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*Attorneys for Proposed Amici Curiae Members of Congress*

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

CALIFORNIA TRIBAL FAMILIES  
COALITION, et al.,

Plaintiffs,

v.

ALEX AZAR, in his official capacity as Secretary  
of Health and Human Services, et al.,

Defendants.

) CASE NO.: 3:20-CV-06018

)  
) **UNOPPOSED MOTION FOR LEAVE**  
) **TO FILE BRIEF ON BEHALF OF**  
) **MEMBERS OF CONGRESS AS AMICI**  
) **CURIAE IN SUPPORT OF PLAINTIFFS'**  
) **MOTION FOR SUMMARY**  
) **JUDGEMENT**

) Hearing Not Yet Scheduled  
) Judge: Hon. Maxine M. Chesney

1 Movants, 28 current Members of the United States Senate and House of Representatives  
 2 (collectively, “Members of Congress” or “Proposed *Amici*”), respectfully seek leave to file the  
 3 accompanying brief as *amici curiae* in the above-captioned case, in support of Plaintiffs. For the  
 4 reasons set forth below, Proposed *Amici* respectfully request that this Court grant the motion and  
 5 permit the filing of the attached *amici curiae* brief. As current Members of Congress, Proposed  
 6 *Amici* have a substantial and compelling interest in ensuring that the U.S. Department of Health and  
 7 Human Services fulfills its statutory obligations and protects the interests of LGBTQ+ and  
 8 American Indian/Alaska Native youth in the foster care system. A list of Proposed *Amici* is set forth  
 9 in the Appendix to the accompanying brief. Plaintiff has consented to the filing of this brief, and  
 10 Defendants do not oppose the motion.

11 A federal district court has the inherent authority to permit the participation of *amici curiae*  
 12 who may bring useful information to the court’s attention. *Alliance of Auto. Mfrs. v. Gwadowsky*,  
 13 297 F. Supp. 2d 305, 306 (D. Me. 2003). *Amici curiae* submissions are generally accepted by district  
 14 courts where they concern “legal issues that have potential ramifications beyond the parties directly  
 15 involved” or where “the amicus has ‘unique information or perspective that can help the court  
 16 beyond the help that the lawyers for the parties are able to provide.’” *NGV Gaming, Ltd. v. Upstream*  
 17 *Point Molate, LLC*, 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005) (quoting *Cobell v. Norton*, 246 F.  
 18 Supp.2d 59, 62 (D.D.C. 2003)); *see also Ryan v. Commodity Futures Trading Comm’n*, 125 F.3d  
 19 1062, 1063 (7th Cir. 1997) (“An amicus brief should normally be allowed . . . when the amicus has  
 20 unique information or perspective that can help the court beyond the help that the lawyers for the  
 21 parties are able to provide.”). The district court may permit an amicus filing where the “amicus has  
 22 a special interest that justifies his having a say,” particularly where, as here, the parties have  
 23 consented. *Strasser v. Doorley*, 432 F.2d 567, 569 (1st Cir. 1970). District courts “[g]enerally . . .  
 24 grant leave to appear as an amicus if the information offered is timely and useful.” *Ellsworth*  
 25 *Assocs., Inc. v. United States*, 917 F. Supp. 841, 846 (D.D.C. 1996) (internal quotation marks  
 26 omitted).

27 Proposed *Amici* aim to assist the Court in all these ways. They include members and chairs  
 28 of congressional subcommittees and caucuses that focus on the rights of foster youth and LGBTQ+

1 and Native American populations. As such, Proposed *Amici* are particularly qualified to provide  
2 the Court with their perspectives on the proper interpretation of the statutory provisions at the heart  
3 of this case, including Congress’s intent in requiring the federal government to collect  
4 “comprehensive national information” about the “demographics,” “status,” and “characteristics” of  
5 foster youth pursuant to 42 U.S.C. § 679(c)(3), as well as Congress’s goal to promote the safety,  
6 health, and long-term stability of all youth—including LGBTQ+ and American Indian/Alaska  
7 Native youth—in the foster care system. Proposed *Amici* are also familiar with—and, in their  
8 proposed amicus brief, describe—the legislative history leading up to the enactment of the Adoption  
9 and Foster Care Analysis Reporting System (“AFCARS”), and the way in which HHS’ data  
10 collections regarding LGBTQ+ and American Indian/Alaska Native youth have improved the  
11 AFCARS reports and assisted Congress in its supervision, policymaking, budgeting and oversight  
12 of Defendants.

13 Further, as the accompanying brief shows, these perspectives will assist the Court in  
14 understanding the severe detrimental effects of the 2020 Final Rule’s elimination of key data  
15 collections required by the prior Final Rule adopted in 2016. In particular, the brief describes these  
16 detrimental effects on LGBTQ+ and American Indian/Alaska Native youth, many of whom are  
17 among Proposed *Amici*’s constituencies. These young people are overrepresented in the foster care  
18 system compared to their numbers in the general population and suffer disproportionately from a  
19 wide range of negative outcomes, including sex trafficking, abuse and neglect, placement instability,  
20 homelessness, juvenile justice involvement, psychiatric hospitalization, and housing in group homes  
21 and residential treatment facilities.

22 For these reasons, Proposed *Amici* respectfully request that the Court grant this motion for  
23 leave to file the accompanying brief.

1 DATED: May 19, 2021

Respectfully submitted,

2 DLA PIPER LLP (US)

3 By: /s/ *Peter Karanjia*

4 \_\_\_\_\_  
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