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# Lawsuit Seeks to End Institutionalization and Confinement of Children in Georgia

**ATLANTA** January 3, 2024 – Civil rights attorneys filed a class action lawsuit today charging Georgia officials with violating federal law for their well-documented, longstanding failure to provide mandated home and community-based mental health services to thousands of children who experience repeated, prolonged, unnecessary institutionalization and the avoidable harm associated with this confinement.

Among the named plaintiffs is a 15-year-old who, in 2022, was admitted to psychiatric institutions 16 times because of the absence of needed services. Like the other plaintiffs, he is a Medicaid-eligible child with serious mental health needs that limit his ability to function. Under federal law, these children are entitled to receive home and community-based intensive mental health services, such as Intensive Care Coordination, Intensive In-Home Services, and Mobile Crisis Response Services.

Other named plaintiffs have experienced repeated out-of-home placements from an early age, including a 9-year-old who has been admitted to psychiatric institutions over a dozen times and an 11-year-old boy who has been hospitalized or institutionalized at least ten times. They, too, have been routinely discharged without the intensive services they need to be successful in their homes and communities.

**These children are seeking to represent a class of thousands of Medicaid-eligible children with serious mental health needs who are experiencing repeated and prolonged institutionalization.**

“Georgia’s children belong at home with their families. Due to Georgia’s failings, children are unnecessarily thrust into institutions and child welfare. Georgia can and must do better to support children to live at home with their parents and siblings.” Ruby Moore, the Executive Director of the Georgia Advocacy Office (GAO), which brought the lawsuit along with the National Health Law Program (NHeLP), the Center for Public Representation (CPR), and two national law firms with offices in Atlanta.

Over the years, plaintiffs’ attorneys have called upon officials to deal with gross deficiencies within the state’s children’s mental health system, but Georgia consistently has failed to deliver – and has denied youth with significant needs access to critical services that are mandated by federal law.

As Geron Gadd, a senior attorney with NHeLP, noted, “Thousands of Georgia’s most vulnerable children and young adults are in crisis because the state fails to meet their mental health needs.”

The crisis is well documented. Annual reports issued by Georgia’s Office of the Child Advocate from 2001-2008 repeatedly found services for children with mental health conditions were fragmented, underfunded, and difficult to access or unavailable.

In 2017, the Governor’s Commission for Children’s Mental Health, the Interagency Directors Team, and the Center of Excellence for Children’s Behavioral Health acknowledged that “Georgia’s community-based provider system is not prepared to address the behavioral health challenges that are present in the home, school, and community” – a decades-long failing that especially harms children in crisis and those with serious mental health needs and conditions.

“Georgia’s Medicaid program has failed our plaintiffs and the children they represent,” said Kathryn Rucker, senior attorney at CPR. “They are experiencing more harm, more out-of-home placements, and more of them are being relinquished to state custody – and still denied appropriate services.”

When children with serious mental health conditions enter the child welfare system, Georgia’s Division of Child and Family Services (DCFS) routinely funnels youth into what former DFCS Director Tom Rawlings calls “deep-end” psychiatric institutions, away from their homes and schools.

Candice Broce, the Commissioner of the Georgia Department of Human Services and the Director of the Division of Family and Children Services (DFCS), a named defendant in the lawsuit, has admitted: “The State’s most vulnerable children cannot access the physical, mental or behavioral health treatment they need—and deserve—in custody or through post-adoptive care.”

Plaintiffs allege violations of the Medicaid Act, the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act and seek to compel the state to provide and arrange for medically necessary services in the community and prevent the unnecessary institutionalization of Georgia’s children.

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