

## NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

**Attention: All children who have been adjudicated dependent under Ala. Code § 12-15-314(a)(3) who have, or have a record of, a mental health impairment that substantially limits one or more major life activities.** This notice concerns a proposed settlement of a class action lawsuit concerning the child welfare system operated by the Alabama Department of Human Resources. **If you are one of the children described above, or if you are responsible for one or more of these children, you should read this notice.** The federal court in Alabama has approved this notice.

**Please read this notice carefully. Your rights may be affected by legal proceedings in this case.**

### NOTICE OF CLASS ACTION

The purpose of this notice is to inform you of a proposed settlement in a pending class action lawsuit brought on behalf of all children adjudicated dependent under Ala. Code § 12-15-314(a)(3), and who have, or have a record of, a mental health impairment that substantially limits one or more major life activities (such as ADHD, PTSD, anxiety disorders, depressive disorders, and other neurodevelopmental, psychotic, or trauma- and stressor-related disorders). The class action settlement (“Settlement Agreement”), which must be approved by the United States District Court, was reached in the case entitled C.C. v. Buckner, Case No. 2:21-cv-367-ECM-CWB, pending in the United States District Court for the Middle District of Alabama.

On June 9, 2026 at 10:00 a.m., there will be a hearing before Chief Judge Emily C. Marks of the United States District Court for the Middle District of Alabama. Judge Marks will hear evidence and argument to decide whether the proposed settlement is fair, reasonable, and adequate, and whether the Court should approve it.

**You may attend the hearing to present to the Court any positive or negative comments or any objections about the settlement agreement, and/or you may submit written comments or objections. You are not, however, required to come to the hearing or make any comments.**

### PLEASE DO NOT CALL JUDGE MARKS OR THE CLERK OF COURT ABOUT THE PROPOSED SETTLEMENT

Instead, you can secure more information and ask questions by following the directions below.

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

This lawsuit was filed on May 20, 2021 by four children in the custody of the Alabama Department of Human Resources (ADHR) who exhibited mental health impairments while living in state custody. The lawsuit claims that numerous children in the custody of the ADHR child welfare system, who had or have mental health impairments that could be treated in the community, were and are unnecessarily placed in congregate Psychiatric Residential Treatment Facilities (PRTFs) for purposes of receiving behavioral health services to treat their mental health impairments, rather than in community-based placements, including but not limited to therapeutic foster care homes, traditional foster care homes, and/or kinship care homes. Plaintiffs claim that by failing to provide them and similarly situated children with placements and services in the community equipped to treat their mental health impairments, ADHR was and is violating the federal rights of children to reside in the least restrictive setting while in state care. The lawsuit requests that the Court order ADHR to change its policies and practices so that it no longer causes these alleged practices. The lawsuit does not seek money damages for Class Members, and none will be awarded. This means that no individual will receive any award of any amount of money as a result of this lawsuit.

## **II. Who Is Involved in This Lawsuit?**

In this class action lawsuit, individual children and youth referred to as Named Plaintiffs brought suit on behalf of themselves and all similarly situated individuals who possess the same legal claims for relief. All of these individuals are members of a “Plaintiff class.” The Court in a class action proceeding resolves the legal issues raised by the Named Plaintiffs for the benefit of the entire Plaintiff class. The Plaintiff class in this lawsuit includes all children (the “Plaintiffs”) adjudicated dependent under Ala. Code § 12-15-314(a)(3), and who have, or have a record of, a mental health impairment that substantially limits one or more major life activities. In this lawsuit, a mental health impairment means a Diagnostic and Statistical Methods, Volume V (“DSM-V”) diagnosis, such as ADHD, PTSD, anxiety disorders, depressive disorders, and other neurodevelopmental, psychotic, or trauma- and stressor-related disorders. The lawsuit is against the Commissioner of ADHR (the “Defendant”) in her official capacity.

## **III. Why Am I Getting This Notice?**

The Court has not decided in favor of either Plaintiffs or Defendant in this case. Instead, Plaintiffs and Defendant have negotiated a proposed settlement. Their written agreement is called the “Settlement Agreement.” The parties have asked the federal district court judge assigned to the case to approve the Settlement Agreement for the Class.

YOU HAVE THE RIGHT TO REVIEW THE ENTIRE SETTLEMENT AGREEMENT IF YOU CHOOSE. YOU ALSO HAVE THE RIGHT TO EXPRESS WHAT YOU THINK ABOUT THE

SETTLEMENT AGREEMENT BEFORE THE JUDGE DECIDES WHETHER TO APPROVE IT. YOU CAN DO THIS BY SUBMITTING WRITTEN COMMENTS, ATTENDING AND/OR TESTIFYING AT THE FINAL APPROVAL HEARING, OR BOTH.

To obtain a copy of the Settlement Agreement, please follow the instructions below or visit ADHR's website at <https://dhr.alabama.gov/settlement-agreement/>. The Settlement Agreement is also available on the website of lawyers for the Class on the Alabama Disabilities Advocacy Program (ADAP) at <https://sites.ua.edu/adap/2026/02/12/a-a-c-c-v-buckner-settlement-agreement/>.

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

The Settlement Agreement, if approved by the Court, will resolve this case without the need for a trial. Under the Settlement Agreement, ADHR is required to implement certain changes and meet specific commitments related to its placement of foster children in PRTFs. ADHR must provide monthly information regarding progress under the Settlement Agreement to ADAP, who will also validate ADHR's performance under the Settlement Agreement. The specific commitments in the Settlement Agreement relate to:

**Assessments:** The Settlement Agreement requires ADHR to ensure that no child is referred to a PRTF without first receiving a Comprehensive Assessment, defined in the Agreement, no earlier than 30 days prior to a child's referral to a PRTF; reassess all children in PRTFs at intervals not to exceed 6 months to determine the appropriateness of a less restrictive placement; update its ISP policy to require that for any children in a PRTF placement and for any child who has been discharged from a PRTF within the last 6 months, the ISP Team will meet no less frequently than every 3 months; and step down children who receive a stepdown recommendation to the least restrictive placement within 30 to 45 days of the recommendation.

**ISP and Discharge Planning:** The Settlement Agreement requires ADHR to do the following regarding ISP and Discharge Planning provided to children in foster care: create a PRTF Form for all Class Members referred to PRTFs containing the elements listed in the Settlement Agreement, including a Treatment Progress Summary, prior to a child's placement in a PRTF and updated with the child's ISP; monitor the PRTF Treatment Plan for all Class Members in PRTFs, and include the information contained the Settlement Agreement in the Treatment Progress Summary, which will also be reviewed at every ISP meeting while the child is in a PRTF; ensure that discharge planning begins upon a child's admission to a PRTF; monitor the discharge plan; maintain the information contained in the Agreement in the discharge plan; review the discharge plan at every ISP meeting while the child is in the PRTF and at the first ISP after the child has been discharged from the PRTF; ensure that a child's discharge date is not extended based on point or level systems used by the PRTF; ensure that a child's discharge date is extended only upon a written finding by

the child's Treatment Team or ISP Team finding that the child's needs justify a lengthier stay than previously anticipated, and in accordance with the terms of the Settlement Agreement; and conduct additional trainings of ADHR case workers and supervisors regarding the new case planning and discharge planning processes.

The lawsuit does not request any money damages, so the **Settlement Agreement does not include payment of any money damages to any Class Members**. It instead requires changes to the practices and policies of the Alabama foster care system as summarized above and fully described in the Settlement Agreement.

The Parties have reached an agreement for ADHR to pay attorney's fees in this case. Plaintiffs will not ask for payment of attorneys' fees or expenses from Plaintiff children or their families, caregivers, or legal representatives. Class Members will not owe money or costs or fees of any kind in connection with this lawsuit or the Settlement Agreement.

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

You have the right to submit written comments, objections, or statements in support of the proposed Settlement Agreement. You must submit them by email or U.S. Mail to Class Counsel at any of the below addresses:

Andrea Mixson  
Alabama Disabilities Advocacy Program (ADAP)  
2008 12th Street  
Tuscaloosa, AL 35401  
amixson@adap.ua.edu

Claire Sherburne  
Southern Poverty Law Center (SPLC)  
400 Washington Ave.  
Montgomery, AL 36104  
claire.sherburne@splcenter.org

Lindsey Frye  
Children's Rights, Inc.  
88 Pine Street, Suite 800  
New York, NY 10005  
lfrye@childrensrights.org

**For the Court to consider it, your email or letter must be received by Class Counsel on or before May 4, 2026.** You must sign your email or letter and also include your name, address, telephone number, and email address (if you have one).

You can also ask to speak at the hearing. If you would like to speak at the hearing, please include that request in your email or letter and briefly describe what you want to speak about. Again, if you want to speak to the Court at the hearing on June 9, 2026, your email or letter must state that you want to speak and it must be received by Class Counsel on or before May 4, 2026.

Class Counsel will share your letter or email with ADHR's counsel within five days of receiving it, and the parties will share all written submissions with the Court on May 26, 2026.

UNLESS THE COURT DECIDES OTHERWISE, ANY CLASS MEMBER WHO DOES NOT MAKE OBJECTIONS AS DESCRIBED ABOVE WILL HAVE WAIVED ALL OBJECTIONS. When an objection is waived, that means that the Court will not consider it.

#### **VI. When and Where Will the Hearing Be Held?**

**The hearing will be held before United States District Court Chief Judge Emily Marks on June 9, 2026 at 10:00 a.m., in courtroom 2A, at the Frank M. Johnson Jr. Courthouse Complex, One Church Street, Montgomery, AL 36104.**

If the date, time, or location of the hearing changes, or if any other information about the hearing changes, the new date, time, or location, or other information about the hearing changes, the new date, time, or location, or other information will be posted on ADAP's website at <https://sites.ua.edu/adap/>, but you will not be sent further notice of the change.

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

For a copy of the Settlement Agreement, go to <https://dhr.alabama.gov/settlement-agreement/> or ADAP's website at <https://sites.ua.edu/adap/2026/02/12/a-a-c-v-buckner-settlement-agreement/>. If you do not have access to computer or printer, please call Class Counsel at (205) 348-4928 and ask Andrea Mixson for a copy of the C.C. v. Buckner Settlement Agreement. For any questions, please contact Class Counsel by email at [amixson@adap.ua.edu](mailto:amixson@adap.ua.edu); [claire.sherburne@splcenter.org](mailto:claire.sherburne@splcenter.org); [lfrye@childrensrights.org](mailto:lfrye@childrensrights.org); or at the physical mailing addresses listed above.

**Please do not call Judge Marks or the clerk of court.** They will not be able to answer your questions about the lawsuit or the Settlement Agreement. You may, however, review any non-sealed materials that have been filed with the Court in this case by contacting the Office of the

Clerk of the United States District Court for the Middle District of Alabama at One Church Street, Montgomery, AL 36104. You can reach the Clerk's office at (334) 954-3600. You can also access the Court docket in this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <http://ecf.almd.uscourts.gov>. To review materials in the public record in this case, refer to Case No. 2:21-cv-367-ECM-CWB.

**ADDENDUM TO NOTICE OF PROPOSED CLASS ACTION SETTLEMENT WITH  
INSTRUCTIONS FOR POSTING AND DISTRIBUTION**

1. ADHR shall prominently post a copy of this Notice (pages 1-6) on the ADHR website and shall maintain that posting on the website until June 9, 2026.
2. ADHR shall send a copy of this Notice to the following persons and entities in the manner specified below and may request, where appropriate, that recipients share information with Class Member(s) depending on the age and/or development of the Class Member(s):
  - A. All state and county ADHR offices: ADHR will post this Notice in the ADHR central office and all county ADHR offices.
  - B. Alabama Administrative Office of the Courts: ADHR will send this Notice via email or U.S. Mail to the Alabama Administrative Office of the Courts.
  - C. Parent(s) (whose rights have not been terminated) and Relative/Kin Placements of Foster Children Placed in PRTFs and Moderate Residential Facilities: ADHR will send via email or U.S. Mail this Notice to the last known email or mailing address for the parent(s) whose parental rights have not been terminated and to the last known email or mailing address of any relative/kin placement of foster children placed in PRTFs and moderate residential facilities. For this purpose, the last known email or mailing address refers to the address in the records of ADHR.
  - D. Guardians ad Litem (GALs): ADHR will send this Notice via email or U.S. Mail to the current email or mailing address of every Guardian ad Litem registered on the GAL roster.
3. ADHR will send this Notice to the following individuals and entities via email or U.S. Mail asking that this Notice be disseminated to staff and posted in locations most likely to be seen by Class Members and/or their legal representatives and asking that the information remain posted until June 9, 2026:
  - A. The Clerk of each Alabama circuit court or juvenile court clerk if one exists in that circuit.
  - B. Each PRTF, moderate residential facility, basic residential facility, hospitals providing acute or crisis services to Class Members, and crisis stabilization or crisis assessment placements.
  - C. Therapeutic foster care agencies and agency-level providers of enriched community-based homes, with instructions that such agencies share this notice with Class Members and foster parents of Class Members.
  - D. The Alabama Department of Mental Health (DMH) with instructions that DMH disseminate this notice to appropriate community-based providers.