

WHAT IS THE CHILDREN'S CLASS ACTION CALLED?

The case is called J.E.L. v. Charest.

WHAT IS A CLASS ACTION?

A **class action** is a type of lawsuit where a small number of people represent a much larger group of people.

- The whole group is called a **Class**. The people in the Class are all people who might be harmed by the actions described in the lawsuit. Because the Class is so large, it is not practical for all of them to participate directly in the case.
- Instead, the smaller group, known as the **Named Plaintiffs**, serve as examples of the harm and try to make a change on behalf of the whole Class.

WHAT IS THE CASE ABOUT?

It is about the children's behavioral health system in R.I. There are two parts to the case:

- 1. Children who are eligible for Medicaid have a right to receive the right services, at the right time, in the right amount.** This is because of the Early and Periodic Screening, Diagnostic and Treatment (EPSDT) part of Medicaid. For some children, Rhode Island's behavioral health system does not provide the services they need. Or children can't get services as often as they need, or for as long as they need. And children are on long waitlists for services.
- 2. Children with mental health needs have the right to be treated in the least restrictive setting appropriate to their needs.** In other words, children should get treatment at home and in their community. They should only be in a hospital or out-of-home placement if it is necessary for their treatment. Right now, Rhode Island puts children in hospitals, facilities, and placements in other states just because there are not enough services in the community. It is not necessary for the children's treatment.

WHO ARE YOU SUING?

The lawsuit is against the Executive Office of Health and Human Services, or EOHHS, and the Department of Children, Youth and Families, or DCYF. EOHHS is responsible for the Medicaid program in R.I. And DCYF is responsible for the children's behavioral health system.

WHAT ARE YOU ASKING FOR?

We are asking for DCYF and EOHHS to stop violating the rights of the Named Plaintiffs and the rest of the Class. We want EOHHS and DCYF to set up certain services that are proven to help children:

1. INTENSIVE CARE COORDINATION

Case management that coordinates services across the behavioral health system, school, and other organizations involved with a child and their family.

2. INTENSIVE IN-HOME BEHAVIORAL SERVICES

Therapy and treatment in children's homes and communities, as often as they need it and for as long as they need it.

3. MOBILE CRISIS SERVICES

24-hour response to mental health crisis, in a child's home or community, to prevent them from being put in the hospital or other facility.

And we want EOHHS and DCYF to stop putting children in hospitals or out-of-home placements unless it is absolutely necessary for the children's needs – not because there are no community services.

AM I A MEMBER OF THE CLASS? IS MY CHILD?

Only children and youth [under the age of 21](#) can be members of the Class, because they are the ones who can be harmed. But parents and guardians represent those children who are younger than 18.

If you believe your child is a member of the Class and you have more questions, you can call DRRI's Legal Director, Kristine Sullivan, at **(401) 831-3410**.