

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

E.C., J.L., J.C., T.G., B.G., and A.G.,)	
each a minor by Next Friend, Jill Katz;)	
et al.,)	
)	
Plaintiffs,)	
vs.)	
)	Case No. 05-0726-CV-C-SOW
K. Gary Sherman, in his official capacity as)	Senior District Court Judge Scott O. Wright
Director of the Missouri Department of)	
Social Services,)	
)	
Defendant.)	
)	

NOTICE OF ORDER GRANTING INJUNCTIVE RELIEF

THIS NOTICE CONCERNS THE LEGAL RIGHTS OF CURRENT, FORMER AND FUTURE MISSOURI FOSTER CHILDREN TO RECEIVE AN ADOPTION ASSISTANCE MAINTENANCE SUBSIDY FROM THE MISSOURI DEPARTMENT OF SOCIAL SERVICES.

On May 1, 2006, the United States District Court for the Western District of Missouri entered an order in E.C. v. Sherman, No. 05-0726-CV-W-SOW, granting permanent injunctive relief in favor of a class of current, former and future Missouri foster children.

This order permanently enjoins and prohibits the Missouri Department of Social Services (“DSS”) from directly or indirectly implementing certain provisions of 2005 Missouri Senate Bill 539 that would have modified Missouri laws pertaining to the state’s adoption assistance subsidy program.

In particular, because it found that their implementation would violate Title IV-E of the Social Security Act and the Adoption Assistance and Child Welfare Act of 1980 as amended by the Adoption and Safe Families Act of 1997, as well as the Equal Protection Clause of the Fourteenth Amendment to and the Contracts Clause of the United States Constitution, the Court **prohibited** DSS from imposing either of the following conditions in its adoption assistance contracts with adoptive parents:

- The time period for which the subsidy is granted [if that period is reasonably ascertainable] shall not exceed one year. The agreement can be renewed for subsequent years at the discretion of the director. All existing agreements will have deemed to have expired one year after they were initially entered into. [Senate Bill 539’s modification of Mo. R.S. § 453.073.3(4)]

- The subsidy shall only be granted to children who reside in a household with an income that does not exceed two hundred percent of the federal poverty level or are eligible for Title IV-E adoption assistance. [Senate Bill 539's modification of Mo. R.S. § 453.073.4]

As a result, you should note the following:

(1) no existing adoption subsidy agreement in the state of Missouri may be deemed automatically expired upon its one-year anniversary;

(2) DSS is prohibited from applying a blanket limitation of duration on prospective adoption subsidy agreements or on the renewal of existing adoption subsidy agreements;

(3) an adjustment in the amount of any adoption subsidy agreement can only take place with the concurrence of adoptive parents, and the DSS Director does not have the unilateral discretion to terminate or adjust adoption subsidy agreements;

(4) DSS is prohibited from applying a means test to the income of putative or existing adoptive parents in determining eligibility for an adoption subsidy agreement; and,

(5) every child who is eligible for an adoption assistance subsidy is entitled to Medicaid benefits.

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, OR IF YOU WOULD LIKE A COMPLETE COPY OF THE COURT'S ORDER, YOU MAY CONTACT THE FOLLOWING ATTORNEYS FOR THE PLAINTIFFS IN THIS ACTION:

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DATED:

APPROVED AND SO ORDERED:

SCOTT O. WRIGHT, SENIOR U.S.D.J