



N C Y L

A RESOURCE FOR BILL GRIMM MEMORIAL SUMMER LAW CLERKS

*William Lee "Bill" Grimm, Senior Director,
Strategic Advocacy and Child Welfare
December 30, 1949 – April 2, 2019*

*"In the little world in
which children have their
existence, whosoever
brings them up, there
is nothing so finely
perceived and so finely
felt as injustice."*

–Charles Dickens

Welcome to the Bill Grimm Memorial Summer Law Clerks!

We are excited to have you on board and hope this summer at NCYL will be a great experience for you.

William Lee “Bill” Grimm, Senior Director, Strategic Advocacy and Child Welfare at the National Center for Youth Law (NCYL), was a public impact attorney who worked for 43 years transforming and redeeming some of the most troubled child welfare systems in America. He dedicated his brilliant mind, his compassionate heart, body and soul to improving the lives of foster children. His record of trailblazing litigation and legislative advocacy is both heroic and remarkable, benefitting many thousands of foster children and creating a legacy of precedent and beneficial reform that still stands today. In the words of former NCYL Executive Director, John O’Toole, “Bill was the best child welfare litigator in America.”



The National Center for Youth Law feels fortunate that Bill worked with us for the last 30 years of his career. We were inspired by his passion, his heart, his many accomplishments and we were fortunate to learn from him. To honor him and his powerful legacy, in partnership with his family and friends, we have created the **Bill Grimm Memorial Summer Law Clerk Program**.

Bill was a leader in the true meaning of the word: mentoring, assisting and inspiring, always displaying the pure heart of a legal aid attorney. Bill inspired and mentored a generation of child advocates who now tirelessly work to advance justice on behalf of children. The memory of his warmth, passion, dedication, kindness, and compassion will forever inspire all who felt his fire to act and work hard to continue the fight.

Bill enjoyed mentoring young lawyers and influenced countless numbers of summer clerks, interns and fellows over the years. We hope that through this program his legacy of mentorship and influence lives on.

To paraphrase from Abraham Lincoln,

“It is now for us the living, to draw fire from his memory, and rededicate ourselves in service to those in greatest distress, hurt and need. And in doing so we honor his memory.”

We are committed to keeping Bill’s fire and passion burning. We invite you to get to know Bill, his many accomplishments and to be inspired by his devotion and dedication. We are honored to provide opportunities to the next generation of legal professionals whose definition of success is more than personal prosperity. It is making a positive impact in the community. Public impact lawyers boldly advocate for change and humbly serve others. You are the hope and you are the future; we are so glad to have you here at NCYL this summer.

Welcome!

Tributes to a Pioneering Child Welfare Warrior

Bill Grimm chose to affect the world by being a champion for children.

Bill passed away in April of 2019, after a valiant fight with a glioblastoma brain tumor. Even while undergoing four surgeries and enduring a very invasive treatment regimen, Bill was committed to the children he served, his colleagues and his family. Not a day passed until his death, that he did not continue to work on behalf of each. Bill's legacy and hard work will impact children for many years to come. After he died, tributes came in from around the nation demonstrating the impact he had on his colleagues, former fellows, clerks and interns, his profession and the lives of children.

Mitch Mirviss, who worked with Bill in the Child Advocacy Unit at Baltimore Legal Aid Bureau, and Rhonda Lipkin, formerly of Child Advocacy Unit Baltimore Legal Aid, now independent verification agent, stated:

"As head of the Child Advocacy Unit at Legal Aid in Baltimore, Bill mentored a couple dozen young attorneys, some of whom continued in child welfare. We learned from Bill how to be fearless but reasonable and respectful advocates; how to move from individual cases to systemic issues and back again from systemic reforms to individual cases. Above all, we learned how to respect the opinions and views of our young clients, to understand how bureaucracies and even courts overlooked their needs and opinions for the sake of convenience, deference to authority, and mindless cost-saving, and to learn how to litigate *effectively* to become persuasive and successful advocates for kids. To the extent we made a difference, we owe it to Bill's leadership, inspiration, vision, and thoughtfulness. We were incredibly fortunate to have had him as our mentor, and he set an example of humble strength that we always aspired to emulate. We know of no one who has done more to benefit foster children than Bill Grimm and he has always done so with the grace, humility and wisdom of an extraordinary leader. Based upon his incredible success, it is no exaggeration to say that Bill was one of the premier child welfare litigators nationwide. He was the trailblazer who paved the way for all that followed. Bill Grimm was brilliant, immensely talented, inspirational, and a truly transformative leader in child welfare."

Samantha Bartosz, Deputy Litigation Director, Children's Rights said:

"We are blessed from time to time to encounter greatness. And it changes us. We find ourselves inspired and challenged. We strive to fly higher. That was Bill. He was great in wisdom. Great in fierceness. Great in compassion. Great in spirit. Just a lovely man. And an absolute warrior for kids. We carry Bill forward by striving to meet his example. Godspeed, Bill. And thanks."

**"WE CAN CHOOSE
TO BE AFFECTED
BY THE WORLD OR
WE CAN CHOOSE
TO AFFECT THE
WORLD."
HEIDI WILLS**



Anna Johnson, Policy Advocate and Bill's partner in the Psychotropic Medication Projects wrote:

“Every year, tens of thousands of foster youth suffer damage to their health because of unnecessarily prescribed multiple psychotropic medications. Bill set out to change this and he did. Every day I worked with him, I was inspired by his passion, his commitment and his vision. He used his voice when others in the field wouldn't, couldn't or were ignored. I learned so much from him about human decency, advocating for the rights of children, the child welfare field, and the possibility to change hearts and minds for the greater good.”

Jesse Hahnel, NCYL Executive Director, stated:

“Bill's passing has shaken NCYL's foundation; he is a hero in this organization. I count myself incredibly fortunate to have had the privilege of working beside Bill for a decade, witnessing firsthand the brilliance and devotion he deployed in service of vulnerable children.”

John O'Toole, former Executive Director NCYL wrote:

“What set Bill apart from other public interest litigators was his ability to find the balance between fighting relentlessly for his clients and achieving what was realistic within the legal system. He always conceived and executed his litigation in the context of his clients' real lives. He never lost sight of the faces behind the numbers, and only seeks relief that will lead to benefits for abused and neglected children. Even after years of high-profile impact litigation, Bill could still recite the stories of his juvenile clients in Maryland from over 40 years ago, as well as each of the named plaintiff's in his lawsuits. I know of no other advocate who has combined so effectively years of direct service with impact litigation experience to achieve so many significant advances for children. In my opinion, Bill Grimm is the single most effective child welfare litigator in America.”

**EVERY DAY I WORKED WITH HIM, I WAS
INSPIRED BY HIS PASSION, HIS COMMITMENT
AND HIS VISION.**

- ANNA JOHNSON

Some Accomplishments and Impact:

Bill had a light that burned brightly from the fire of a fierce devotion to prevent children from harm while in state care, and from becoming invisible due to their circumstances. He fought fearlessly over the years to address the needs of the most marginalized and vulnerable children. He fought passionately and fiercely to ensure their safety and well-being, to give them a fighting chance for a decent future and relevance in our society. His work impacted and made a difference in thousands of children's lives all over the country. He believed that the way we treat our most vulnerable children was an area in our collective humanity's soul that is in great jeopardy. Children are powerless and have no voice. Bill was adamant they would have a voice and they would be protected. He was an unparalleled force that spurred the conscience of his colleagues, advocates, and others to awaken and do more in response to their needs



Bill's landmark achievements changed the lives of hundreds of thousands of our country's most marginalized children. Well before the enactment of P.L. 96-272 (AACWA), Bill commenced one of the first efforts to provide due process representation to foster children in CINA (dependency) hearings in juvenile court, starting a demonstration project at the Legal Aid Bureau in Baltimore. Upon implementation of AACWA, this project expanded to full representation of most of Baltimore's 2,000 foster children.

Bill supervised an office of approximately 8-10 attorneys plus paralegals and social workers at the same time that he brought the seminal *L.J. v. Massinga* class action seeking enforcement of AACWA provisions protecting foster children against maltreatment and asserting then-novel substantive due process claims against maltreatment. Through Bill's work and skill, many horrific cases of abuse and systemic maltreatment and denial of basic services were meticulously documented and supported by studies.

The case was incredibly hard-fought. In fact, the federal judge described it as "the most hotly and thoroughly contested litigation" he had seen in his 20-year history as a judge. However, under Bill's stewardship, the plaintiffs prevailed in a lengthy trial and secured a preliminary injunction providing the first substantive protections for foster children, including health care requirements and various safeguards against maltreatment.

Bill also secured a default against the State of Maryland for discovery misconduct. The district court issued a landmark ruling—the first-ever ruling that a state's failure to provide safe foster homes and ensure adequate health services to foster children violates substantive due process, and one of the first to find a private right of action under AACWA and 42 U.S.C.

¹ See *L.J. by Darr v. Massinga*, 699 F. Supp. 508, 538-39 (D. Md. 1988) (ruling, inter alia, that foster care agencies "have a special relationship" with foster children that created a duty of protection).

“BILL’S LITIGATION IN MARYLAND, ARKANSAS, UTAH, WASHINGTON, MISSOURI AND IN OTHER STATES ARE MODELS OF WELL-CONCEIVED, STRATEGICALLY PLANNED LAWSUITS RESULTING IN SIGNIFICANT IMPROVEMENTS IN CHILD WELFARE SYSTEMS AND HAVE DRAMATICALLY IMPROVED THE LIVES OF TENS OF THOUSANDS OF CHILDREN.”

- JOHN O’TOOLE,
EXECUTIVE
DIRECTOR,
NATIONAL CENTER
FOR YOUTH LAW
(RETIRED)

§ 1983¹. The State appealed, and Bill then won a landmark decision in the Fourth Circuit, *L.J. v. Massinga*, 838 F.2d 118 (4th Cir. 1988), which affirmed the preliminary injunction and held that foster children have a private right of action to enforce AACWA under Section 1983. Bill then negotiated the first federal consent decree that provided vital protections on issues such as caseloads, health, education, permanency planning, and other critical areas².

After *L.J.*, Bill began to work for the National Center for Youth Law in 1988 and, with his colleagues, won similar landmark decisions and consent decrees, in Arkansas³ – overcoming the vehement opposition of then Governor Clinton, which was chronicled in a PBS documentary – Utah⁴, Washington⁵, Nevada⁶ and California. Most recently, he has been at the forefront of efforts to reduce the over-administration of psychotropic drugs to foster children⁷.



² See *L.J.*, 699 F. Supp. at 518-27.

³ See *Angela R. by Hasselbein v. Clinton*, 999 F.2d 320, 324 (8th Cir. 1993) (affirming federal jurisdiction to enter into Arkansas consent decree but finding enforcement terms too vague)

⁴ *David C. v. Leavitt*, 900 F. Supp. 1547, 1563 (D. Utah 1995) (finding “excellent level of success” in litigating and negotiating comprehensive consent decree for all Utah foster children)

⁵ *Braam ex rel. Braam v. State*, 81 P.3d 851, 860 (Wash. 2003) (holding that foster children have substantive due process right to be free from unreasonable risk of harm or danger where care “substantially departs from accepted professional judgment, standards or practice”)

⁶ *Henry A. v. Willden*, 678 F.3d 991, 1001 (9th Cir. 2012) (reversing district court dismissal of class action and holding that defendants could be liable for enforceable constitutional and AACWA violations).

⁷ See, e.g., *M.B. by Eggemeyer v. Corsi*, 327 F.R.D. 271, 282 (W.D. Mo. 2018) (certifying class of Missouri foster children challenging policies allowing over-medication).

Some Highlights of Systems Change

Utah

In 1993, Bill led a NCYL litigation team in a lawsuit against the State of Utah. NCYL represented a class of approximately 10,000 abused and neglected children. At that time, Utah had one of the worst foster care systems in the country. There were not nearly enough caseworkers; caseloads were enormous; and resources were woefully inadequate. Bill and his team negotiated a settlement with the Governor and then spent 14 long and difficult years ensuring compliance. The foster care system in Utah is now a national model. The number of caseworkers has more than doubled, caseloads have been reduced to between 13 and 15 cases per worker, and there is now an effective caseworker training program. Utah has also developed a state-of-the-art data management system to measure system performance. The provision of health services for foster children is also considered a national model. By the time the case ended, the budget for the Utah Division of Child and Family Services had increased from \$50 million to more than \$151 million.

Washington

Bill became involved in the case of a private attorney in Washington State in 1999. The attorney was representing 13 foster children harmed by repeated moves from one foster home to another. Originally, money damages were sought for each of the children, but the children themselves said they wanted to ensure that other children would be spared similar treatment. Consequently, Bill joined the case as the lead from NYCL to seek injunctive relief as part of a class action on behalf of 3,500 foster children who experienced multiple placements. One child represented in the case lived in 50 homes, including nine in a single year. The case, *Braam v. State of Washington*, went all the way to the Washington Supreme Court, which upheld a lower court decision that the state's practice of repeatedly moving foster children from place to place, causing these children severe emotional harm, was unconstitutional. Because of these efforts, the state is required to provide foster children with stable, safe, and appropriate placements; mental-health screening and treatment; and placement or visitation with siblings. Older children must receive support services to help prepare them for living independently. A number of abuses by the state were immediately eliminated, including housing children with other children or adults with a history of violence; or in Department of Social and Health Services administrative offices, where they were forced to sleep on chairs, or on the floor, for days at a time. The state invested about \$50 million in reform. The *Braam* case is significant not only for the reform it brought to the system, but because it is one of the few cases in which a constitutional violation was found based solely on the psychological and emotional damage suffered by foster children who are moved repeatedly. The fact that



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FOSTER CARE.

Washington's practices were found unconstitutional, and that the state had to pay monetary damages to the children who brought the suit, sent a clear message to other states and cities with similar problems.

Arkansas

Bill initiated a class action lawsuit on behalf of Arkansas' abused and neglected children. Children already injured by their own parents, or by others responsible for their care, were being mistreated and further abused after being taken into that state's care. Widespread press coverage of the case, including a segment on the PBS program Frontline, focused public attention on the problems. Moreover, then Governor Bill Clinton was a defendant who was beginning his successful run for President. Arkansas agreed to invest \$65 million to reform the system. That investment resulted in smaller caseloads for better-trained social workers, quicker responses to reports of abuse, increased adoptions, and dramatically improved health care for children in foster care.

Missouri

On December 5, 2019, a Federal Judge granted final approval of a groundbreaking settlement designed to ensure children in Missouri's foster care system are administered psychotropic medications only when safe and necessary. The settlement resolves the civil rights lawsuit, M.B. v Tidball, the first federal class-action lawsuit in the country to focus singularly on the widespread and often dangerous use of psychotropic medications among youth in foster care. The agreement will benefit more than 13,000 children in Missouri's foster care system and sets a strong legal precedent that may lead to greater safety in the use of psychotropic medications among youth in foster care nationwide. Bill was the driving force behind this litigation.



Legislative Impact

In addition to his litigation reforms and successes, Bill was an extraordinarily gifted policy maker.

BILL'S WORK INCLUDED: DEVELOPING A NATIONAL MEDICAL AND SCIENTIFIC ADVISORY BOARD COMPRISED OF LEADING CHILD PSYCHIATRY EXPERTS ON THE IMPACT ON PSYCHOTROPIC MEDICATIONS ON CHILDREN; TRANSLATING RELEVANT RESEARCH INTO ISSUE BRIEFS TARGETING DIFFERENT STAKEHOLDER GROUPS; AND WORKING DIRECTLY WITH FOSTER YOUTH TO DEVELOP AND ADVOCATE FOR A SET OF POLICY CHANGES.

In the 10 years before his death, Bill was one of the leading advocates in the country focused on ensuring that children in foster care are safely prescribed medications and protected from the harmful effects of over medication. He spent years researching the harmful effect of psychotropic medications. He and his team interviewed foster youth, judges, doctors, researchers, dependency lawyers, parents and caregivers. From these interviews, a mighty coalition was formed. With a strong research and knowledge base Bill began advocating for reforms in this area at the California Child Welfare Council and on the State Expert Panel. He contacted San Jose Mercury News reporter Karen de Sa and pitched the idea that she report on the harm psychotropic medications can cause in developing children, overprescribing, off label prescribing, and the lack of oversight and monitoring. This resulted in the award-winning San Jose Mercury News investigation and multi-part series, "Drugging Our Kids." His many years of work in this area led Bill to develop and advance state-level policies in California that ensure youth in care are prescribed psychotropic medications only when it is in their best interest, with proper consent and adequate medical oversight. Using the results of his research and collection of data from various stakeholders he conceptualized, drafted and advocated for six legislative bills. Five of the bills and three budget requests had unanimous legislative support when passed. But Bill was not done. After the bills were passed into law, Bill and his team followed through and made sure that those laws were implemented and enforced correctly. Today, California is one of the only states in the country with a decreasing trend in the use of psychotropic medications and the use of multiple antipsychotics with foster children.

The bills included:

- › Senate Bill 484 (2015): Requiring California to identify the group homes most over-reliant on psychotropic medication and requiring these homes to develop alternative treatments.
- › Senate Bill 319 (2015): Requiring public health nurses to improve their monitoring of foster children prescribed psychotropic medications.
- › Senate Bill 238 (2015): Requiring a variety of stakeholder groups to receive training on the appropriate uses of psychotropic medications.
- › Senate Bill 1174 (2016): Subjecting prescribing physicians to heightened scrutiny by enabling the Medical Board of California to conduct investigations of physicians who frequently prescribe outside recognized safety parameters for children.
- › Senate Bill 1291 (2016): Requiring the State to monitor counties to ensure they offer mental health services for children in foster care that include non-drug treatments.

Bill's leadership and vision had the power to change hearts and minds for the better and shape California's policies and practices into the most comprehensive set of psychotropic medication policies in the country due to his painstaking work. These laws protect children from risk of death, and the serious impacts and side effects these drugs can have on developing children.

SB 39 Landmark Legislation

In October 2007, then California Governor Jerry Brown, signed into law Senate Bill 39, mandating public access to CPS records in the case of child fatality due to abuse and neglect. Bill saw the need for policy change after reviewing many heinous cases of child fatalities. Bill drafted and successfully led the campaign that advocated for the passage of SB 39. This law has allowed advocates to improve our nation's child welfare system, learning from mistakes, such that future children do not die while in our collective care. This California legislation has become a model for other states in the nation, with many other states now enacting similar laws. In March of 2007, Bill wrote a comprehensive article on child deaths from abuse and neglect that is still used as a resource for other states looking to improve their policy and practice. This article is available on the NCYL website at youthlaw.org/bill-grimm.

Bill Grimm Family Man and Friend

Bill Grimm was a humble and noble man. He was a tremendous lawyer and advocate, but he was much more than that. He was an honest man who acted with integrity, loyalty and humility. He was a beloved friend to many and a devoted father of six children, grandfather, and beloved husband who loved deeply and was loved immeasurably in return. He was a gardener that tended lovingly to his flowers and loved walking with his wife and dogs. He loved a good glass of red wine, travel, and weekend excursions with his wife, exploring Northern and Southern California. He was kind and supportive of his colleagues and had a great sense of humor. He was selfless with his time and would stop whatever he was doing to help someone or give advice. His death has left a void in the hearts and lives of his family and friends that will never be filled.

Bill also loved M&M's candy and kept several M&M machines in his office, which he tried to keep filled so that colleagues and staff would come by to visit. Several of those M&M machines were donated to NCYL and you will see them in the NCYL office in his honor.



**“WHENEVER ONE PERSON STANDS UP AND SAYS,
THIS IS WRONG, IT HELPS OTHERS DO THE SAME.”
GLORIA STEINEM**

Bill had the courage and the passion to stand up to the many wrongs he saw that impacted the safety and well-being of vulnerable children that had no voice. He inspired others to stand and do the same.

Honors and Recognitions:

Bill was the recipient of many awards including: The John Minor Wisdom Public Service and Professionalism Award, presented by the American Bar Association (1994); the Kutak-Dodd's Prize, presented by the National Legal Aid and Defender Association (2005); the Voices for Children Award, presented by Children's Alliance, Washington State (2006); and most recently, the prestigious Mark Hardin Award, presented by the American Bar Association (2019).

**FOR MORE INFORMATION ABOUT BILL, VISIT
YOUTHLAW.ORG/BILL-GRIMM.**



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