

## **NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

This notice may affect you. Please read carefully.

The federal court identified below authorized this notice.

### **TO ALL CHILDREN IN THE LEGAL CUSTODY OF THE MISSOURI CHILDREN'S DIVISION FOR OUT-OF-HOME PLACEMENT WHO PRESENTLY ARE, OR IN THE FUTURE WILL BE, PRESCRIBED OR ADMINISTERED ONE OR MORE PSYCHOTROPIC MEDICATIONS WHILE IN STATE CARE:**

This notice concerns a proposed settlement of a class action lawsuit and is directed to the children described above, and to each legal representative of or caregiver for one or more of these children.

On November 20, 2019, there will be a hearing in which Judge Nanette K. Laughrey of the United States District Court for the Western District of Missouri will hear evidence and argument to determine whether the proposed settlement is fair, reasonable, and adequate, and should be approved by the Court.

YOU ARE WELCOME TO ATTEND THE HEARING TO PRESENT TO THE COURT ANY FAVORABLE COMMENTS OR OBJECTIONS REGARDING THE SETTLEMENT AGREEMENT. YOU ARE NOT, HOWEVER, REQUIRED TO ATTEND THE HEARING OR CONVEY ANY COMMENTS TO THE COURT.

**\*\*PLEASE DO NOT CALL JUDGE NANETTE K. LAUGHREY OR THE CLERK OF THE COURT REGARDING THE PROPOSED SETTLEMENT.\*\*** Instead, you can get more information and ask questions by following the directions in this Notice explained below.

#### **I. What Is This Class Action Lawsuit?**

This lawsuit was filed on June 12, 2017, by several children on behalf of a class of all children who are or will be prescribed or administered one or more psychotropic medications while in state care (together they are called the "Plaintiffs" or the "Class"). The lawsuit was brought against the Director of the Missouri Department of Social Services ("DSS") and the Director of the Children's Division ("CD") of DSS, in their official capacities (together they are called the "Defendants"). Plaintiffs' lawsuit seeks changes in how Defendants manage psychotropic medications for children in CD custody. The lawsuit does not seek money damages.

Plaintiffs and Defendants have negotiated a proposed class action settlement that has been set forth in a written agreement (called "the Settlement Agreement"). The parties have asked the federal district court judge assigned to the case to approve the Settlement Agreement. Although nothing in this Notice changes or modifies any of the terms of the proposed settlement, a general summary of the topics addressed by the Settlement Agreement is set forth below in

Section II. The Settlement Agreement does not constitute an admission by Defendants of any liability concerning any of the claims and allegations in the Complaint.

YOU HAVE THE RIGHT TO REVIEW THE ENTIRE SETTLEMENT AGREEMENT IF YOU CHOOSE. YOU ALSO HAVE THE RIGHT TO SUBMIT WRITTEN COMMENTS, TO ATTEND AND/OR TESTIFY AT THE FINAL HEARING, OR TO DO BOTH, TO EXPRESS WHAT YOU THINK BEFORE THE JUDGE DECIDES WHETHER TO APPROVE THE SETTLEMENT AGREEMENT. To review or obtain a copy of the Settlement Agreement, please follow the instructions below or click on the link in the “Alerts & Notices” box at Defendants’ website, [www.dss.mo.gov](http://www.dss.mo.gov).

## **II. What Does the Settlement Agreement Do?**

The Settlement Agreement, if approved by the Court, will resolve this case without a trial. Under the Settlement Agreement, CD and DSS will implement (or continue to implement) certain policies or procedures concerning the oversight of the administration of psychotropic medications to children in the Missouri foster care system. Psychotropic medications include drugs like antipsychotics, antidepressants, and lithium, among others. Progress in implementing these policies and procedures will be evaluated and reported on by an independent data validator who will review and validate data with respect to identified benchmarks. The policies and procedures concerning psychotropic medications that have been or will be implemented in Missouri relate to, among other things: (1) training for case management staff and foster care providers; (2) medication monitoring; (3) medical and mental health records; (4) secondary reviews of certain types of prescriptions; (5) informed consent and assent; (6) a medication advisory committee; and (7) excessive dosage guidelines. The lawsuit does not involve a request for money damages, so the Settlement Agreement does not provide for the payment of any damages.

## **III. How Do I Submit Comments, Objections, or Support to the Court and How Do I Request to Speak at the Hearing?**

You may submit written comments, objections, or support regarding the proposed Settlement Agreement by email or U.S. Mail to Class Counsel at either of the below addresses:

Saint Louis University Legal Clinic  
Attention: Professor John Ammann  
100 North Tucker, Suite 704  
St. Louis, MO 63101  
[john.ammann@slu.edu](mailto:john.ammann@slu.edu)

Children’s Rights  
Attn: Samantha Bartosz  
88 Pine Street, Suite 800  
New York, NY 10005  
[sbartosz@childrensrights.org](mailto:sbartosz@childrensrights.org)

IN ORDER TO BE CONSIDERED BY THE COURT, YOUR EMAIL OR LETTER MUST BE **RECEIVED** BY CLASS COUNSEL NO LATER THAN OCTOBER 23, 2019. You must sign your email or letter and also include your name, address, telephone number, and (if available) an email address on the document. If you would also like to speak at the hearing, please include this request in your email or letter and briefly describe what you want to speak about. Again, in order to be heard by the Court at the hearing on November 20, 2019, your email or letter must be received by Class Counsel no later than October 23, 2019.

Class Counsel will share your email or letter with Defendants' counsel within five days of receipt and the parties will share any written submissions with the Court 15 days before the hearing.

UNLESS OTHERWISE ORDERED BY THE COURT, ANY CLASS MEMBER WHO DOES NOT MAKE OBJECTIONS IN THE MANNER PROVIDED WILL HAVE WAIVED ALL OBJECTIONS. When an objection is waived, that means that the Court will not consider it.

#### **IV. When and Where Will the Hearing Be?**

THE HEARING WILL TAKE PLACE BEFORE UNITED STATES DISTRICT COURT JUDGE NANETTE K. LAUGHREY ON NOVEMBER 20, 2019, AT **9:00 A.M.**, IN COURTROOM **8B**, AT THE CHARLES EVANS WHITTAKER U.S. COURTHOUSE, 400 EAST 9TH STREET, KANSAS CITY, MO 64106.

If the date or time of the hearing changes, the new date and time will be posted on Defendants' website at [www.dss.mo.gov](http://www.dss.mo.gov), and/or the Children's Rights website at [www.childrensrights.org](http://www.childrensrights.org), but you will not be sent further notice of the change.

#### **V. How Can I Receive More Information or Ask Questions?**

For a copy of the Settlement Agreement, go to the Children's Rights website at [www.childrensrights.org](http://www.childrensrights.org), or click on the link in the "Alerts & Notices" box at Defendants' website, [www.dss.mo.gov](http://www.dss.mo.gov). If you do not have access to a computer, please call Class Counsel at (212) 683-2210 and ask Samantha Bartosz for a copy of the "Missouri Psychotropic Medications Federal Court Settlement." For any other questions, please contact Class Counsel at [sbartosz@childrensrights.org](mailto:sbartosz@childrensrights.org) or [john.ammann@slu.edu](mailto:john.ammann@slu.edu).

**\*\*PLEASE DO NOT CALL JUDGE NANETTE K. LAUGHREY OR THE CLERK OF THE COURT.\*\*** They will not be able to answer your questions about the class action lawsuit or the Settlement Agreement. You may, however, review any non-sealed materials that have been filed with the Court in this case by going to the Office of the Clerk of the United States District Court for the Western District of Missouri at the Charles Evans Whittaker U.S. Courthouse, 400 East 9th Street, Kansas City, MO 64106. The Clerk's Office is open Monday through Friday from 9:00 A.M. to 4:30 P.M. excluding holidays. To review materials in the public record in this case, refer to Case No. 2:17-cv-04102-NKL.