



United States District Court
Lucas R., et al. v. Alex Azar, et al.
Case No. 2:18-CV-05741-DMG (PLAx)

Class Action Notice

Authorized by the U.S. District Court

To All Children in Office of Refugee Resettlement (ORR) Custody Who Have, Will Have, or Who ORR Treats as Having a Disability

If this notice is posted in a facility where you are currently living, then it may apply to you. Please read this notice carefully.

Para leer este aviso, visite <http://www.youthlaw.org/lucas-r-v-azar/settlement>

Why am I seeing this notice?

You might be a "Class Member" in a lawsuit called *Lucas R. v. Azar*, Case No. CV 18-05741-DMG (PLAx) (C.D. Cal.). This lawsuit is for children in Office of Refugee Resettlement (ORR) custody and is partly about ORR's treatment of children who have, will have, or are regarded as having a disability. A disability can be a physical or mental condition that substantially limits one or more of your life activities (for example, learning in school or sleeping).

If you are a child in ORR custody and you have, you will have, or you are thought to have a disability, then you are a "Class Member."

There is a Proposed Settlement that will end this lawsuit without a trial. If you are a "Class Member," this could affect you. This notice explains more about what the lawsuit is about, what the Proposed Settlement says, how you can read the Proposed Settlement, and how you can tell the Judge in charge of the case what you think about the Proposed Settlement.

Court Hearing

How can I tell the Judge what I think of this Proposed Settlement?

You can write a letter with your thoughts about the Proposed Settlement, participate by phone or video in the Court hearing and speak to the Judge directly, or do both.

On May 3, 2024, there will be a court hearing before Judge Dolly Gee of the United States District Court for the Central District of California. Judge Gee will decide whether to approve the settlement. Judge Gee can only approve the Proposed Settlement if she finds it fair, reasonable, and adequate.

You may virtually participate in the Court hearing and tell the Judge what you think about the Proposed Settlement.

- **Hearing Time:** May 3, 2024 at 10:00 a.m.
- **Location:** United States Courthouse, 350 West 1st Street, Los Angeles, CA, 90012, Courtroom 8C, 8th Floor or virtually through this Zoom link: <https://cacd-uscourts.zoomgov.com/j/1617511006?pwd=WTB2Zlh4Nkp2UIFqeUJxWnpMRzVZUT09>

There are directions below about how to send a letter about your thoughts on the Proposed Settlement. You can get more information and ask questions by following the directions below. Please do not call or contact Judge Gee or the Clerk of the Court about the Proposed Settlement.

Learning About the Lawsuit

Who is Involved in this Lawsuit?

This case is for children who have or will have a disability who are in ORR's custody or will be in the future. They are called the "Class" or "Class Members."

Two organizations, San Fernando Valley Refugee Children Center, Inc. and Unaccompanied Central American Refugee Empowerment, also sued. Together, the Class and these organizations are called the "Plaintiffs." This lawsuit is brought against the Office of Refugee Resettlement. They are called the "Defendants" or "ORR."

What is a class action lawsuit?

In a class action lawsuit, one or more people can sue for a group (called a "Class") who have similar claims.

What is this Lawsuit About?

This lawsuit is about whether ORR is providing the Class with the right services and supports related to their disabilities.

Plaintiffs say that ORR puts children who have a disability, or who ORR thinks have a disability, in more restrictive facilities. This can mean they spend longer in ORR custody. Plaintiffs say that these practices violate the legal rights of children in the Class. The Defendants disagree. The lawsuit asked the court to require ORR to make their practices better for children in the Class.

What Does the Proposed Settlement Do?

Instead of going to trial, the Plaintiffs and Defendants have met many times to negotiate a “Proposed Settlement” to fix the issues the Plaintiffs have raised. The Parties have asked Judge Gee to approve the Proposed Settlement for the Class.

This notice is a summary of the Proposed Settlement. The Proposed Settlement is a plan for ORR to improve its practices. These improvements include the following new procedures:

Full Agreement

You have the right to review the entire Proposed Settlement. To get a copy of the Proposed Settlement, please follow the instructions below or visit the National Center for Youth Law website at: www.youthlaw.org/lucas-r-v-azar/settlement

Changes to ORR System

ORR must begin tracking information such as how many children in their care have one or more disabilities, what kinds of disabilities they have, and how long children with disabilities stay in ORR care. ORR must also work to determine whether it has enough services for children with disabilities across all of its shelters and make a plan to fix any gaps identified. ORR must also provide additional mental health services if you have been identified as needing them.

Evaluation

ORR must identify children with disabilities. This means, in part, that a doctor or other medical professional may evaluate you to find out if you have a disability. This evaluation will happen if you go to the hospital because of your mental health, if you are considered for placement in a more secure facility because ORR thinks you are a danger to yourself or others, or if you ask for an evaluation.

<p style="text-align: center;">Service Plan</p>	<p>The purpose of the evaluation is to find out if you have a disability and if you need a “service plan,” which helps you fully participate in the ORR program with other children.</p>
<p style="text-align: center;">Access to Documents</p>	<p>You, your child advocate (if you have one), and your attorney (if you have one) can see certain documents including copies of your evaluation and your service plan if you have one.</p>
<p style="text-align: center;">Where You’re Placed</p>	<p>ORR must place youth who have disabilities in facilities that are no more restrictive than necessary and that allow them to live with other children who do not have disabilities when that meets their needs. If you have a disability, then this Proposed Settlement means ORR can’t place you in a more restrictive facility without first explaining why you could not stay in a less restrictive setting with additional support. But ORR does not have to fundamentally change its program in order to give you services that it doesn’t already have.</p>
<p style="text-align: center;">Home Studies</p>	<p>By law, ORR must conduct home studies for sponsors of children with disabilities. The Proposed Settlement requires these home studies to happen as soon as possible.</p>

Monitoring

Kathleen Noonan will be appointed as a Monitor of ORR’s compliance with this Proposed Settlement. The Monitor will watch over how the Defendants are following the Proposed Settlement and write reports about this for the Court.

Ending the Proposed Settlement

For six years after the Judge approves the Proposed Settlement, ORR must do the things required by the Proposed Settlement. Beginning three years after the Judge approves the Proposed Settlement, ORR may ask the Court if they can end the Proposed Settlement early. To do so, they have to show they have substantially complied with the Proposed Settlement terms, and they need certification from the Monitor.

No Money Damages

The lawsuit does not request any money damages, so the Proposed Settlement does not include payment of any money damages to any Class Members. It only requires the changes summarized above.

Attorneys' Fees

Plaintiffs' lawyers can ask for Defendants to pay attorneys' fees and expenses. Plaintiffs' lawyers will not ask for any payment from you and Class Members will not owe any money, costs, or fees because of this lawsuit.

Deciding What You Want to Do

What are my options?

You don't have to do anything, but you have the right to tell the Judge what you think about the Proposed Settlement to help the Judge decide whether to approve it. You can do this by sending written comments, virtually participating the Final Approval Hearing, or both. Instructions on how to do this are below.

Comment or Object	If you do not think that the Judge should approve the Proposed Settlement, you can "object" and tell the Judge why.
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	<p>If you do think that the Judge should approve the Proposed Settlement or you have other thoughts about whether she should approve the Proposed Settlement, you can “comment.”</p> <p>You can comment on or object to the Proposed Settlement by sending your thoughts in writing, by regular mail, to the Plaintiffs’ lawyers, who will share your thoughts with the Court.</p> <p>If you want to comment or object, please tell a staff member at your facility and they will give you paper, a pen or pencil, and an envelope and a stamp. Please sign your letter and write down the date. You can then give the letter to a staff member, and it will be mailed for you.</p> <p>Address the envelope to:</p> <p>Mishan Wroe, National Center for Youth Law, 1212 Broadway, Suite 600, Oakland, California 94612</p> <p>To be on time, you must mail your letter no later than: March 4, 2024. If you do not send your letter by this date, you will lose your right to object.</p> <p>You can also send comments by email to lucarssettlement@youthlaw.org or by phone to 800-226-7313.</p> <p>Plaintiffs’ lawyers will share your comments with the Judge and Defendants before the hearing.</p>
<p>Virtually Participate in the Fairness Hearing</p>	<p>There will be a public hearing for the Judge to decide if the Proposed Settlement is fair, reasonable, and adequate. The hearing will be at 10:00 A.M. Pacific time on May 3, 2024.</p>

If you send a comment, you may virtually participate the hearing and share your comments with the Judge, but you are not required to. If you send a comment and want to virtually participate, ask a staff member to help you participate. After the hearing, the Court will make a final decision about whether the agreement should be approved. The Judge can only approve or reject the Proposed Settlement and is not allowed to change the Proposed Settlement.

If the date, time, or location of the hearing changes, or if any other information about the hearing changes, the new information will be posted on the National Center for Youth Law website at: www.youthlaw.org/lucas-r-v-azar/settlement. This website is the only place new hearing information will be shared.

Unless the Judge decides to make an exception, the Judge will only consider objections sent by March 4, 2024.

How Can I Get More Information or Ask Questions?

A copy of the Proposed Settlement and other useful information, including how to participate in the hearing, is available at www.youthlaw.org/lucas-r-v-azar/settlement. You can also ask a staff member for a copy of the Proposed Settlement. You can also contact the National Center for Youth Law directly with any questions or to request a copy of the Proposed Settlement by mail at: Mishan Wroe, National Center for Youth Law, 1212 Broadway, Suite 600, Oakland, California 94612, or by email or phone at: lucasrsettlement@youthlaw.org or 800-226-7313.

****Please do not call Judge Dolly Gee or the Clerk of the Court****

Judge Dolly Gee and the Clerk of the Court will not be able to answer specific questions about the lawsuit or the Proposed Settlement. But you can look at any public materials that have been filed with the Court. You can ask for these records from the Office of the Clerk of the U.S. District Court for the Central District of California, Western Division at 255 East Temple Street, Suite 180, Los Angeles, CA 90012. The Clerk's Office counter is open 9 am – 4 pm, Monday through Friday, except federal holidays. You can also look at the Court docket in this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://pacer.uscourts.gov/>. To look at public materials in this case, use Case No. 2:18-cv-05741-DMG-PLA.
