



PRESS RELEASE

Attorney General Frosh Joins Lawsuit Opposing Trump Administration’s Rule Allowing Prolonged Detention of Children

BALTIMORE, MD (August 26, 2019) – Maryland Attorney General Brian E. Frosh today announced he is joining a coalition of 20 attorneys general in filing a [lawsuit](#) opposing the Trump administration’s new rule to allow prolonged detention of immigrant children in U.S. custody.

In the complaint before the U.S. District Court for the Central District of California, the coalition argues that the rule eliminates several critical protections guaranteed by the *Flores* Settlement Agreement, which has governed the treatment of children in immigration custody since 1997. In particular, the prolonged detention risked by the rule would cause irreparable harm to children, their families, and the communities that accept them upon their release from federal custody.

“The Trump administration’s abuse of children is illegal and intolerable,” said Attorney General Frosh. “The United States should not be taking children from their families, and it should not be holding children in prison-like conditions. Our law and our policy have, for decades, required humane treatment of children. This new, terrible idea will not stand.”

In the complaint, the coalition argues that the Trump administration’s final rule interferes with the states’ ability to help ensure the health, safety, and welfare of children by undermining state licensing requirements for facilities where children are held. The rule would result in the vast expansion of family detention centers, which are not state-licensed facilities and historically have caused significant trauma and long-term negative health consequences in children. The attorneys general argue the rule violates both the Administrative Procedure Act and the due process clause of the Fifth Amendment to the U.S. Constitution.

The *Flores* Settlement Agreement stems from a class action lawsuit filed before the U.S. District Court for the Central District of California in 1985 in response to substandard conditions of confinement for unaccompanied immigrant children. The lawsuit sought to establish standards for how the federal government should handle the detention of minors, including plaintiff Jenny Lisette Flores. In particular, the plaintiffs expressed significant concerns about the use of strip searches, forcing children to share living quarters and bathrooms with adults of the opposite sex, and a prohibition on minors being released to non-guardian relatives, leading to prolonged and cruel detention of children. Following litigation that moved through the U.S. Ninth Circuit Court of Appeals and the U.S. Supreme Court, the federal government eventually reached a settlement with class counsel in 1997 resulting, among other things, in:

- Release of children “without unnecessary delay” to their parents, legal guardians, other adult relatives, another individual designated by the parents/guardians, or a licensed program willing to accept legal custody;
- Placing children in the “least restrictive setting” appropriate to the minor’s age and special needs; and
- Establishment of standards for safe and sanitary conditions of confinement for children in immigration detention.

In filing today’s lawsuit, Attorney General Frosh joins the attorneys general of California, Massachusetts, Connecticut, Delaware, the District of Columbia, Illinois, Maine, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington.