



**NEWS** from the ACLU of Indiana

1031 E. Washington Street  
Indianapolis, IN 46202

[www.aclu-in.org](http://www.aclu-in.org) ♦ 317-635-4059

## FOR IMMEDIATE RELEASE

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Contact: Kelly Jones Sharp  
Director of Communications & Education  
Office: 317-635-4059 Ext. 122; Mobile: 317-490-5310

# VICTORY! Case Managers Win Appeal Challenging DCS Staffing

***Decision reverses trial court's order to dismiss, saying case managers have a right to bring an action to force DCS to comply with state law***

Indianapolis – Today the Court of Appeals of Indiana handed a victory to case managers at the Indiana Department of Child Services more than a year after they filed a class action lawsuit challenging the failure of DCS to adequately staff the agency as required by law.

In July, 2015, the American Civil Liberties Union of Indiana brought the class-action lawsuit against DCS on behalf of case manager Mary Price and other case managers for violating Indiana Code § 31-25-2-5, which mandates the maximum number of caseloads case managers may have. Today's decision reverses the trial court's Feb., 2016 order to dismiss the lawsuit, saying that case managers have a right to bring an action under mandate to force DCS to comply with the statutory caseload maximums. The case has been remanded to the trial court.

"The vital societal importance of the services provided by DCS case managers cannot be overestimated," said Ken Falk, ACLU of Indiana legal director. "I am happy that we will be given the opportunity to demonstrate to the trial court that the caseload standards that are essential for the case managers to perform their jobs are not being met."

Case managers argue that DCS does not allow them to keep caseloads at levels that allow children to be effectively protected and served. According to the law, a case manager may supervise no more than 17 children at one time. Price carried a caseload of 43 children.

"The statutory caseload maximums included [in the state law] are not an aspirational goal but are a clear and definite number to attain," the decision reads, in part. "Accordingly, as [the law] imposes a clear, absolute, and imperative duty on DCS to comply with maximum caseload standards...and no administrative remedy is available to address this systemic violation of Indiana law, we conclude that Price can proceed with mandate action."

The decision, *Mary Price, et al., v. Indiana Department of Child Services*, Court of Appeals Case No. **49D01-1507-PL-023062** was entered in the Court of Appeals of Indiana on Oct. 25, 2016.

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