courts are, of course, charged with adjudicating disputes principally involving federal law. But there is reason for pause when a federal court is asked to insert itself into an area, as here, of traditional state concern involving a pre-existing, plenary scheme for assessment, approval, review, and remedy. In such cases, a federal court's intrusion is, as one court put it, "precarious at best and downright ineffectual at worst." *Connor B. ex rel. Vigurs v. Patrick*, 985 F. Supp. 2d 129, 157 (D. Mass. 2013), *aff'd*, 774 F.3d 45 (1st Cir. 2014). This is one such case.

The Plaintiffs in this action are a group of adults who elected to remain in foster care. They purport to represent a class of "transition age foster youth" in Los Angeles

County (the "County"). (*See* First Am. Compl. ("FAC") ¶ 1.)[1] The FAC seeks to reform the County foster care system via sweeping injunctive relief, based on the idea that a federal judge is better equipped to administer it than the County, its Board of Supervisors, the Department of Children and Family Services ("DCFS"), the Department of Mental Health, their directors and staff, the County's thousands of social workers and physical and mental health providers, and California's juvenile courts and Courts of Appeal. Its very premise is anathema to longstanding and well-established constitutional principles respecting the limited role of federal courts and state sovereignty.

The FAC invites this Court to insert itself into, and inevitably override, careful, painstaking determinations made by social workers and California's juvenile courts. It is precisely the kind of case the Supreme Court has said does not belong in federal court.

II. FACTUAL BACKGROUND

A. Juvenile Dependency Proceedings In California

Los Angeles County is the most populous county in the United States, with an estimated 9,861,224 residents in 2022.

DCFS is charged with investigating child abuse and neglect and providing interventions and supportive services to County families and children. If DCFS determines that a child has suffered, or is at risk of suffering, abuse or neglect, and no other measures can be taken to keep the child safe, a social worker will file a petition with the juvenile court. Cal. Welf. & Inst. Code §§ 300, 325. At that point, the child "is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court." *Id.* § 300.

The juvenile court is "a special department of the superior court" charged with the care of "abused or neglected children." *In re Ashley M.*, 114 Cal. App. 4th 1, 6-7

[1] Unless otherwise stated, citations to (¶ __) herein are to the FAC.

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(2003). "The ultimate responsibility for the well-being of a dependent child rests with the juvenile court." *In re Shirley K.*, 140 Cal. App. 4th 65, 73 (2006). Thus, juvenile courts have "sweeping power to address nearly any type of deficiency in the care of a minor and order nearly any type of relief." *Laurie Q. v. Contra Costa County*, 304 F. Supp. 2d 1185, 1206 (N.D. Cal. 2004); Cal. Welf. & Inst. Code § 362(a) (juvenile courts "may make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the child").

The scope of dependency proceedings is plenary. Juvenile courts formulate and implement case plans, Cal. Welf. & Inst. Code § 366(a)(1)(B); review and approve placements, *id.* § 366(a)(1)(A); and determine and ensure delivery of necessary services, *In re Ashley M.*, 114 Cal. App. 4th at 7.

It is the juvenile court's job to identify and remedy any deficiencies in DCFS' care for foster youth. Cal. Welf. & Inst. Code § 317(e)(7). California law requires juvenile courts to review periodically "[t]he status of every dependent child in foster care," including "[t]he continuing necessity for and appropriateness of the placement"; "the agency's compliance with the case plan"; steps to ensure the "developing or maintaining [of] sibling relationships"; "[t]he extent of progress that has been made toward alleviating or mitigating the causes necessitating placement in foster care"; and a timeline for the child to be "returned to and safely maintained in the home or placed for adoption." *Id.* § 366(a)(1)(A), (B), (D)(i)(II), (E), (2).

If deficiencies are identified, the court can enjoin "any agency that the court determines has failed to meet a legal obligation to provide services to a child." *Id.* § 362(b)(1). It may enforce those obligations under penalty of contempt. *Id.* § 213.

In addition, every foster "child or nonminor dependent" has a right to counsel. *Id.* § 317(c)(1). A "primary responsibility of counsel appointed to represent a child or nonminor dependent pursuant to this section shall be to advocate for the protection, safety, and physical and emotional well-being of the child or nonminor dependent." *Id.* § 317(c)(2). The scope of representation is expansive: "Counsel shall be charged

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in general with the representation of the child's interests. To that end, counsel shall make or cause to have made any further investigations that he or she deems in good faith to be reasonably necessary . . . in both the adjudicatory and dispositional hearings." *Id.* § 317(e)(1). That includes the obligation to "investigate the interests of the child ***beyond the scope of the juvenile proceeding***, and [to] report to the court ***other interests of the child*** that may need to be protected by the institution of other administrative or judicial proceedings." Id. § 317(e)(3) (emphases added).

The California Family Court local rules require that "[i]f the attorney for the child . . . learns of any such interest or right, the attorney . . . ***must*** notify the court immediately and seek instructions from the court as to any appropriate procedures to follow." Cal. R. Ct. 5.660(g)(2) (emphasis added). If such a need appears, the court "***must***" "(A) Refer the matter to the appropriate agency for further investigation and require a report to the court within a reasonable time; (B) Authorize and direct the child's attorney to initiate and pursue appropriate action; (C) Appoint a guardian ad litem for the child. . . .; or (D) Take any other action to protect or pursue the interests and rights of the child." *Id.* R. 5.660(g)(3) (emphasis added).

Non-minor youth in extended foster care (¶¶ 16-22) have the same statutory rights as minors. Cal. Welf. & Inst. Code § 16001.9(a) ("All children placed in foster care . . . shall have the rights specified in this section. These rights also apply to nonminor dependents in foster care, except when they conflict with nonminor dependents' retention of all their legal decision making authority as an adult."). That includes judicial review of care, transition planning, and services, and the right to counsel. *Id.* § 16001.9; *id.* §§ 303(e), 366.3(d)(1).

At all times, "[t]he court ***shall*** take whatever appropriate action is necessary to fully protect the interests of the child." *Id.* § 317(e)(7) (emphasis added).

B. <u>This Lawsuit</u>

The FAC lodges three core criticisms of the County foster care system: (i) inadequate case plans (¶¶ 7, 173-84); (ii) inadequate array of placements and

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processes on placement decisions (¶¶ 6, 127-72); and (iii) inadequate behavioral services (¶¶ 9-11, 205-75.)

Based on these alleged failures, Plaintiffs ask this Court to insert itself into judgments already made by California's juvenile courts as to the adequacy of Plaintiffs' case plans, placements, and services; override those judgments; declare their case plans, placements, and services so deficient as to be "unlawful"; and grant "permanent injunctive relief" requiring Defendants to do what Plaintiffs apparently believe the juvenile courts will not. (FAC at 98 (Request for Relief ¶¶ c.-d.).)

III. LEGAL STANDARD

A motion addressing standing—including its component requirement of redressability—is properly brought under Rule 12(b)(1). *See, e.g.*, *Chandler v. State Farm Mut. Auto. Ins. Co.*, 598 F.3d 1115, 1122 (9th Cir. 2010). On such a motion, the federal court must presume that it lacks jurisdiction and "the burden of establishing the contrary rests upon the party asserting jurisdiction." *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994); *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 342 n.3 (2006) (same).

"A motion to dismiss on *Younger* abstention grounds is also properly brought under Rule 12(b)(1)." *Applied Underwriters, Inc. v. Lara*, 530 F. Supp. 3d 914, 923 (E.D. Cal. 2021) (footnote omitted); *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 100 n.3 (1998) (Supreme Court has treated *Younger* as "jurisdictional").

IV. ARGUMENT

A. Plaintiffs' Claims Are Not Redressable By Federal Injunction

No principle is more fundamental to the judiciary's proper role in our system of government than the constitutional limitation of federal court jurisdiction to actual "cases" or "controversies." *Raines v. Byrd*, 521 U.S. 811, 818 (1997) (citation omitted). Standing is an essential and unchanging part of the case-or-controversy requirement of Article III. *DaimlerChrysler Corp.*, 547 U.S. at 342. Without it, the essential prerequisite for invoking federal jurisdiction does not exist.

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It is well-settled that generalized grievances about local government are not viable cases or controversies that federal courts can hear. *See, e.g., United States v. Hays*, 515 U.S. 737, 743 (1995) ("[W]e have repeatedly refused to recognize a generalized grievance against allegedly illegal governmental conduct as sufficient for standing to invoke the federal judicial power."). To have Article III standing, a plaintiff must establish (1) "injury in fact," (2) causation, and (3) redressability by a federal court. *Steel Co.*, 523 U.S. at 102-03 (citation omitted).

Here, Plaintiffs assert broad and generalized grievances about the County foster care system. These grievances are not the kind that a federal court can redress. The Supreme Court and Ninth Circuit repeatedly have warned the federal judiciary to be wary of lawsuits, like this one, premised on generalized criticisms of local governments. *See, e.g., Hays*, 515 U.S. at 743; *Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1122 (9th Cir. 2009) (alleged injury must be "more than a mere generalized grievance" (citation omitted)). These concerns are all the greater where, as here, the plaintiff seeks broad-based injunctive relief that would require a federal court to insert itself into matters of state and local government discretion.

Going back 50 years, the Supreme Court rejected this type of interference with matters of local policy. In *Rizzo v. Goode*, 423 U.S. 362 (1976), plaintiffs filed a class action against the City of Philadelphia and local officials alleging police misconduct. The district court found that police procedures discouraged civilian complaints and minimized the consequences of police misconduct and ordered the city to submit a "comprehensive program," pursuant to court-ordered "guidelines," for civilian complaints. *Id.* at 368-69. The Third Circuit affirmed. *Id.* at 365-66.

The Supreme Court reversed, holding that the judgment was "an unwarranted intrusion by the federal judiciary into the discretionary authority committed to [the city officials] by state and local law to perform their official functions." 423 U.S. at 366. "[F]ederal courts must be constantly mindful of the 'special delicacy of the adjustment to be preserved between federal equitable power and State administration

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of its own law.'" *Id*. at 378 (citation omitted). Thus, a plaintiff seeking to enjoin a government agency "must contend with 'the well-established rule that the Government has traditionally been granted the widest latitude in the "dispatch of its own internal affairs."'" *Id*. at 378-79 (citation omitted).

Twenty years later, the Supreme Court reaffirmed the limited scope of federal jurisdiction in *Lewis v. Casey*, 518 U.S. 343 (1996). There, prison inmates sued the Arizona Department of Corrections for alleged violations of their right of access to the courts. A special master proposed a permanent injunction with changes to the Arizona state prison system, which the district court adopted. *Id.* at 346-48.

The Supreme Court held that the district court's actions violated separation of powers, explaining that "it is not the role of courts, but that of the political branches, to shape the institutions of government in such fashion as to comply with the laws and the Constitution." 518 U.S. at 349. As aptly put in the concurring opinion:

> Principles of federalism and separation of powers impose stringent limitations on the equitable power of federal courts. When these principles are accorded their proper respect, Article III cannot be understood to authorize the Federal Judiciary to take control of core state institutions like prisons, schools, and hospitals, and assume responsibility for making the difficult policy judgments that state officials are both constitutionally entitled and uniquely qualified to make. Broad remedial decrees strip state administrators of their authority to set long-term goals for the institutions they manage and of the flexibility necessary to make reasonable judgments on short notice under difficult circumstances.

Id. at 385 (Thomas, J., concurring) (citation omitted).

In *Horne v. Flores*, 557 U.S. 433 (2009), students and their parents filed a class action alleging that Arizona was violating the Equal Educational Opportunities Act by failing to take appropriate action to overcome language barriers. The district court issued an injunction requiring the state to increase funding for ELL programs, held the State in civil contempt for failing to do so, and rejected the State's proposed legislation as inadequate. The Court of Appeals affirmed. *Id.* at 438-44.

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The Supreme Court reversed, cautioning against federal decrees that have the effect of dictating budget priorities because "[s]tates and local governments have limited funds." 557 U.S. at 448 (citing *Missouri v. Jenkins*, 515 U.S. 70, 131 (1995) ("A structural reform decree eviscerates a State's discretionary authority over its own program and budgets and forces state officials to reallocate state resources and funds." (Thomas, J., concurring))). It held the district court "improperly substituted its own educational and budgetary policy judgments for those of the state and local officials to whom such decisions are properly entrusted." *Id*. at 455.

Most recently, in *United States v. Texas*, 599 U.S. 670 (2023), the Supreme Court held that states lacked standing to contest immigration enforcement priorities set forth in federal guidelines. It underscored that judicial review of Executive Branch policies, which require a "complicated balancing" of "resource constraints and regularly changing public-safety and public-welfare needs," leaves "courts without meaningful standards for assessing those policies." *Id.* at 680. Thus, federal courts are not the proper forum for resolving claims alleging that the Executive Branch should exercise its discretionary authority differently.

The lesson here is that federal courts must approach with pause any lawsuit that demands federal court reform of state systems, lest its grant of relief "improperly deprive [state and local] officials of their designated legislative and executive powers." *Horne*, 557 U.S. at 449 (quoting *Frew v. Hawkins*, 540 U.S. 431, 441 (2004)). These concerns are "heightened" where, as here, the lawsuit "involves areas of core state responsibility." *Id.* at 448.

"'Family relations are a traditional area of state concern' . . . over which federal courts have no general jurisdiction and in which the state courts have a special expertise and experience." *H.C. ex rel. Gordon v. Koppel*, 203 F.3d 610, 613 (9th Cir. 2000) (citations omitted). This action is an "all-out assault on the . . . foster care system, in which the Plaintiffs request all manner of declaratory and injunctive relief." *Connor B.*, 985 F. Supp. 2d at 133. The gravamen of the FAC is that the County

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should do a better job with case plans, placements, and delivery of necessary services for transition age youth. (¶¶ 1-12, 127-275.) Based on these generalized grievances, Plaintiffs demand sweeping reforms to the County foster care system via federal injunction. (FAC at 98 (Request for Relief ¶ d.(i)-(vi).)

In so doing, Plaintiffs have asked this court to "encroach upon terrain that is rightfully the province of the legislature," *Connor B.*, 985 F. Supp. 2d at 157; to fashion relief that would "commit this Court to the near-perpetual oversight of an already-complex child-welfare regime," *id.*; and to order "the redistribution of scarce governmental resources [that] would no doubt produce certain negative externalities, not the least of which include the deprivation of other state agencies of the means needed to perform their functions fully," *id.* at 157-58. In other words, to commit the very error about which the Supreme Court has repeatedly warned.

"[I]t is beyond the power of an Article III court to order, design, supervise, or implement [a] requested remedial plan . . . [that] would necessarily require a host of complex policy decisions entrusted, for better or worse, to the wisdom and discretion of the executive and legislative branches." *Juliana v. United States*, 947 F.3d 1159, 1171-72 (9th Cir. 2020). This Court can neither adjudicate Plaintiffs' claims nor fashion relief without empaneling itself as a third-party auditor of the County's child welfare system.

Nor can it do so without inserting itself into legislative prerogatives or executive discretion about how to spend limited resources. *Horne*, 557 U.S. at 472 (regardless of how "vitally important" a goal, a district court could not require state to increase funding in one geographic area); *Lewis*, 518 U.S. at 361-62 (overturning "intrusive" order that "failed to accord adequate deference to the judgment" of local officials); *Rizzo*, 423 U.S. at 366 (reversing "an unwarranted intrusion by the federal judiciary into the discretionary authority committed to [city officials] by state and local law to perform their official functions").

"[M]oral arguments that [a foster care system] should do better," *Connor B.*

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774 F.3d at 48, are not a constitutional basis for federal interference with matters that are specially and uniquely entrusted to state and local governments, *Koppel*, 203 F.3d at 613. "Improvements in the system must come through the normal state political processes," not the federal judiciary. *Connor B.*, 774 F.3d at 48. Plaintiffs' claimed injury is not redressable via federal injunction. The FAC should be dismissed for lack of subject matter jurisdiction.

B. The Court Should Abstain Under *Younger v. Harris*

Redressability is not the only area where a federal court facing a sweeping demand for injunctive relief must act with restraint. For more than 50 years, the judiciary has espoused "a strong federal policy against federal-court interference with pending state judicial proceedings" under the doctrine of *Younger* abstention. *Middlesex Cty. Ethics Comm. v. Garden State Bar Ass'n*, 457 U.S. 423, 431 (1982) (citing *Younger v. Harris*, 401 U.S. 37, 44 (1971)). The policy reflects "a proper respect for state functions, a recognition of the fact that the entire country is made up of a Union of separate state governments, and a continuance of the belief that the National Government will fare best if the States and their institutions are left free to perform their separate functions in their separate ways." *Younger*, 401 U.S. at 44.

Under *Younger*, a federal court will abstain from adjudicating an action where the plaintiff's demand for "injunctive or declaratory relief" might "interfere with ongoing state judicial proceedings." *Laurie Q.*, 304 F. Supp. 2d at 1194. Although abstention is the "exception, not the rule," *New Orleans Pub. Serv., Inc. v. Council of City of New Orleans*, 491 U.S. 350, 359 (1989) (citation omitted), it is "mandatory" where the factors are satisfied, *Canatella v. California*, 404 F.3d 1106, 1113 (9th Cir. 2005).

The Ninth Circuit considers four "threshold elements" for *Younger* abstention—whether "state proceedings: (1) are ongoing, (2) are quasi-criminal enforcement actions or involve a state's interest in enforcing the orders and judgments of its courts, (3) implicate an important state interest, and (4) allow litigants to raise

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federal challenges." *Readylink Healthcare, Inc. v. State Comp. Ins. Fund*, 754 F.3d 754, 759 (9th Cir. 2014). If these are met, it then will consider whether "federal action would have the practical effect of enjoining the state proceedings . . . ." *Id.* If so, "then 'a district court ***must*** dismiss the federal action . . . [and] there is ***no discretion*** to grant injunctive relief.'" *Aiona v. Judiciary of State of Haw.*, 17 F.3d 1244, 1248 (9th Cir. 1994) (alterations in original) (emphases added).

Any relief a federal court might grant in a foster care lawsuit—particularly one seeking an injunction—is inextricably intertwined with determinations that must be (and ordinarily already have been) made by juvenile courts in state dependency proceedings. *See Safouane v. Fleck*, 226 F. App'x 753, 759 (9th Cir. 2007) (raising *Younger* abstention *sua sponte* and holding foster care allegations "seeking injunctive or declaratory relief related to [dependency] proceedings were subject to dismissal pursuant to *Younger* abstention"). Abstention is required. *See id.*

1. The Threshold Elements for *Younger* Abstention Are Met

All of the threshold elements for *Younger* abstention are met here:

First, every youth in foster care has a pending juvenile court proceeding. Cal. Welf. & Inst. Code §§ 300, 303, 325.

Second, "juvenile dependency cases are quasi-criminal enforcement actions subject to *Younger*." *Negrete v. Los Angeles County*, 2021 WL 2551595, at *2 (C.D. Cal. June 22, 2021); *Moore v. Sims*, 442 U.S. 415, 423 (1979) (because foster care involves removal of a child due to abuse or neglect, the proceeding is "in aid of and closely related to criminal statutes" (citation omitted)); *Sprint Commc'ns, Inc. v. Jacobs*, 571 U.S. 69, 79 (2013) (citing *Moore* as a type of quasi-criminal enforcement action subject to *Younger* abstention because it is a "state-initiated proceeding to gain custody of children allegedly abused by their parents"); *Hui Lian Ke v. Gonzalez*, 2018 WL 1763296, at *3 (N.D. Cal. Apr. 12, 2018) ("government-initiated proceeding pending in which Santa Clara County DFCS has taken custody of Plaintiff's children and has placed them in foster care" is a "quasi-criminal

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enforcement action"); *Yahvah v. County of Los Angeles*, 2018 WL 3222042, at *5 (C.D. Cal. Mar. 9, 2018) (same); *Zayas v. Nguyen*, 2021 WL 5987100, at *3 (W.D. Wash. Dec. 17, 2021) ("[c]hild placement" issues in dependency proceedings "are quasi-criminal enforcement actions that implicate sufficiently important state interests to trigger *Younger*"); *see also Smith v. Smith*, 31 Cal. App. 2d 272, 276 (1939) ("[D]ependent children come peculiarly within the jurisdiction of the juvenile court. Such proceedings are quasi criminal in their nature.").

Third, dependency proceedings implicate important state interests. "'Family relations are a traditional area of state concern,' and 'federal courts have no general jurisdiction' 'in the field of domestic relations.'" *Negrete*, 2021 WL 2551595, at *2 (quoting *Koppel*, 203 F.3d at 613); *Sanders v. Dep't of Children & Family Servs.*, 2014 WL 1255829, at *3 (C.D. Cal. Mar. 25, 2014) ("DCFS proceedings implicate important state interests."); *Yahvah*, 2018 WL 3222042, at *5 (same).

Fourth, federal and constitutional claims may be raised in dependency proceedings. *Negrete*, 2021 WL 2551595, at *2 (dependency proceedings provide "an adequate opportunity to raise . . . constitutional claims"); *Sanders*, 2014 WL 1255829, at *3 ("nothing prevents" a plaintiff from raising federal claims in juvenile court); *Zayas*, 2021 WL 5987100, at *3 ("[C]hild custody proceedings in state court afford sufficient opportunity to raise federal claims."); *Wood v County of Contra Costa*, 2020 WL 1505717, at *8 (N.D. Cal. Mar. 30, 2020) (constitutional "challenges have been raised and resolved in . . . dependency proceedings"); *Belinda K. v. County of Alameda*, 2012 WL 273661, at *3 (N.D. Cal. Jan. 30, 2012) (same).

2. Injunctive Relief Would Interfere with State Proceedings

With the threshold elements for *Younger* abstention met, the Court must consider whether granting relief in this case would have the practical effect of enjoining the decisions of the juvenile court. *ReadyLink*, 754 F.3d at 759. It will.

Each of Plaintiffs' concerns falls directly within the core competency and purview of the juvenile courts. A federal court simply cannot grant injunctive relief

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without second-guessing the juvenile courts' careful determinations as to these matters.

(a) Juvenile Courts Have "Ultimate Authority" over the Formulation and Implementation of Case Plans

The FAC alleges that the County fails to prepare, review, and implement case plans as required under the Adoption Assistance and Child Welfare Act ("AACWA"). (¶¶ 7, 173, 181-84.)[2] These are both the responsibility of, and the subject of ongoing proceedings before, California's juvenile courts. *Younger* requires abstention.

Courts within and outside the Ninth Circuit have applied *Younger* abstention to federal lawsuits seeking injunctive relief based on alleged noncompliance with case plan requirements. *See, e.g., Laurie Q.*, 304 F. Supp. 2d at 1203-07; *31 Foster Children v. Bush*, 329 F.3d 1255, 1278 (11th Cir. 2003) (abstaining because case plan injunction "would interfere with the ongoing state dependency proceedings by placing decisions that are now in the hands of the state courts under the direction of the federal district court"); *see also J.B. ex rel. Hart v. Valdez*, 186 F.3d 1280, 1291-92 (10th Cir. 1999) (injunctive relief would compel juvenile court "to modify a treatment plan" and thus "would interfere with th[at] proceeding by fundamentally changing the dispositions and oversight of the children" reserved to juvenile court).

In *Laurie Q.*, plaintiffs accused Contra Costa County of "failing to prepare adequate case plans as mandated by 42 U.S.C. sections 675(1) and 671(a)(16)," which "resulted in a lack of recognition of plaintiffs' special needs and a consequent deficiency of essential services and therapeutic interventions." 304 F. Supp. 2d at 1190. They also alleged the county failed to "review the required case plans in a

[2] For youth in extended foster care, case plans are referred to as "Transitional Independent Living Case Plans. Cal. Welf. & Inst. Code § 11403(a). The juvenile court has oversight of these kinds of case plans as well. *See generally id.* §§ 303, 11403; Cal. R. Ct. 5.900(b).

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timely fashion," in violation of sections 671(a)(16), 675(5)(B) and 675(5)(C), and to provide "a case review system which meets the requirements" of AACWA. *Id.*

Contra Costa County argued that the court was required to abstain under *Younger* because it could not adjudicate the claims (or grant injunctive relief) without interfering with ongoing dependency proceedings. 304 F. Supp. 2d at 1192. The court agreed. It found that "the Juvenile Court holds ultimate authority over the formulation of the case plans . . . and regarding which plaintiffs' prayer for injunctive relief is directed." *Id.* at 1203. The juvenile court was "required to review the case plan at all periodic hearings and monitor compliance with the plan, and may order any modifications to the plan that it deems necessary and appropriate," and had "authority over . . . the formulation and modification of case plans—including the plans' compliance with the AACWA and other federal law—and the County's adherence to case plan mandates." *Id.* at 1203, 1206.

As such, the court found it could not find the plaintiffs' case plans inadequate, nor could it grant injunctive relief, without implicitly ruling that the juvenile court got it wrong. 304 F. Supp. 2d at 1204. Specifically, the court held that plaintiffs' requested relief "amounts to an entreaty for this court to oversee the Juvenile Court's performance, for it is that body that ultimately must pass upon the efficacy and propriety of the case plans at issue." *Id.*

The court declined to do so since it would place it "in the position of supervising the Juvenile Court's case plan adjudications" and passing "judgment upon the Juvenile Court's approval (or disapproval) of certain case plans." 304 F. Supp. 2d at 1204-05. The only way to grant the requested relief would be to "spur the Juvenile Court by injunction"—precisely what *Younger* prohibits. *Id.* at 1205.

Like in *Laurie Q.*, Plaintiffs allege violations of AACWA (42 U.S.C. §§ 671(a)(16) and 675(1)(A)) on the grounds that the County Defendants failed timely or adequately to prepare, review, update, or implement case plans and that the failure

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has resulted in inadequate foster placements and lack of access to necessary services. (¶¶ 173-84.)

As relief, Plaintiffs ask this Court to permanently enjoin Defendants to ensure class members are "receiving mandated case plans and transition plans." (FAC at 98 (Request for Relief) ¶ d.(iii).) All of this is already covered by juvenile court review. Thus, implicit in Plaintiffs' demand is the contention that the juvenile court has not done its job. This Court cannot grant relief without making such a finding. But in doing so, the Court would "effectively require an amendment to a child's case plan that the state court would not have approved, and state law gives its courts the responsibility for deciding upon such an amendment." *31 Foster Children*, 329 F.3d at 1278; *Valdez*, 186 F.3d at 1291-92 (same). That type of relief is exactly what *Younger* forbids.

Plaintiffs attempt to plead around *Younger* abstention by alleging that they seek "systemic" relief that cannot be brought in the juvenile court system. (¶¶ 276-79.) As several Circuits have recognized, however, the proper inquiry under *Younger* is not "whether the broad relief the plaintiffs would prefer is available [in state court] but instead whether the forum itself is adequate for addressing the claims and providing a sufficient remedy to the individual plaintiffs" for their alleged individual injuries. *31 Foster Children*, 329 F.3d at 1281 n.12. If it is, *Younger* applies. *Id.* at 1266 (finding *Younger* applied despite allegations of "systemic deficiencies"); *Ashley W. v. Holcomb*, 34 F.4th 588, 593-94 (7th Cir. 2022) (*Younger* applied to foster care case demanding systemic relief); *Joseph A. ex rel. Corrine Wolfe v. Ingram*, 275 F.3d 1253, 1274 (10th Cir. 2002) (rejecting argument that claim for systemic injunctive relief avoids *Younger*); *Oglala Sioux Tribe v. Fleming*, 904 F.3d 603, 608, 612-14 (8th Cir. 2018) (*Younger* applied despite argument that plaintiffs "are not seeking to interfere with, or overturn decisions in, their own cases but rather are seeking to expose and challenge systemic policies, practices, and customs of the Defendants that violate

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federal law").[3] To hold otherwise would permit any plaintiff to circumvent *Younger*, avoid abstention, and thereby bring about the very outcome that *Younger* prohibits, simply by asking a federal court to interfere with ***every*** dependency proceeding throughout the state rather than just their own. That is not what the law is for.

(b) Placements Are Subject to Review in Juvenile Court

The juvenile court also conducts fulsome review of foster youth safety and the adequacy of their placements. "The status of every dependent child in foster care shall be reviewed periodically as determined by the court . . . ." Cal. Welf. & Inst. Code § 366(a)(1). As part of those reviews, the court "shall consider the safety of the child and shall determine . . . [t]he continuing necessity for and appropriateness of the placement." *Id.* § 366(a)(1)(A); *id.* § 361.2(k)(1)(A) (criteria for adequacy of placement include whether "[t]he child's caregiver is able to meet the day-to-day health, safety, and well-being needs of the child"); *id.* § 317(c)(2) ("A primary responsibility of counsel . . . shall be to advocate for the protection, safety, and physical and emotional well-being of the child or nonminor dependent."); *In re Shirley K.*, 140 Cal. App. 4th at 72 (both as to "interim and adoptive placement," the court retains jurisdiction "to determine the appropriateness of the placement"). Oversight continues into extended foster care. Cal. Welf. & Inst. Code §§ 366(f), 366, 366.3(d)(1), 366.32.

Thus, placements are another area where "[t]he declaratory judgment and injunction that [plaintiffs] request would interfere with the state proceedings." *31 Foster Children*, 329 F.3d at 1278. For example, "[t]he federal and state courts could

[3] The County Defendants acknowledge that some courts have carved out from *Younger* demands for systemic, as opposed to individualized, injunctive relief. *See, e.g., Jeremiah M. v. Crum*, 2023 WL 6316631, at *28 (D. Alaska Sept. 28, 2023). Even those courts, however, acknowledge that "reasonable jurists could reach, and have reached, contradictory conclusions" to theirs. *Id.* at *28-29 (declining to abstain but certifying appeal *sua sponte*).

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well differ, issuing conflicting orders about what is best for a particular plaintiff, such as whether a particular placement is safe or appropriate or whether sufficient efforts are being made to find an adoptive family." *Id.*; *Valdez*, 186 F.3d at 1291-92 (abstaining under *Younger* because juvenile court was charged with evaluating adequacy of placements and fashioning remedies to protect child's best interest); *Hui Lian Ke*, 2018 WL 1763296, at *5 (abstaining under *Younger* because "the Court will not interfere with the state court's rulings regarding the placement and care of the children"); *Ashley W.*, 34 F.4th at 593-94 (abstention required because allegations that "placements are too slow" or the foster agency "makes too many mistakes" were not issues a federal court can remedy).

Ultimately, when it comes to determining the adequacy of foster placements, the question is "what can a federal court do about these things that a [dependency] judge could not?" *Ashley W.*, 34 F.4th at 594. The answer is nothing.

(c) Juvenile Courts Review and Approve Services

Plaintiffs allege that the County fails to provide necessary services, including medical, dental, and mental health services. (¶¶ 9-11; 221-58; 271-73.) They demand an injunction requiring the County to "correct systemic failures to ensure that Named Plaintiffs, ADA Subclass members, and Medicaid Subclass members have access to and receive the Medicaid services to which they are entitled." (FAC at 98 (Request for Relief) ¶ d.(v).) Abstention is required because the relief sought would require countermanding the juvenile court.

As explained above, juvenile courts may enter "any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the child, including medical treatment." Cal. Welf. & Inst. Code § 362(a). That includes "child welfare services to the child and the child's mother and statutorily presumed father or guardians." *Id.* § 361.5(a).

The juvenile court "maintains ultimate control over the delivery of services," *In re Ashley M.*, 114 Cal. App. 4th at 7, and must "make a determination on the record

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. . . whether there are available services that would prevent the need for further detention," including "case management, counseling, emergency shelter care, emergency in-home caretakers, out-of-home respite care, teaching and demonstrating homemakers, parenting training, transportation, and any other child welfare services." Cal. Welf. & Inst. Code § 319(f)(1). If the plan is reunification, the juvenile court must "order services to be provided as soon as possible to reunify the child and their family, if appropriate." *Id.* § 319(g).

If, at any point, "it appears to the juvenile court that a [foster child] is in need of medical, surgical, dental, or other remedial care, and that there is no parent, guardian, or person standing in loco parentis capable of authorizing or willing to authorize the remedial care or treatment for that person, the court . . . may make an order authorizing the performance of the necessary medical, surgical, dental, or other remedial care." *Id.* § 369(b). To ensure that necessary services are delivered, "[t]he court may require the social worker or any other agency to render any periodic reports concerning children committed to its care, custody, and control . . . that the court deems necessary or desirable." *Id.* § 365. And it may "join in the juvenile court proceedings any agency that the court determines has failed to meet a legal obligation to provide services to a child, . . . to a nonminor, . . . or to a nonminor dependent, . . . regardless of the status of the adjudication." *Id.* § 362(b)(1).

It is hard to imagine what work this Court could do here that state juvenile courts are not already charged with doing. The juvenile court's jurisdiction is broad. If any defects in the assessment or delivery of necessary services are found, it is emphatically the juvenile court's role to provide a remedy.

As should be plain, the FAC does not identify a single concern that the juvenile court is not obligated to address. Despite this, Plaintiffs want this Court to intervene and effectively act as overseer of the juvenile court's determinations. This is exactly what *Younger* prohibits. Abstention is appropriate.

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V. CONCLUSION

For the foregoing reasons, the Court should dismiss the FAC with prejudice for lack of subject matter jurisdiction.

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Respectfully Submitted,

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